

BILL ANALYSIS

Senate Research Center
78S10123 DRH-D

S.B. 26
By: Nelson
State Affairs
7/7/2003
As Filed

DIGEST AND PURPOSE

As proposed, S.B. 26 corrects conflicting language found in legislation passed during the regular session of the 78th Texas Legislature.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 41.007(b), Election Code, as amended by Section 1, H.B. 2496, Acts of the 78th Legislature, Regular Session, 2003, to change the runoff primary election date from the first to the second Tuesday in April following the general primary election.

SECTION 2. Amends Section 67.003, Election Code, as amended by Section 17, H.B. 1695, Acts of the 78th Legislature, Regular Session, 2003, to require each local canvassing authority to convene to conduct the local canvass at the time set by the canvassing authority's presiding officer not earlier than the eighth day, rather than the third day, or later than the 11th day, rather than the sixth day after election day. Deletes text referring to certain time frames for certain elections.

SECTION 3. Amends Section 86.007(d), Election Code, as amended by Section 24, H.B. 1695, Acts of the 78th Legislature, Regular Session, 2003, to require a marked ballot voted by mail that arrives after the time prescribed by Subsection (a) to be counted in certain circumstances, including when the ballot arrives at the address on the carrier envelope not later than the fifth day after the date of the election. Deletes text requiring a marked ballot voted by mail to be counted within certain time frames for certain elections.

SECTION 4. Amends Section 87.125(a), Election Code, as amended by Section 30, H.B. 1695, Acts of the 78th Legislature, Regular Session, 2003, to require the early voting ballot board to convene to count ballots voted by mail described by Section 86.007(d) at the time set by the presiding judge of the board 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. Deletes text requiring the early voting ballot board to convene to count ballots voted by mail within certain time frames for certain elections.

SECTION 5. Repealer: Section 14 (amending Section 41.001(a) (Uniform Election Dates), Election Code), Section 16 (amending Section 41.007(b) (Primary Elections), Election Code), and Section 42 (Amending Section 67.003 (Time for Local Canvass), Election Code), H.B. 1549, Acts of the 78th Legislature, Regular Session, 2003.

SECTION 6. Provides that this Act takes effect September 1, 2003, if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. Provides that if this Act does not receive the vote necessary for effect on that date, this Act takes effect November 1, 2003.