

BILL ANALYSIS

C.S.H.B. 1695

By: Denny

Elections

Committee Report (Substituted)

BACKGROUND AND PURPOSE

As currently written some provisions in the election code are unclear or may inadvertently hinder the voting and election processes. For example, some provisions regarding early voting may serve to prohibit the participation of disabled voters. Other provisions create difficulties for voters or candidates attempting to supply information when a deadline conflicts with a weekend or holiday. The secretary of state has addressed and provided opinions for many of these problems and others. C.S.H.B. 1695 provides a revision of the Election Code to update certain provisions and to codify the secretary of state's opinions.

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. 1695 amends provisions in the Election Code relating to certain election processes and procedures.

Deadlines:

The bill provides that if a deadline for the performance of an act changes, the new deadline is used to determine any other dates and deadlines, and the dates or times of any related procedures, that are required to be made in relation to the last day for performance.

Run-off Elections:

The bill requires a runoff election to be held not later than the 45th, rather than the 30th, day after the final canvass of the main election is completed. The bill authorizes a home-rule city charter to prescribe a runoff election date later than the 45th day. The bill removes the exceptions to the 45-day rule for permitting joint run-off elections and for the avoidance of holding the runoff on a weekend or holiday.

Unopposed Candidates:

C.S.H.B. 1695 provides that provisions relating to unopposed candidates apply to all territorial units, rather than only single-member districts. The bill adds the condition that no at-large proposition or opposed at-large race is to appear on the ballot to those that must be met for provisions relating to unopposed candidates to apply. The bill provides that the provisions relating to unopposed candidates apply to an unopposed at-large race in such an election regardless of whether an opposed race is to appear on the ballot.

The bill requires that a certificate of election be issued to each unopposed candidate in the same manner and at the same time, rather than only in the same manner, as provided for an elected candidate. The bill provides that an unopposed candidate must qualify for the office in the same manner as provided for an elected candidate.

Voter Registration:

C.S.H.B. 1695 modifies provisions relating to the effective date of registration for a voter who initially submits an incomplete registration application or who has moved.

The bill sets forth the acceptable forms of proof of citizenship, which certain voters are required to submit to the registrar to prevent cancellation of the voter's registration. The bill requires the registrar to deliver written notice of the cancellation of a voter's registration to the voter immediately after cancellation because of citizenship status, in addition to cancellation following a request by the voter, following investigation by the registrar, or due to the voter's residency outside of the county. The bill requires a voter to respond to a notice of cancellation of voter registration following an investigation by the registrar before the 30th day after the notice is mailed, rather than before the 60th day. The bill requires the registrar to submit to the Comptroller of Public Accounts each year, in addition to the number of registrations cancelled due to certain other reasons, the total number of registrations cancelled due to citizenship status.

Time for Local Canvass:

The bill requires each local canvassing authority to convene to conduct the local canvass on the seventh day after election day for an election of a political subdivision that is held jointly with the general election for state and county officers.

Qualifications for Appointment as an Early Voting Clerk and Deputy Early Voting Clerk:

C.S.H.B. 1695 provides that an appointee for an early voting clerk or deputy early voting clerk who is a permanent employee of the applicable political subdivision, territorial unit, city, or county, and who is a qualified voter does not have to be qualified to vote in that specific political subdivision, territory, city, or county.

Procedures for Early Voting by Mail:

The bill authorizes an applicant for early voting by mail to submit a request to cancel the application after the ballot has been returned to the early voting clerk but before it is delivered to the early voting ballot board, by executing an affidavit in front of an election officer stating that the voter did not mark the ballot. The bill provides, for a voter who requests an early voting ballot to be voted by mail, that the ballot must be mailed to the voter's registered mailing address if different from the voter's home address.

The bill adds the requirement that an the address to which an early voting ballot was mailed be an address outside the county of residence; the address of a jail; the address of a person closely related to the voter; the address of a hospital, nursing home, or other long-term care facility; or the address of a retirement center, as applicable.

