BILL ANALYSIS

BACKGROUND AND PURPOSE

Under current law, the early voting clerk is required to mail early voting ballots to a voter who requests a mail ballot as soon as practicable after the ballots are available. Because the date for mailing the ballots is left to the discretion of the clerk, the clerk could mail the ballots to the voter at a date so late that the voter has little or no chance to return the ballot in time. CSHB 2914 sets clear guidelines for the time an early voting clerk is required to mail early voting ballots to a voter.

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

CSHB 2914 amends the Election Code by clarifying the date which the early voting clerk is required to mail balloting materials for early voting by mail to a voter entitled to vote by mail. The bill requires the clerk to mail balloting materials not later than the seventh day after the later of the date the clerk accepts the voter's application or the date the ballots become available, rather than as soon as practicable. The bill clarifies that if the mailing date is earlier than the 45th day before election day that the clerk is required to mail the balloting materials not later than the 38th day before election day, rather than prohibiting the mailing of balloting materials earlier than the 45th day before election day.

EFFECTIVE DATE

September 1, 2003.

COMPARISON OF ORIGINAL TO SUBSTITUTE

CSHB 2914 modifies the original by requiring the balloting materials to be mailed not later than the seventh day, rather than the second day, after the date the clerk accepts the voter's application or the date the ballots become available. The substitute also modifies the original by requiring, if the mailing date is earlier than the 45th day before election day, the balloting materials to be mailed not later than the 38th day, rather than on the 45th day, before election day.