

SENATE AMENDMENTS

2nd Printing

By: Swanson

H.B. No. 88

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the order of candidate names on an election ballot.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

4 SECTION 1. Section 2.002(d), Election Code, is amended to
5 read as follows:

6 (d) The order of the candidates' names on the ballot shall
7 be the relative order of names on the original ballot [~~determined by~~
8 ~~a drawing in accordance with Section 52.094~~].

9 SECTION 2. Sections 52.094(a) and (c), Election Code, are
10 amended to read as follows:

11 (a) Except as otherwise provided by law, for an election at
12 which the names of more than one candidate for the same office are
13 to appear on the ballot in an independent column or are to appear on
14 a general or special election ballot that does not contain a party
15 nominee, the order of the candidates' names shall be determined by a
16 drawing. The order of the candidates' names on the ballot of any
17 resulting runoff election or election held to resolve a tie vote
18 shall be the relative order of names on the original election
19 ballot.

20 (c) The authority conducting the drawing shall post in the
21 authority's office a notice of the date, hour, and place of the
22 drawing. The notice must remain posted continuously for 72 hours
23 immediately preceding the scheduled time of the drawing[~~, except~~
24 ~~that for a runoff election or an election held to resolve a tie~~

1 ~~vote, the notice must remain posted for 24 hours immediately~~
2 ~~preceding the scheduled time of the drawing].~~

3 SECTION 3. This Act takes effect September 1, 2019.

ADOPTED

MAY 15 2019

Leroy Spaul
Secretary of the Senate

By: Fallon

H.B. No. 88

Substitute the following for __.B. No. _____:

By: Hubman

C.S.H.B. No. 88

A BILL TO BE ENTITLED

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AN ACT

2 relating to an election ballot.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

4 SECTION 1. Section 2.002(d), Election Code, is amended to
5 read as follows:

6 (d) The order of the candidates' names on the ballot shall
7 be the relative order of names on the original ballot [~~determined by~~
8 ~~a drawing in accordance with Section 52.094~~].

9 SECTION 2. Section 52.075, Election Code, is amended to
10 read as follows:

11 Sec. 52.075. MODIFICATION OF BALLOT FORM FOR CERTAIN VOTING
12 SYSTEMS. (a) The secretary of state may prescribe the form and
13 content of a ballot for an election using a voting system, including
14 an electronic voting system or a voting system that uses direct
15 recording electronic voting machines or ballot marking devices, to
16 conform to the formatting requirements of the system.

17 (b) In this section, "ballot marking device," "direct
18 recording electronic voting machine," "electronic voting system,"
19 and "voting system" have the meanings assigned by Section 121.003.

20 SECTION 3. Sections 52.094(a) and (c), Election Code, are
21 amended to read as follows:

22 (a) Except as otherwise provided by law, for an election at
23 which the names of more than one candidate for the same office are
24 to appear on the ballot in an independent column or are to appear on

1 a general or special election ballot that does not contain a party
2 nominee, the order of the candidates' names shall be determined by a
3 drawing. The order of the candidates' names on the ballot of any
4 resulting runoff election or election held to resolve a tie vote
5 shall be the relative order of names on the original election
6 ballot.

7 (c) The authority conducting the drawing shall post in the
8 authority's office a notice of the date, hour, and place of the
9 drawing. The notice must remain posted continuously for 72 hours
10 immediately preceding the scheduled time of the drawing[~~, except~~
11 ~~that for a runoff election or an election held to resolve a tie~~
12 ~~vote, the notice must remain posted for 24 hours immediately~~
13 ~~preceding the scheduled time of the drawing].~~

14 SECTION 4. Section 121.003, Election Code, is amended by
15 adding Subdivision (13) to read as follows:

16 (13) "Ballot marking device" means a voting system
17 with an electronic interface that allows a voter to mark a paper
18 ballot.

19 SECTION 5. This Act takes effect September 1, 2019.

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

May 15, 2019

TO: Honorable Dennis Bonnen, Speaker of the House, House of Representatives

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: HB88 by Swanson (Relating to an election ballot.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

Based on the analysis of the Secretary of State, it is assumed that the provisions of the bill relating to the order of candidates on runoff election ballots could be absorbed using existing resources.

Local Government Impact

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

Source Agencies: 307 Secretary of State

LBB Staff: WP, SD, JMO, CMa, SLE, NV

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

May 10, 2019

TO: Honorable Joan Huffman, Chair, Senate Committee on State Affairs

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: **HB88** by Swanson (relating to an election ballot.), **Committee Report 2nd House,**
Substituted

No significant fiscal implication to the State is anticipated.

Based on the analysis of the Secretary of State, it is assumed that the provisions of the bill relating to the order of candidates on runoff election ballots could be absorbed using existing resources.

Local Government Impact

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

Source Agencies: 307 Secretary of State

LBB Staff: WP, JMO, CMa, SLE, NV

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

May 8, 2019

TO: Honorable Joan Huffman, Chair, Senate Committee on State Affairs

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: HB88 by Swanson (Relating to the order of candidate names on an election ballot.), As
Engrossed

No significant fiscal implication to the State is anticipated.

Based on the analysis of the Secretary of State, it is assumed that the provisions of the bill relating to the order of candidates on runoff election ballots could be absorbed using existing resources.

Local Government Impact

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

Source Agencies: 307 Secretary of State

LBB Staff: WP, CMa, SLE, NV, JMO

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

February 28, 2019

TO: Honorable Stephanie Klick, Chair, House Committee on Elections

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: HB88 by Swanson (Relating to the order of candidate names on an election ballot.), **As Introduced**

No significant fiscal implication to the State is anticipated.

Based on the analysis of the Secretary of State, it is assumed that the provisions of the bill relating to the order of candidates on runoff election ballots could be absorbed using existing resources.

Local Government Impact

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

Source Agencies: 307 Secretary of State

LBB Staff: WP, SLE, NV, JMO