

## **BILL ANALYSIS**

C.S.H.B. 2309  
By: Denny  
Elections  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Over the past few legislative sessions, many changes have been made to update the Election Code, as new technology and procedures, such as electronic voting machines, early voting, and provisional voting, have been implemented. During the interim period between the last legislative session and the current one, election officials, candidates, and the Secretary of State have come across various ways to make the elections process more efficient and understandable. C.S.H.B. 2309 incorporates many of these suggestions by amending provisions in the Election Code relating to certain elections processes and procedures, administration of elections, and the reporting of election returns.

### **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, but the Secretary of State is required to prescribe procedures in SECTION 1.14 (Sec. 67.004, Election Code) of this bill.

### **ANALYSIS**

C.S.H.B. 2309 amends the Election Code by modifying various provisions relating to election processes and procedures and by deleting or repealing obsolete sections relating to punch card and lever voting machines.

#### **Article I- General Changes in Election Law:**

C.S.H.B. 2309 clarifies that an election may be cancelled if each office on the ballot is uncontested, even if the candidate is a write-in candidate, rather than providing that an election may be cancelled only if one candidate's name is to be placed on the ballot and if no candidate's name is to be placed on the list of write-in candidates.

The bill requires the governing body of a political subdivision, other than a county, that orders an election to deliver notice of the election to the county clerk of each county in which the political subdivision is located not later than the 60th day before election day.

The bill clarifies the eligibility of a voter to participate in an election if the individual resides on property that is located in more than one territory. The bill requires the person to choose in which territory the person's residence is located.

The bill prohibits the county election officer, in an election where the county executive committee of a political party has contracted with the county to perform election services in the party's general or runoff primary election, from preventing the county chair of that political party, or the chair's designee, from supervising the conduct of the primary election, including the tabulation of results.

The bill provides a uniform maximum population limit for county election precincts of 5,000, rather than 2,000, and repeals exceptions to this limit.

The bill provides that a social security, driver's license, or personal identification card number furnished on a provisional ballot affidavit is confidential and does not constitute public

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information. The bill requires the general custodian of election records to ensure that this personal information is excluded from disclosure.

The bill adds that the tabulation of the local canvass of results must include for each precinct the total number of voters who cast a ballot for a candidate or for or against a measure in the election. The bill requires the secretary of state to prescribe any procedures necessary to implement this requirement.

The bill requires the presiding officer of the canvassing authority for each election to prepare a report of the precinct results, as contained in the election register, in addition to the report already required following each election for certain state officers. The bill requires all post-election reports to be delivered to the secretary of state in an electronic format prescribed by the secretary of state.

The bill modifies the beginning date for the terms of the members of the Elections Advisory Committee. The bill provides that each member of the committee serves a two-year term beginning on January 1 of even-numbered years, rather than February 1 of odd-numbered years, and requires the lieutenant governor, speaker of the house of representatives, and secretary of state to appoint individuals to serve on the committee not later than this date. The bill provides that the term of appointed members of the committee serving on September 1, 2005, ends on December 31, 2005.

The bill requires, in an election ordered by a city, early voting by personal appearance at the main early voting polling place to be conducted for at least 12 hours on one or two weekdays, depending upon whether the early voting period is less than six weekdays or is equal to or greater than six weekdays.

The bill provides an exception to the requirement that ballot envelopes of ballots cast early by mail be placed in the ballot box containing ballots voted early by personal appearance. The bill provides that these ballot envelopes must be placed in a separate container if the ballots are to be counted at a central counting station.

The bill prohibits a write-in candidate for a state or county office at the general election from withdrawing after the 57th, rather than 46th, day before election day. The bill provides that a declaration of write-in candidacy for a special election to fill a vacancy in the legislature must be filed not later than 5 p.m. on the date that an application for a place on the ballot is required to be filed, rather than 5 p.m. of the fifth day after this date.

The bill adds the petition signer's residence address to the items that certain petitions authorized or required to be filed in connection with an election must contain for the petition signature to be valid, if the territory from which signatures must be obtained is situated in more than one county.

The bill makes other non-substantive changes to clarify certain election processes and procedures and to remove references to obsolete practices and provisions.

#### **Article II- Mechanical Voting Machines and Punch-Card Ballots:**

C.S.H.B. 2309 amends the Election Code to delete and repeal provisions relating to punch-card and lever voting machines.

The bill provides that changes made that affect the holding of an election apply only to an election ordered on or after the effective date of the change.

#### **EFFECTIVE DATE**

September 1, 2005. Provisions relating to the issuance of warrants by the comptroller for financing voter registration, to the electronic reporting of election results, and to punch-card and lever voting machines take effect January 1, 2006.

## **COMPARISON OF ORIGINAL TO SUBSTITUTE**

The substitute modifies the original by removing provisions requiring voters to show identification when offering to vote and removing those modifying the list of identification acceptable for voting. The substitute also removes provisions relating to political expenditures.

The bill adds provisions relating to elections of uncontested candidates, notice of an election ordered by a political subdivision, the eligibility of a voter who resides in more than one territory, the confidentiality of personal information provided on a provisional ballot affidavit, reporting of total votes voted, electronic reporting of election returns, the delivery of ballots voted early by mail, certain deadlines for write-in candidates, the time for early voting by personal appearance in city elections and signatures on certain petitions. The substitute adds provisions that delete and repeal language relating to punch-card and lever voting machines.