

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

April 9, 2011

TO: Honorable Larry Taylor, Chair, House Committee on Elections

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

IN RE: HB3497 by Darby (Relating to the inclusion in the results of an election of ballots that were mistakenly not counted.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Election Code to require the general custodian of election records that discovers legal ballots that were not counted and included in the local canvass of the election before the 10th day after the date the local canvass is conducted, to notify the presiding officer of the local canvassing authority of the discovery. The presiding officer would be required to make an application to a district court of the county in which the canvassing authority is located for disposition of the ballots, and provide notice to each entity that held an election for which the discovered ballots would affect the results.

Not later than the third day after the date an application is made, the district court would be required to hold a hearing and provide notice of the time of the hearing to the presiding officer of the local canvassing authority and each entity required to be notified. The court would be required to take any necessary action to include legal ballots that were not counted in the election results. A petition for a recount must be filed not later than the second day after the date the court enters an order.

The Office of Court Administration and the Secretary of State's office reported the fiscal impact to implement the provisions 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: 212 Office of Court Administration, Texas Judicial Council, 307 Secretary of State

LBB Staff: JOB, JT, TP, BTA