

By: Denny

H.C.R. No. 44

CONCURRENT RESOLUTION

1           WHEREAS, The current Texas Election Code was enacted by the  
2 69th Legislature in 1985, after eight years of study and review that  
3 ultimately incorporated such dramatic changes in election law as  
4 the federal Voting Rights Act of 1965 and its amendments in 1970,  
5 1975, and 1982; and

6           WHEREAS, Since that 1985 recodification, significant  
7 developments have occurred in the electoral process, including the  
8 enactment of such federal legislation as the National Voter  
9 Registration Act of 1993, the Help America Vote Act of 2002, and the  
10 Bipartisan Campaign Reform Act of 2002, as well as the use of early  
11 voting and electronic voting machines; and

12           WHEREAS, Texas election law, through its numerous revisions  
13 over the last two decades, has become an inefficient and often  
14 confusing body of law that now includes nonconforming code  
15 sections, election provisions located in statutes other than the  
16 Election Code, and statutory language that fails to reflect  
17 technological advancements in the electoral process; and

18           WHEREAS, The consolidation of all election provisions into  
19 the Election Code would greatly assist the secretary of state and  
20 other agencies that respond to inquiries relating to the state's  
21 election laws; and

22           WHEREAS, In the past, although recodification of Texas  
23 election laws was a charge of the House Committee on Elections, most  
24 substantive work relating to the statutory revision of the state's

1 election laws was completed by the Texas Legislative Council's  
2 Election Code Study Committee and Election Code Revision  
3 Commission, both of which included House and Senate members,  
4 assisted by a subcommittee of the House Committee on Elections and  
5 an advisory panel that included the secretary of state and local  
6 election officials; now, therefore, be it

7         RESOLVED, That the 79th Legislature of the State of Texas  
8 hereby request the lieutenant governor and the speaker of the house  
9 of representatives to create a joint interim committee on Election  
10 Code recodification to review the Texas Election Code and other  
11 pertinent statutes in preparation for an omnibus recodification, as  
12 recommended by the House Committee on Elections in its interim  
13 report to the 79th Legislature; and, be it further

14         RESOLVED, That the membership of the committee include:

15                 (1) the secretary of state, who shall be the chair of  
16 the committee;

17                 (2) the chair of the house committee on elections and  
18 the chair of the senate committee on state affairs, who shall be  
19 joint vice chairs;

20                 (3) one member of the senate, chosen by the lieutenant  
21 governor;

22                 (4) one member of the house of representatives, chosen  
23 by the speaker;

24                 (5) one member of the legal staff of the attorney  
25 general's office, chosen by the attorney general;

26                 (6) the presiding officer, or a person designated by  
27 the presiding officer, of each of the following organizations: the

1 State Bar of Texas; the County and District Clerks Association of  
2 Texas; the Tax Assessor-Collectors Association of Texas; the Texas  
3 Association of Elections Administrators; and the Texas Municipal  
4 Clerks Association, Inc.;

5 (7) the state chair, or a person designated by the  
6 state chair, of each political party that will be required to make  
7 nominations by primary elections in 2006; and

8 (8) two citizens of the state, chosen by the governor;  
9 and, be it further

10 RESOLVED, That the committee's proceedings and operations be  
11 governed by such general rules and policies for joint committees as  
12 the 79th Legislature may adopt and that such rules and policies  
13 supersede the provisions of this resolution to the extent of any  
14 conflict; and, be it further

15 RESOLVED, That the committee shall cause to be prepared a  
16 proposed draft of a complete revision of the present Texas Election  
17 Code, in a format complying with the rules that have been adopted  
18 for implementation of the statutory revision program authorized by  
19 Section 323.007, Government Code; and, be it further

20 RESOLVED, That the committee be authorized to incorporate  
21 into the draft any changes, including substantive changes, that in  
22 its opinion are needed to eliminate conflicts within the Texas  
23 Election Code itself or between that code and other Texas statutes;  
24 to clarify vague and ambiguous provisions in the Election Code; and  
25 to improve the election processes and procedures that are regulated  
26 by that code; and, be it further

27 RESOLVED, That the committee complete its work before the

1 convening of the 80th Legislature and submit its draft of proposed  
2 revisions to the 80th Legislature, along with a complete and  
3 detailed report of all substantive changes that are embodied in the  
4 draft and a table showing the disposition of existing provisions.