

BILL ANALYSIS

C.S.H.B. 1
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Elections
Committee Report (Substituted)

BACKGROUND AND PURPOSE

With the passage of House Bills 1549 and 2496 during the 78th regular session, two runoff primary election dates now exist in the law. Similarly, 78(R) H.B. 1695 and 78(R) H.B. 1549 established two timetables for conducting the local canvass in certain elections. In addition to these conflicts, current law provides two deadlines for the counting of late overseas mail ballots, depending upon the type of election. 78(R) H.B. 1695 attempted to clarify these deadlines, but overseas voters and voting clerks need further clarification. Finally 78(R) H.B. 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 other enacted legislation lengthened the election calendar, this change in the May uniform election date is unnecessary.

Legislation identical to H.B. 1 was passed by both the House and the Senate during the first called session and by the House during the second called session. C.S.H.B. 1 again attempts to fix or clarify the conflicts and confusion which arose relating to the dates for certain election procedures and practices as a result of the enactments of the 78th regular session.

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. 1 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.

C.S.H.B. 1 establishes the first, rather than the third, Saturday in May as a uniform election date.

The bill provides that the runoff primary election date is the second Tuesday in April following the general primary election.

C.S.H.B. 1 requires the local canvassing authority to convene to conduct the local canvass at the time set by the canvassing authority's presiding officer no earlier than the eighth day or later than the 11th day after election day.

The bill modifies the deadline for the arrival of a late overseas mail 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 mail 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.

EFFECTIVE DATE

The 91st day after the last day of the legislative session.

COMPARISON OF ORIGINAL TO SUBSTITUTE

C.S.H.B. 1 modifies the original by requiring the local canvass of election results to be conducted not earlier than the eighth day or later than the eleventh day after election day, rather than on the eleventh day after election day. The substitute also modifies the original by establishing the effective date as the 91st day after the last day of the legislative session, rather than the 91st day after the last day of the legislative session or a date prior to the 91st day if the Act receives the necessary votes.