

BILL ANALYSIS

H.B. 1446
By: Bohac
Elections
Committee Report (Unamended)

BACKGROUND AND PURPOSE

In 2005, the Legislature passed H.B. 1580 during the 79th Regular Session. The bill ordered the preservation of all elections to be preserved for 22 months. This required the ballots to be locked in their ballot boxes for a period of 22 months. The unintended consequence was that the entities holding the elections would have to buy new ballot boxes to hold elections because of the time period required for secure records retention.

In order to rectify this unintended consequence state law should allow the ballots to be removed from the ballot box on the 61st day after an election and moved to another secure container by the general custodian of election records. House Bill 1446 allows the ballots to be removed from the ballot box on the 61st day after an election and moved to another secure container by the general custodian of election records. The records must still be secured for 22 months.

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

House Bill 1446 amends the Election Code to require that voted ballots be preserved securely in a locked room in the locked ballot box for a period of at least 60 days after the date of the election. On the 61st day after the election, the measure allows the general custodian of election records to obtain possession of the key to the ballot boxes and allows that custodian to unlock the ballot boxes. The custodian may then transfer the voted ballots to another secure container for the remainder of the preservation period.

This bill repeals section 66.058 (g) of the Election Code.

EFFECTIVE DATE

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