

BILL ANALYSIS

Senate Research Center
78S10271 ATP-D

H.B. 16
By: Denny (Nelson)
State Affairs
7/16/2003
Engrossed

DIGEST AND PURPOSE

With the passage of H.B. 1549 and H.B. 2496 during the 78th Legislature, Regular Session, (78(R)), two runoff primary election dates now exist in the law. Similarly, 78(R) H.B. 1695 and 78(R) H.B. 1549 established two timetables for conducting the local canvass in certain elections. H.B. 16 establishes one runoff primary election date and one date for conducting the local canvass.

In addition to these conflicts, the passage of other legislation led to increased confusion among election administrators and voters about certain dates. Under current law, there are two deadlines for the counting of late overseas mail ballots, depending upon the type of election. 78(R) H.B. 1695 attempted to clarify these deadlines, but overseas voters and voting clerks need further clarification. H.B. 16 creates one deadline for late overseas mail ballots in all elections and correspondingly changes the date that the early voting ballot board convenes to count these ballots.

Finally, 78(R) H.B. 1549 moved the May uniform election date from the first to the third Saturday in May to accommodate provisional voting under the federal Help America Vote Act of 2002. However, because 78(R) H.B. 2496 successfully moved the primary election date one week earlier, this change in the general election date is unnecessary. H.B. 16 reestablishes the first Saturday in May as the authorized uniform election date.

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 41.007(b), Election Code, as amended by Section 1, H.B. 2496, Acts of the 78th Legislature, Regular Session, 2003, to provide that the runoff primary election date is the second, rather than first, Tuesday in April following the general primary election.

SECTION 2. Amends Section 67.003, Election Code, as amended by Section 17, H.B. 1695, Acts of the 78th Legislature, Regular Session, 2003, to require each local canvassing authority to convene to conduct the local canvass at the time set by the canvassing authority's presiding officer on the 11th day after election day. Deletes existing text relating to each local canvassing authority convening on certain dates following certain elections.

SECTION 3. Amends Section 86.007(d), Election Code, as amended by Section 24, H.B. 1695, Acts of the 78th Legislature, Regular Session, 2003, to require a marked ballot voted by mail that arrives after the time prescribed by Subsection (a) to be counted if the ballot arrives at the address on the carrier envelope not later than the fifth day after the date of the election. Makes conforming changes.

SECTION 4. Amends Section 87.125(a), Election Code, as amended by Section 30, H.B. 1695, Acts of the 78th Legislature, Regular Session, 2003, to make conforming changes.

SECTION 5. Repealer: Sections 14, 16, and 42, H.B. 1549, Acts of the 78th Legislature, Regular Session, 2003.

SECTION 6. Effective date: September 1, 2003, if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution, or November 1, 2003.