

BILL ANALYSIS

C.S.H.B. 2410
By: Israel
Elections
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties assert that the cost of holding a runoff primary election when few votes were cast in the primary election and only statewide candidates are on the ballot is unnecessarily burdensome for many small counties. C.S.H.B. 2410 seeks to remedy this situation by authorizing a runoff primary election to be conducted by mail under certain conditions.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the secretary of state in SECTION 1 of this bill.

ANALYSIS

C.S.H.B. 2410 amends the Election Code to authorize the state chair of a political party by order to require a runoff primary election to be conducted in a county by mail if fewer than 100 votes were cast in the county in the party's general primary election and if a runoff election is required in the county only for statewide offices or district offices filled by voters of more than one county. The bill requires a state chair who requires the conduct of a runoff primary election by mail to send the order to the county clerk not later than the fifth day after the local canvass is completed. The bill requires the county clerk to provide an official ballot in the manner provided by statutory provisions governing the conduct of early voting by mail to each registered voter in the county who voted in the party's general primary election or who requests in writing a ballot for the runoff primary election and is otherwise eligible to vote in the election.

C.S.H.B. 2410 sets out the methods by which a person who did not vote in the party's general primary election and did not vote in any other party's primary election may request a runoff primary election ballot to be voted by mail, be provided with the ballot materials, and return a marked ballot. The bill requires all ballots voted by mail or in person under the bill's provisions to be counted in the same manner as a ballot voted by mail under statutory provisions relating to conduct of voting by mail. The bill requires the county clerk to be reimbursed for the costs of conducting the runoff primary election by mail from the same funds that would provide for a runoff primary election by personal appearance. The bill authorizes the secretary of state to adopt rules as necessary to implement the bill's provisions. The bill requires the application form for a mail ballot adopted by the secretary of state to include the required information for a written request for a runoff primary election ballot to be voted by mail.

EFFECTIVE DATE

September 1, 2017.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 2410 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Subchapter E, Chapter 172, Election Code, is amended by adding Section 172.129 to read as follows:

Sec. 172.129. VOTING BY MAIL IN CERTAIN RUNOFF PRIMARY ELECTIONS. (a) The state chair of a political party may by order require a runoff primary election to be conducted in a county only by mail if:

(1) fewer than 50 votes were cast in the county in the party's general primary election; and

(2) a runoff election is required in the county only for statewide offices or district offices filled by voters of more than one county.

(b) If the state chair of the political party requires the conduct of a runoff primary election only by mail, the state chair shall send the order to the county clerk not later than the fifth day after the local canvass is completed.

(c) The county clerk shall provide an official ballot in the manner provided by Chapter 86 to each registered voter in a county who:

(1) voted in the party's general primary election; or

(2) requests in writing a ballot for the runoff primary election and is otherwise eligible to vote in the election.

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Subchapter E, Chapter 172, Election Code, is amended by adding Section 172.129 to read as follows:

Sec. 172.129. VOTING BY MAIL IN CERTAIN RUNOFF PRIMARY ELECTIONS. (a) The state chair of a political party may by order require a runoff primary election to be conducted in a county only by mail if:

(1) fewer than 100 votes were cast in the county in the party's general primary election; and

(2) a runoff election is required in the county only for statewide offices or district offices filled by voters of more than one county.

(b) If the state chair of the political party requires the conduct of a runoff primary election only by mail, the state chair shall send the order to the county clerk not later than the fifth day after the local canvass is completed.

(c) The county clerk shall provide an official ballot in the manner provided by Chapter 86 to each registered voter in a county who:

(1) voted in the party's general primary election; or

(2) requests in writing a ballot for the runoff primary election and is otherwise eligible to vote in the election.

(d) A person who did not vote in the party's general primary election and did not vote in any other party's primary election may request a runoff primary election ballot to be voted by mail:

(1) by submitting a written request to the county clerk;

(2) by mailing to the county clerk an application form prescribed by the secretary of state;

(3) in person before election day by presenting to the county clerk an application form prescribed by the secretary of state or a written request for a ballot by mail; or

(4) in person on election day by presenting to the county clerk an application form

prescribed by the secretary of state or a written request for a ballot by mail.

(e) A written request submitted under Subsection (d)(1) must include:

(1) the voter's name;

(2) the voter's registration address;

(3) the runoff election date or a statement that the application is for the runoff election;

(4) the county;

(5) the name of the political party conducting the runoff; and

(6) the voter's signature.

(f) A voter requesting a ballot under Subsection (d)(3) or (4) shall be provided with the ballot materials on presentation of an application or written request demonstrating that the voter is eligible to vote in the election.

(g) A voter requesting a ballot under Subsection (d)(3) may return the marked ballot in person to the county clerk or by mail or common carrier.

(h) A voter requesting a ballot under Subsection (d)(4) may return the marked ballot to the county clerk in person not later than 7 p.m. on election day.

(i) All ballots voted by mail or in person under this section shall be counted in the same manner as a ballot voted by mail under Chapter 86.

(j) The county clerk shall be reimbursed for costs of conducting the runoff election by mail from the same funds that would provide for a runoff primary election by personal appearance.

(k) The secretary of state may adopt rules as necessary to implement this section. The application form adopted by the secretary of state under this section must include the required information for a written request under Subsection (e).

(d) The county clerk shall be reimbursed for costs of conducting the runoff election by mail from the same funds that would provide for a runoff primary election by personal appearance.

SECTION 2. This Act takes effect September 1, 2017.

SECTION 2. Same as introduced version.