

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 28, 2009

TO: Honorable David Dewhurst, Lieutenant Governor, Senate

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: SB1970 by Duncan (Relating to certain election practices and procedures; providing penalties.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

The bill would amend the Election Code regarding ballots for certain special elections and would require the Secretary of State, by rule, to prescribe any additional procedures necessary to accommodate a particular voting system or ballot style.

The bill would add Subchapter D to Chapter 2, Election Code, establishing procedures related to a cancellation of an election.

The Election Code would be amended regarding canceling a voter's registration; allowing the presiding officer to make a clerical correction to the officially canvassed returns; regarding requirements of an early voting clerk; authorizing having a voting system technician present at a polling place, a meeting of the early voting ballot board, or a central counting station; and requiring posting notice of filing deadlines.

The Election Code would be amended regarding the time frame in which the Secretary of State must deliver the certification to the authority responsible for having the official ballot prepared in each county. The amount of deposit required for a recount would be changed from the various calculations in current statute to \$60 for each precinct in which regular paper ballots were used and \$100 for each precinct in which an electronic voting system was used.

The bill would repeal sections of the Election Code and make a conforming amendment to Section 277.001 regarding the applicability of Chapter 277. Under current statute, provisions of Chapter 277 do not apply to a petition for a local option election held under the Alcoholic Beverage Code. Under provisions of the bill, the chapter would apply. Changes in statute would apply only to an election ordered on or after September 1, 2009, which would also be the effective date of the bill.

Based on analysis by the Secretary of State, there would be no significant fiscal impact to the agency or the state.

The bill also would prohibit a person from being eligible as a candidate for an elected or appointed public elective office if the person has been convicted of a felony. The fiscal implication to comply with this provision of the bill is not anticipated to be significant.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 307 Secretary of State

LBB Staff: JOB, TP, DB, KJG