

SUBJECT: Revising certain election dates and procedures

COMMITTEE: Elections — committee substitute recommended

VOTE: 6 ayes — Denny, Howard, Deshotel, Bohac, Harper-Brown, Uresti  
0 nays  
1 absent — Coleman

WITNESSES: For — Mary Lynne Stratta, City of Bryan and Texas Municipal League;  
(*Registered but did not testify:*) Shirley Garvel, City of Elgin; Sherry  
Mashburn, Village of Bee Cave; Jennifer Rodriguez, City of Grapevine; Suzy  
Woodford, Common Cause  
  
Against — None  
  
On — Melinda Nickless, Secretary of State's Office

DIGEST: CSHB 16 would amend portions of the Election Code, as amended by acts of  
the 78th Legislature, to set a uniform date for all jurisdictions to canvass  
votes, a uniform deadline for all jurisdictions to consider out-of-country mail  
ballots, and a uniform date for the early-voting ballot board to convene to  
count those ballots. It would move the runoff primary election date from the  
first Tuesday to the second Tuesday in April following the general primary  
election and would move the May uniform election date for general and  
special elections back to the first Saturday.  
  
Each local canvassing authority would have to convene to conduct the local  
canvass on the 11th day after election day. A marked ballot voted by mail cast  
from an address outside the United States would have to be counted if  
received at the address on the carrier envelope within five days after the  
election date. The early-voting ballot board would have to convene to count  
late overseas mail ballots on the sixth day after election day, or on an earlier  
day if the early-voting clerk certified that all ballots mailed from outside the  
United States had been received.

CSHB 16 would repeal sections of HB 1549 by Denny, et al., enacted during the regular session of the 78th Legislature, that have not taken effect yet. These sections would move the runoff primary election date to the third Tuesday in April following the general primary election; move the uniform May election date to the third Saturday; and require the local canvassing authority to convene to conduct the local canvass on the eighth day after election day for certain elections and not earlier than the eighth day or later than the 11th day for all other elections.

The bill would take effect September 1, 2003, if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect November 1, 2003.

**SUPPORTERS  
SAY:**

During its regular session, the 78th Legislature enacted several elections-related bills with conflicting provisions. For example, HB 1549 moved the runoff primary election date to the third Tuesday in April following the general primary election in even-numbered years, while HB 2496 by Branch moved it to the first Tuesday in April. HB 1549 and HB 1695 by Denny established conflicting dates regarding the timetable for conducting the local canvass in certain elections. Similarly, HB 1695 attempted to clarify the deadline for counting late overseas mail ballots, depending on the election, but confusion remained among voting clerks and overseas voters.

Uniformity in dates and evenly spaced election dates are simpler for all involved. Different dates for vote counting are confusing for elections officials especially. For example, if Austin and Travis County hold a joint election, mail-in ballots must be divided into two piles, because the city and county have different deadlines for mail-in ballots. CSHB 16 would simplify the consideration of out-of-country mail ballots by making this deadline uniform for all jurisdictions. The bill would move away from time frames and instead establish concrete dates that are easy to understand and interpret.

HB 1549 moved the May uniform election date from the first to the third Saturday. Before the 78th Legislature's regular session, the general primary election date was the second Tuesday in March in even-numbered years, the runoff primary election was the second Tuesday in April, and the presidential primary election date was the second Tuesday in March in a presidential election year. To allow more time to process provisional votes, the May

uniform election date was moved to the third Saturday. However, with the enactment of HB 2496, which moved the general primary, runoff primary, and presidential primary election dates ahead by one week, there is no longer any need to move the May uniform election date.

Moving the May date to the third Saturday would present multiple challenges for city secretaries, particularly in staffing. Some cities, including Bryan, rely heavily on college students to staff election polling places. By the third Saturday in May, most students have left for summer break. In other cities, the timing would conflict with events such as high school graduation and senior proms and could hinder parents' and teachers' abilities to vote. Another issue facing city secretaries is the international municipal clerks' advanced-level certification and training conference, held on this date every year. A well-trained municipal clerk is an asset to any city government and its citizens. Also, the later date in May could force any runoff election into late June or early July. Effectively, this would eliminate any opportunity for a newly elected council or school board member to have a say in their budget process, which is completed by then. Voter turnout for a June or July runoff would be very low and thus expensive.

**OPPONENTS  
SAY:**

The May uniform election date should be left on the third Saturday. The general primary election date has been moved to the first Tuesday in March in even-numbered years. Combined with the proposal to move the runoff primary election date to the second Tuesday in April, a May uniform election date on the first Saturday would give voters little time to recover from one election to the next. Also, an election on the first Saturday in May could conflict with celebrating Cinco de Mayo (May 5) in some years.

**NOTES:**

The committee substitute would modify the filed version of HB 16 by requiring each local canvassing authority to convene to conduct the local canvass on the 11th day after election day, rather than not earlier than the eighth day or later than the 11th day after election day.