

SUBJECT: Dates, deadlines, and procedures relating to mail ballots to overseas voters

COMMITTEE: Elections — committee substitute recommended

VOTE: 7 ayes — Denny, Bohacmith, Anchia, Anderson, Hughes, J. Jones, T. Smith

0 nays

WITNESSES: For — Don Alexander, Texas Association of Election Administrators; Dana DeBeauvoir, County and District Clerks Association; (*Registered, but did not testify:* Mary Finch, League of Women Voters of Texas)

Against — Cliff Borofsky, Bexar County Elections Administrator

On — (*Registered, but did not testify:* Elizabeth Hanshaw Winn, Secretary of State)

BACKGROUND: Election Code, ch. 86 regulates the conduct of voting by mail and requires that balloting materials for voting by mail have to be mailed to eligible voters no later than the seventh calendar day after the later of the date the clerk accepts the voter's request for a mail ballot, or the date the ballots become available for mailing. If the mailing date is earlier than the 45th day before the election, they must be mailed no later than the 38th day before an election.

Sec. 41.002 sets forth that the general election for state and county officers is held on the first Tuesday after the first Monday in November in even-numbered years.

DIGEST: CSHB 2339 would amend Election Code, Education Code, and Health and Safety Code to change the deadlines for mailing overseas balloting materials, candidate and declared write-in candidate filing deadlines, withdrawal of deceased or ineligible candidates from the ballot, the time for ordering elections, and other procedures for November general elections for state and county officers.

It would require balloting materials for overseas voters to be mailed on or before the later of the 45th day before election or the seventh day after the

clerk received the application. The early voting clerk would notify the secretary of state within 24 hours if the deadline was not going to be met and the secretary of state would monitor the situation and provide assistance if needed.

For elections held on the November general election date, the filing deadline for candidates and declared write-in candidates for trustee of an independent school district, candidates for a member of the board of a hospital district, and candidates for commissioner of a navigation district would be moved up as well.

The bill would take effect September 1, 2005.

**SUPPORTERS
SAY:**

CSHB 2339 would ensure that overseas voters, especially those in the military, had enough time to get their ballots in time to vote and mail them back to the United States. It would tighten the deadlines for elections held on the November uniform election date, which is when the most overseas ballots are requested. It would allow county election officials time to get ballots prepared, proofed, printed and mailed, thus allowing overseas voters more time as well. It also would allow for one more week to prepare and test voting machines.

In some instances counties have not been able to get the early voting by mail ballots mailed in a timely way because the current deadline of 45 days before an election is not enough time for ballot preparation, especially for a joint election. Some local entities are slow in getting their materials to the counties, and this bill would require all entities, including school districts, water districts, and navigation districts, to follow a tighter schedule and keep local election information from slowing down the process.

**OPPONENTS
SAY:**

CSHB 2339 would create different deadlines for early voting by mail for elections held on the May election date than for elections held in November. This would be confusing for local entities to keep track of and would require a substantial education effort on the part of the counties.

NOTES:

The committee substitute modified the original by requiring overseas ballots be mailed no later than the seventh, rather than the third day after the early voting clerk received the application for the ballot. The substitute

added provisions adjusting other dates, deadlines, and procedures to accommodate the changes proposed in the bill.