

## **BILL ANALYSIS**

C.S.H.B. 16  
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Elections  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

As a result of various enactments of the 78th regular legislative session, conflicts and confusion arose relating to dates for certain election procedures and practices.

With the passage of House Bills 1549 and 2496 during the regular session, two runoff primary election dates now exist in the law. Similarly, 78(R) HB 1695 and 78(R) HB 1549 established two timetables for conducting the local canvass in certain elections. CSHB 16 establishes one runoff primary election date and one date for conducting the local canvass.

In addition to these conflicts, the passage of other legislation led to increased confusion among election administrators and voters about certain dates. Under current law, there are two deadlines for the counting of late overseas mail ballots, depending upon the type of election. 78(R) HB 1695 attempted to clarify these deadlines, but overseas voters and voting clerks need further clarification. CSHB 16 creates one deadline for late overseas mail ballots in all elections and correspondingly changes the date that the early voting ballot board convenes to count these ballots.

Finally, 78(R) HB 1549 moved the May uniform election date from the first to the third Saturday in May to accommodate provisional voting under the federal Help America Vote Act of 2002. However, because 78(R) HB 2496 successfully moved the primary election date one week earlier, this change in the general election date is unnecessary. An unneeded change in the election date will only lead to further confusion of voters and decreased turnout on election day. CSHB 16 reestablishes the first Saturday in May as the authorized uniform election date.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.H.B. 16 amends the Election Code by modifying provisions relating to the dates of certain elections, the procedures for canvassing the ballots for an election, and the counting of certain ballots voted by mail.

The bill provides that the runoff primary election date is the second Tuesday in April following the general primary election. The bill repeals provisions establishing the runoff primary election date on the third Tuesday in April.

C.S.H.B. 16 requires each local canvassing authority to convene to conduct the local canvass at the time set by the canvassing authority's presiding officer on the 11th day after election day. The bill deletes provisions requiring the local canvassing authority to conduct the local canvass on the seventh day after election day for certain elections and not earlier than the third day or later than the sixth day after election day for all other elections. The bill repeals provisions requiring the local canvassing authority to convene

to conduct the local canvass on the eighth day after election day for certain elections and not earlier than the eighth day or later than the 11th day after election day for all other elections.

The bill modifies the deadline for the arrival of a late overseas ballot voted by mail (late overseas ballot) by requiring the ballot to arrive at the address on the carrier envelope not later than the fifth day after the date of the election. The bill requires the early voting ballot board to convene to count late overseas ballots at the time set by the presiding judge on the sixth day after the date of an election or on an earlier day if the early voting clerk certifies that all ballots mailed from outside the United States have been received. The bill deletes provision requiring late overseas mail ballots to arrive no later than the fifth day after the date of certain elections or no later than the second day after the date of all other elections. The bill also deletes the provision requiring the early voting ballot board to convene to count late mail ballots on the sixth day after certain elections, on the second day after the date of a primary election, or not earlier than the third day or later than the fifth day after all other elections.

C.S.H.B. 16 establishes the first Saturday in May as an authorized election date by repealing provisions modifying the May uniform election date to the third Saturday in May.

#### **EFFECTIVE DATE**

September 1, 2003, or if the Act does not receive the necessary votes, November 1, 2003.

#### **COMPARISON OF ORIGINAL TO SUBSTITUTE**

C.S.H.B. 16 modifies the original by requiring each local canvassing authority to convene to conduct the local canvass on the 11th day after election day, rather than requiring each local canvassing authority to convene not earlier than the eighth day or later than the 11th day after election day.