

BILL ANALYSIS

Senate Research Center
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C.S.H.B. 1217
By: Swanson et al. (Kolkhorst)
State Affairs
5/15/2023
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Following the 2022 Texas elections, activists, constituents, and local leaders have raised concerns about the discrepancy in the early voting hours between rural and urban counties across the state and advocated standardizing early voting hours statewide. Current Election Code establishes different rules for conducting early voting hours for rural and urban counties. In many instances, this inconsistent system results in rural areas giving voters less time to vote than if they lived in a metropolitan area. Moreover, the degree to which the rules can vary from county to county creates a complex system that changes the voting experience depending on where a voter lives to be uniform for both urban and rural counties.

H.B. 1217 seeks to standardize the hours for early voting across the state by making the hours for early voting more uniform across rural and urban counties. H.B. 1217 includes a statutory funding mechanism to ensure that counties can use Chapter 19 funds to assist in defraying the cost imposed by the law. For additional funding, Section 19.004(b) under the current Election Code allows the secretary of state (SOS) to disburse any additional financial support as necessary under Chapter 19 so long as they are statutorily authorized to do so. H.B. 1217 amends Section 19.004(a), Election Code, to allow SOS to disburse state funds allocated to SOS for the purpose of assisting counties in defraying cost related to early voting by personal appearance.

Key Provisions:

- Amends Chapter 85, Election Code—related to early voting by personal appearance—to strike provisions that create a different system for urban and rural counties. H.B. 1217 standardizes hours for early voting by personal appearance statewide, as those standards were adopted by S.B. 1 (87th Legislature, Second Called Session).
- Adds a funding mechanism for SOS to assist counties in administering elections under the standardized system implemented by H.B. 1217.

H.B. 1217 clarifies that early voting must be conducted for 12 consecutive hours each day and that funding applies only to those counties that have increased hours of early voting as a result of H.B. 1217.

(Original Author's/Sponsor's Statement of Intent)

C.S.H.B. 1217 amends current law relating to the administration of and procedures relating to early voting by personal appearance.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 19.004(a), Election Code, as follows:

- (a) Authorizes state funds disbursed under Chapter 19 (Financing Voter Registration) to be used, except as provided by Subsection (d), only for certain purposes, including to defray expenses of the registrar's office in connection with voter registration, including

additional expenses related to implementation of the National Voter Registration Act of 1993 (52 U.S.C. Section 20501 et seq.), rather than the National Voter Registration Act of 1993 (42 U.S.C. Section 1973gg et seq.), and to defray the cost to the registrar's county of keeping the polling places in the county open during the early voting period as required under certain sections if the registrar's county has a population of less than 55,000. Makes nonsubstantive changes.

SECTION 2. Amends Section 85.005(c), Election Code, as follows:

(c) Requires that voting, rather than voting in a county with a population of 55,000 or more, in a primary election or the general election for state and county officers be conducted at the main early voting polling place for at least 12 consecutive hours on each weekday of the last week of the early voting period, and the voting in a special election ordered by the governor to be conducted at the main early voting polling place for at least 12 consecutive hours on each of the last two days of the early voting period. Deletes existing text requiring voting to be conducted in accordance with this subsection in those elections in a county with a population under 55,000 on receipt by the early voting clerk of a written request for the extended hours submitted by at least 15 registered voters of the county. Deletes existing text requiring that the request be submitted in time to enable compliance with Section 85.067 (Public Notice of Branch Voting Schedule).

SECTION 3. Amends Section 85.006(e), Election Code, as follows:

(e) Deletes existing text requiring the early voting clerk to order voting to be conducted at those times in those elections in a county with a population under 55,000 on receipt of a written request for those hours submitted by at least 15 registered voters of the county. Deletes existing text requiring that the request be submitted in time to enable compliance with Section 85.007 (Public Notice of Time for Voting). Makes a conforming change.

SECTION 4. Amends the heading to Section 85.064, Election Code, to read as follows:

Sec. 85.064. DAYS AND HOURS FOR VOTING: TEMPORARY BRANCH.

SECTION 5. Amends Section 85.064(d), Election Code, as follows:

(d) Requires the early voting clerk to order certain voting in accordance with Section 85.006(e) (relating to requiring the early voting clerk, in a primary election or the general election for state and county officers in a county with a population of 55,000 or more, to order voting by personal appearance at the main early voting polling place to be conducted on the last Saturday of the early voting period for at least 12 hours, except that voting is prohibited from being conducted earlier than 6 a.m. or later than 10 p.m., and on the last Sunday of the early voting period for at least six hours, except that voting is prohibited from being conducted earlier than 9 a.m. or later than 10 p.m.) at each temporary branch polling place established under a certain section. Makes nonsubstantive changes.

SECTION 6. Amends Section 85.068(a), Election Code, to delete existing text requiring the early voting clerk to post notice for each election stating any dates and the hours that voting on Saturday or Sunday will be conducted under Section 85.065(b) (relating to authorizing voting at a temporary branch polling place to be conducted on any days and during any hours of the period for early voting by personal appearance, as determined by the authority establishing the branch), if the early voting clerk is a county clerk or city secretary under certain sections.

SECTION 7. Repealer: Section 85.064(a) (relating to providing that Section 85.064 applies only to an election in which the territory served by the early voting clerk is situated in a county with a population of 100,000 or more), Election Code.

Repealer: Section 85.065 (Days and Hours for Voting: Temporary Branch in Less Populous County), Election Code.

SECTION 8. Makes application of this Act prospective.

SECTION 9. Effective date: September 1, 2023.