

SUBJECT: Revising election procedures

COMMITTEE: Elections — committee substitute recommended

VOTE: 8 ayes — Danburg, J. Jones, Averitt, Denny, Greenberg, Hodge, Madden, Uher
0 nays
1 absent — Gallego

WITNESSES: For — Bill Borden; Mary Ann Collins, Republican Party of Texas
Against — None
On — Elizabeth Hanshaw, Secretary of State’s Office; Steve McDonald, Texas Democratic Party

DIGEST: HB 3206 would make numerous technical and clean-up changes to the Election Code, many of them having to do with early voting and balloting by mail. It would provide penalties for release of information about early voting trends or results.

Unlawfully Divulging Vote. The bill would make it a third-degree felony, punishable by up to 10 years in prison and an optional fine of up to \$10,000 to knowingly divulge information about early votes obtained through a signature verification committee or early voting ballot board. However, information could be released for official proceedings, such as an investigation.

CSHB 3206 would make it a Class C misdemeanor, punishable by a maximum fine of \$500, to release information obtained through a signature committee or an early voting board before the polls closed on election day about:

- vote totals;
- candidate standing;
- whether a measure was passing or failing; or

- names of voters.

Runoff Elections. CSHB 3206 would change the date of a runoff to be between the 20th and 45th days after the final canvass of the main election. A home-rule city charter could prescribe a later runoff date.

Voter Registration Application. CSHB 3206 would allow changed voter information to be effective for early voting purposes for an election that occurred 30 days after the change was submitted. The bill would require that registered voters listed as disqualified from jury service due to citizenship status be notified that they must provide proof of U.S. citizenship to the secretary of state's office in the form of a certified copy of a birth certificate, U.S. passport, or naturalization certificate. Each registrar would report to the comptroller a list of voter registration cancellations due to non-citizenship during the year.

Early Voting Deputy Clerks. CSHB 3206 would require deputy early voting clerks for primary elections, general elections for state and county officers, or a special election to fill a vacancy in the Legislature or U.S. Congress to be affiliated with different political parties. The secretary of state would prescribe rules to implement this provision.

Mailed Ballots. CSHB 3206 would allow an early voting by mail applicant to cancel the mailed ballot by appearing in person and executing an affidavit stating the ballot had not been marked. The bill would add the requirement that a returned mail ballot must have been mailed to the voter's address listed on the voter registration application to be counted. CSHB 3206 would authorize the presiding judge of the early voting ballot board to set the date to canvass early mail votes within certain dates for specific types of elections.

Early Voting Ballots. CSHB 3206 would allow early voting ballots to be counted after the period for early voting by personal appearance in any election held in or jointly with a county with a population of 100,000 or more.

The bill would prohibit a signature verification committee from operating after the fourth day before an election day unless authorized by the presiding judge of the early voting ballot board.

Electioneering. CSHB 3206 would standardize the distance from the polls within which electioneering may not take place at 100 feet away from the entrance to any election site. It would define electioneering as an attempt to influence votes by talking or displaying any paraphernalia or clothing related to a candidate, measure, or political party.

Joint Primary Election Funds. CSHB 3206 would require any surplus in a county primary fund used for a joint primary election be remitted to the secretary of state instead of the county clerk.

Recount Deposit. CSHB 3206 would add to requirements for recounts that the deposit required by law (Subchapter E, Chapter 212, Election Code) accompany the recount request document, and could be in the form of cash or a money order in addition to a cashier's check.

The bill would take effect on September 1, 1999.

NOTES:

CSHB 3206 is an omnibus elections procedures bill that includes provisions of HB 307 by Madden, HB 312 by Madden, HB 1509 Yarbrough, and HB 2395 by Denny.