

BILL ANALYSIS

C.S.H.B. 1414
By: Cortez
Elections
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties contend that military personnel on active duty overseas often face challenges as regards voting with absentee ballots. C.S.H.B. 1414 seeks to accommodate such personnel by extending the overseas military email ballot program and allowing the secretary of state to select any county to participate in the program if the county desires to participate and has appropriate technological capabilities.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

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. 1414 amends the Election Code to postpone from September 1, 2017, to September 1, 2021, the expiration date of the program under which a member of the U.S. armed forces who is on active duty overseas and eligible for hostile fire pay is allowed to return an early voting ballot by email. The bill removes the specification that the number of eligible counties selected to participate in the program is determined by the secretary of state and instead requires the secretary of state to select any eligible county to participate in the program. The bill also removes the specification that the secretary of state operate the program specifically as a pilot program until its expiration. The bill requires the secretary of state to file a report on the program with the legislature not later than January 1, 2021.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2017.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1414 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED	HOUSE COMMITTEE SUBSTITUTE
SECTION 1. Section 105.004(b), Election	SECTION 1. Sections 105.004(b), (c), (d),

Code, is amended to read as follows:

(b) The secretary of state shall select to participate in the program any county [~~a number of counties as determined by the secretary of state~~] that:

(1) desires [~~desire~~] to participate in the program; and

(2) is [~~are~~] determined by the secretary of state to have the appropriate technological capabilities.

SECTION 2. Sections 105.004(c), (d), and (e), Election Code, are repealed.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2017.

and (e), Election Code, are amended to read as follows:

(b) The secretary of state shall select to participate in the program any county [~~a number of counties as determined by the secretary of state~~] that:

(1) desires [~~desire~~] to participate in the program; and

(2) is [~~are~~] determined by the secretary of state to have the appropriate technological capabilities.

(c) The secretary of state shall operate the program established under Subsection (a) [~~as a pilot program~~] until September 1, 2021 [~~2017~~].

(d) Not later than January 1, 2021 [~~2017~~], the secretary of state shall file a report with the legislature. The report may include the secretary of state's recommendations on the future use of e-mail ballot submission by members of the armed forces of the United States and suggestions for permanent statutory authority regarding e-mail ballot submission by members of the armed forces of the United States.

(e) This section expires September 1, 2021 [~~2017~~].

No equivalent provision.

SECTION 2. Same as introduced version.