

BILL ANALYSIS

C.S.S.B. 1611
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Elections
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Currently, there are some ambiguities relating to home-rule city filing deadlines, the submission of candidate lists, deadline extensions, and the time for the local canvass and counting of certain late ballots. Furthermore, the Election Code provides for four uniform election dates but allows seven exceptions that permit political subdivisions to hold elections on other days. The multitude of election dates that result from this situation causes confusion, frustration, and fatigue among voters, election officials, and volunteers. Some political subdivisions take advantage of this situation by scheduling elections on inconvenient dates that are not widely publicized. Despite this, voter confusion generally leads to low voter turnout. While some of the confusion in election procedures has been corrected by Secretary of State opinions, other areas remain ambiguous and problematic.

In addition to contributing to low voter turnout, some of these policies are costly to local taxpayers. According to an estimation by the Texas Comptroller of Public Accounts, the consolidation of four election days into two could save local governments and their taxpayers as much as \$700,000 to \$1,200,000 a year.

C.S.S.B. 1611 attempts to reduce confusion in the election process and save taxpayers money by clarifying certain dates and deadlines, by reducing the number of uniform election dates, and by eliminating certain exceptions to these dates.

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

CSSB 1611 amends the Election Code by modifying provisions relating to the determination and clarification of certain dates, deadlines, and procedures.

The bill provides, if the last day for the performance of an act is extended because it falls on a weekend or holiday, that the new date is used to determine any other dates and deadlines, and the dates or times of any related procedures, that are expressly required to be made in relation to the last day for performance.

The bill provides that the deadlines for:

- a local canvassing authority to convene to conduct the local canvass,
 - the arrival of a marked ballot, and
 - the early voting ballot board to convene to count ballots voted by mail
- apply in relation both to the date of the general election for state and county officers and to the date of an election of a political subdivision that is held jointly with a county or with another political subdivision.

The bill requires the early voting ballot board (board) to convene to count ballots voted by mail on the

second day after the date of a primary election, at a time following the last mail delivery, or on an earlier day or at an earlier time if the early voting clerk certifies that all ballots mailed from outside the United States have been received, rather than the fifth day after the date of a primary or special election. The bill adds the requirement that the board convene to count ballots voted by mail not earlier than the third day or later than the fifth day after the date of specified elections.

The bill provides that provisions authorizing a city charter to prescribe requirements in connection with a candidate's application for a place on the ballot for an office of a home-rule city (application) do not authorize a city charter requirement in connection with the timely filing of an application. The bill provides that sections of the Election Code relating to the filing period for a candidate for city office supersede any city charter requirements.

The bill reduces the number of uniform election dates from four to two by removing the first Saturday in February and the second Saturday in September as authorized uniform election dates.

The bill removes the exception to the uniform election date provisions for elections held by political subdivisions for the issuance or assumption of bonds relating to public schools or colleges or for the levying of a tax for the maintenance of a public school or college.

The bill prohibits the governing body of a political subdivision other than a county from changing the date on which it holds its general election for officers to another authorized uniform election date after December 31, 2003, rather than December 31, 1999. The bill requires, not later than December 31, 2003, a political subdivision that before October 1, 2003, held its general elections for officers on the February or September uniform election date to change the election date to either the May or November uniform election date.

The bill requires state and county chairs, not later than the fifth, rather than the 10th, day after the date of the regular filing deadline for candidates' applications, to deliver the lists of candidates for the general primary election.

EFFECTIVE DATE

September 1, 2003. Sections relating to the effect of a holiday or weekend and to city charter requirements take effect immediately, or if the Act does not receive the necessary votes, on September 1, 2003. Sections relating to changes in the uniform election dates take effect October 1, 2003.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The substitute modifies the original by specifying what actions constitute the performance of an act for provisions relating to the last day for performance of an act.

The substitute modifies the original by providing that deadlines relating to certain election procedures apply to an election of a political subdivision that is held jointly with a county or with one or more other political subdivisions under an election services contract, rather than only to an election of a political subdivision that is held jointly with the general election for state and county officers.

The substitute modifies the original by adding the provision that shortens the deadline for state and county chairs to deliver the lists of candidates for the general primary election.

The substitute reduces the number of uniform election dates from four to two and makes conforming changes. The substitute deletes the exception to the uniform election date provisions for elections held by certain political subdivisions.