

BILL ANALYSIS

Senate Research Center

C.S.H.B. 1
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Jurisprudence
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Committee Report (Substituted)

DIGEST AND PURPOSE

With the passage of H.B. 1549 and H.B. 2496, 78th Legislature, Regular Session, 2003, two runoff primary election dates now exist in the law. Similarly, H.B. 1695 and H.B. 1549, 78th Legislature, Regular Session, 2003, established two timetables for conducting the local canvass in certain elections. In addition to these conflicts, current law provides two deadlines for the counting of late overseas mail ballots, depending upon the type of election. H.B. 1695, 78th Legislature, Regular Session, 2003, attempted to clarify these deadlines, but provisions relating to overseas voters and voting clerks need further clarification. Finally, H.B. 1549, 78th Legislature, Regular Session, 2003, 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 other enacted legislation lengthened the election calendar, this change in the May uniform election date is unnecessary.

C.S.H.B. 1 attempts to correct and clarify the conflicts and confusion which arose relating to the dates for certain election procedures and practices as a result of the enactments of the 78th Legislature, Regular Session, 2003.

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 41.001(a), Election Code, as amended by Section 14, Chapter 1315, Acts of the 78th Legislature, Regular Session, 2003, to require, except as otherwise provided by this subchapter, each general or special election in this state to be held on one of certain dates, including the first, rather than third, Saturday in May.

SECTION 2. Reenacts Section 41.007(b), Election Code, as amended by Section 1, Chapter 292, and Section 16, Chapter 1315, Acts of the 78th Legislature, Regular Session, 2003, and amends it to provide that the runoff primary election date is the second, rather than third, Tuesday in April following the general primary election.

SECTION 3. Reenacts Section 67.003, Election Code, as amended by Section 42, Chapter 1315, and Section 17, Chapter 1316, Acts of the 78th Legislature, Regular Session, 2003, and amends it to require each local canvassing authority to convene to conduct the local canvass at the time set by the canvassing authority's presiding officer not earlier than the eighth, rather than third, day or later than the 11th, rather than sixth, day after election day. Deletes existing text relating to the times for a local canvass under certain circumstances.

SECTION 4. Amends Section 86.007(d), Election Code, as amended by Section 24, Chapter 1316, 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 under certain conditions, including an instance in which the ballot arrives at the address on the carrier envelope not later than the fifth day after

the date of the election. Deletes existing text relating to conditions pertaining to certain elections.

SECTION 5. Amends Section 87.125(a), Election Code, as amended by Section 30, Chapter 1316, Acts of the 78th Legislature, Regular Session, 2003, to require the early voting ballot board to convene to count ballots voted by mail described by Section 86.007(d) at the time set by the presiding judge of the board on the sixth day after the date of an election or on an earlier day if the early voting clerk certifies that all ballots mailed from outside the United States have been received. Deletes existing text relating to conditions pertaining to certain elections.

SECTION 6. (a) Provides that if the effective date of H.B. 3 as enacted by the 78th Legislature, 3rd Called Session, occurs after December 3, 2003, an application for a place on the ballot for the 2004 general primary election for the office of United States Representative must be filed with a certain authority not earlier than the effective date of this Act and not later than 6 p.m. on January 9, 2004, and relate to a congressional district as constituted by H.B. No. 3.

(b) Provides that an application for a place on the ballot for the 2004 general primary election for the office of United States House of Representatives that does not meet the requirements of Subsection (a) of this section is not valid.

(c) Provides that this section does not affect other requirements of the Election Code relating to the validity of an application for a place on the general primary election ballot that are not in conflict with this section.

(d) Provides that this section expires January 1, 2005.

SECTION 7. Effective date: 91 days after adjournment.

SUMMARY OF COMMITTEE CHANGES

Differs from the original by adding a new SECTION 6 relating to an application for a place on the ballot for the 2004 primary election for the office of United States Representative and by renumbering the subsequent section of the bill.