The bill amends provisions relating to the counting of a marked ballot voted by mail that arrives after the deadline for a joint election of a political subdivision with the county and state.

The bill clarifies provisions relating to the processing of early voting ballots in an election or joint election in a county with a population of 100,000 or more. The bill requires the secretary of state to prescribe any procedures necessary for implementing these provisions.

Early Voting Ballot Boards:

The bill sets forth requirements for the notice of meetings of an early voting ballot board. The bill modifies provisions relating to the appointment of a signature verification committee (committee). The bill sets forth requirements relating to political representation on the committee. The bill sets forth provisions relating to the comparison of signatures by the committee. The bill modifies the required meeting times for the early voting ballot board to count certain late early voting by mail ballots.

The bill requires the early voting ballot board to deliver early voting ballots to the central counting station in an unopened container and deletes the requirements that the board open the container and remove the ballots before delivering the container to the central counting station. The bill requires two election officers to deliver the sealed ballot box containing electronic system ballots to the presiding judge of the central

counting station or to the judge's designee.

Voting by Disabled Voters:

The bill extends the deadline for application for late voting by a disabled voter from 2 p.m. to 5 p.m. on election day. The bill requires that voting by disabled voters be conducted from 7 a.m. to 7 p.m. on election day for all elections, rather than from 8 a.m. to 2 p.m. for elections in which mechanical voting machines are not being used.

Limited Ballot Voting:

The bill restricts limited ballot voting for a voter who has moved to the early voting period and deletes the provisions that the voter is only eligible for such voting 90 days after moving. The bill requires the voter to execute a statement to be accepted for limited ballot voting. The bill sets forth the contents of the statement and the requirements for submission of the statement.

Write-in Candidates:

The bill provides that the filing deadline for a declared write-in candidate in certain elections is 5 p.m. on the fifth day after the day on which an application for a ballot place is required to be filed.

Precinct Judge Requirements for Joint Primaries:

The bill prohibits a joint primary from being conducted in a precinct if an eligible presiding co-judge and alternate co-judge cannot be found to serve for a particular party in the precinct. The bill provides that such a precinct must be consolidated with another precinct that has an eligible co-judge and alternate co-judge to serve for each party.

Surplus County Primary Funds:

The bill requires any surplus funds remaining in a county primary fund to be remitted to the secretary of state, rather than to the county clerk.

Recounts:

The bill extends the deadline for an expedited recount request from 9 a.m. to 10 a.m. on the next regular business day when the original deadline falls on a weekend or holiday.

The bill adds the condition that a recount document must be accompanied by a deposit to cover the costs of the recount (deposit) to those that a recount document must meet. The bill provides that the deposit must be in the form of cash, a cashier's check, or a money order, rather than only a cashier's check. The bill removes the exception to these provisions relating to a temporary deposit for deadlines falling on a weekend or holiday.

Petition Signatures:

The bill provides, for a petition signature to be valid on certain petitions, that the petition must contain the signer's date of birth and residence address or contain the signer's voter registration number.

Sections Repealed:

The bill repeals certain provisions relating to registrar action on an application to register to vote; the effective date of voter registration under a new name; requirements for a signature verification committee in general elections for state and county officers; early voting votes reported by a precinct; the extensions of the ineligibility deadline by a weekend or holiday; and the deadline for submitting a deposit to cover the cost of a recount.

EFFECTIVE DATE

September 1, 2003.

COMPARISON OF ORIGINAL TO SUBSTITUTE

CSHB 1695 modifies the original by removing provisions relating to abstracts prepared by the Department of Public Safety and filed with the secretary of state relating to each final judgment on a felony conviction.

The substitute modifies the original by clarifying that certain provisions relating to the deadline for the local canvass and the counting of late mail ballots apply to an election of a political subdivision that is held jointly with the general election for state and county officers, in addition to applying to the general election for state and county officers.

The substitute modifies the original removing certain provisions relating to the amount of a recount deposit for elections using direct recording electronic voting machines.