

BILL ANALYSIS

C.S.H.B. 740
By: Fierro
Elections
Committee Report (Substituted)

BACKGROUND AND PURPOSE

When military members or overseas voters wish to participate in an election in Texas, mail-in ballots must first be distributed to the voter. This process is not always consistent and the rate of return for these ballots is often low, especially when runoff elections occur and subsequent ballots are required. It has been suggested that this current process is inefficient and does little to ensure these votes are successfully cast. C.S.H.B. 740 seeks to address this issue by providing for preferential voting in runoff elections for certain voters voting by mail that uses a ranked-choice approach.

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. 740 amends the Election Code to require certain military and overseas voters who are eligible for early voting by mail via federal postcard to receive a runoff election ballot at the same time and in the same manner as the voter's general election ballot. The bill requires the secretary of state to prescribe procedures to provide for the runoff election ballot issued to the voter to use a preferential voting system that allows the voter to rank each candidate through a numerical designation from the candidate the voter favors most to the candidate the voter favors least. The bill requires the carrier envelope containing the voter's runoff election ballot to be opened and the ballot to be counted if a runoff election for any office voted by the voter occurs. The voter's vote in the election is assigned to the runoff candidate whom the voter assigned the highest favorable ranking on the runoff election ballot.

C.S.H.B. 740 requires the secretary of state to create detailed instructions on the use of the preferential voting system and to provide the instructions to each county clerk. The bill requires a county clerk to post the instructions on the clerk's public website, if the clerk maintains a website, and ensure that a copy of the instructions is mailed to each voter who receives a runoff election ballot in the same time and in the same manner as that ballot.

C.S.H.B. 740 requires an early voting clerk to provide the voter, in addition to any other requisite balloting materials, a runoff election ballot for each office for which the voter is eligible to vote and a second carrier envelope in which the voter may return the ballot. The bill conditions the counting of the runoff election ballot on the voter returning the ballot at the same time and in the same manner as a general election ballot voted by the voter.

EFFECTIVE DATE

January 1, 2022.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 740 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute includes the following requirements, which were absent from the original:

- a requirement for the secretary of state to create detailed instructions on the use of the preferential voting system and to provide the instructions to each county clerk; and
- a requirement for a county clerk to post the instructions on the clerk's public website, if the clerk maintains a website, and ensure that a copy of the instructions is mailed to each voter who receives a runoff election ballot in the same time and in the same manner as that ballot.