

BILL ANALYSIS

Senate Research Center
80R5246 DRH-D

H.B. 1446
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State Affairs
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The 79th Legislature, Regular Session, 2005, enacted H.B. 1580 to order the preservation of all elections for 22 months by requiring the ballots for those elections to be locked in their ballot boxes for that period of time. An unintended consequence of this statute was that the entities holding the elections might have to buy new ballot boxes to hold subsequent elections because of a shortage of ballot boxes. Allowing for the ballots to be stored in a secure container other than the ballot box may solve this problem.

H.B. 1446 authorizes the removal of ballots from the ballot box on the 61st day after an election and the moving of those ballots to another secure container by the general custodian of election records.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 66.058, Election Code, by amending Subsections (b), (c), and (d), and adding Subsection (b-1), as follows:

(b) Requires voted ballots to be preserved securely in a locked room in the locked ballot box in which they are delivered to the general custodian of election records for a period of at least 60 days after the date of the election. Authorizes the general custodian to require a person who has possession of a key to the ballot box containing voted ballots to return the key to the custodian and to unlock the ballot box and transfer the voted ballots to another secure container for the remainder of the preservation period, on the 61st day after election day.

(b-1) Creates this subsection from existing text. Prohibits the opening of a ballot box or other secure container containing voted ballots during the preservation period, except as permitted by the Election Code.

(c) Requires the ballot box or other secure container to be relocked or resecured and the box and key or secure container to be returned to the custodian when the purpose for an authorized entry into the box or container during the preservation period is fulfilled. Makes conforming changes.

(d) Makes conforming changes.

SECTION 2. Repealer: Section 66.058(g) (regarding requirement of secretary of state to instruct affected authorities in preserving ballots for a federal election), Election Code.

SECTION 3. Effective date: upon passage or the 91st day after adjournment.