

BILL ANALYSIS

C.S.H.B. 1146
By: Bonnen
Elections
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The Texas Elections Code and federal rules require electronic voting machines at polling places to ensure accessibility to those with disabilities. An electronic voting machine can add substantial fiscal implications to the cost of conducting an election for very small municipalities.

C.S.H.B. 1146 will allow cities that have a population of less than 250 to conduct elections entirely by mail. This will save them the cost of the electronic voting machine, while still making it easy for voters with disabilities to cast a ballot.

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. 1146 amends the Elections Code to allow a city with a population of less than 250 to provide, by ordinance, that one or more elections held by the city will be conducted only by mail. The bill requires that the ordinance be adopted 90 days before the date of the first election conducted by mail.

The bill provides that in an election conducted by mail, a person must vote early by mail and prohibits voting by personal appearance. The bill provides that a registered voter request a ballot from the early voting clerk in writing or in person not later than the 35th day before the election. A written request must be signed by the voter. The early voting clerk is required to provide an official ballot to each registered voter in the city in the same manner as prescribed in statute regulating the conduct of voting by mail. The bill requires that balloting materials be sent to the address at which the voter is registered to vote, unless the voter has applied for a ballot to be voted early by mail and the balloting materials are to be sent to a different address as authorized by statute regulating the conduct of voting by mail.

C.S.H.B. 1146 requires a city conducting an election by mail to publish a notice in a newspaper of general circulation in the city at least once during the week in which ballots are mailed to the voters. The bill sets the requirements for this notice.

The bill requires the balloting materials for an election be mailed to a voter not later than 25 days before the election. Current statutes regulating early voting by mail applications applies to the mailing of a ballot to a voter who applied for a ballot to be voted early by mail.

Except as otherwise provided by this bill, the provisions applicable to early voting by mail apply to an election conducted by mail.

The bill requires the Secretary of State to prescribe any additional procedures necessary to implement this chapter.

EFFECTIVE DATE

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2007.

C.S.H.B. 1146 80(R)

COMPARISON OF ORIGINAL TO SUBSTITUTE

H.B. 1146 required the early voting clerk to provide an official ballot to each registered voter in the city. C.S.H.B 1146 modifies applicable language to require a registered voter to request an official ballot from the early voting clerk in writing or in person at least 35 days before the election. The substitute adds requirements to be included in the published notice.