

BILL ANALYSIS

C.S.H.B. 1459
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Elections
Committee Report (Substituted)

BACKGROUND AND PURPOSE

It has been noted that efforts are made to maintain partisan balance at each step of the election process through the appointment of presiding and alternate judges. There are concerns about the appointment of only a presiding judge for early voting ballot boards and a chair for signature verification committees. Also, it is reported that the lack of specific provision for a tie vote on that board or committee may lead to confusion. C.S.H.B. 1459 seeks to address these concerns by providing for the appointment of an alternate judge for these boards and a vice chair for these committees and by addressing consequences of a tie vote of those bodies.

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 this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 1459 amends the Election Code to require the county election board to appoint an alternate presiding judge for the early voting ballot board from the required list of persons eligible to serve on that board provided by the political party whose nominee for governor received the second most votes in the county in the most recent gubernatorial general election.

C.S.H.B. 1459 requires the applicable appointing authority to appoint a vice chair of a signature verification committee appointed in any election from the list provided by a political party whose nominee for governor received the second most votes in the county in the most recent gubernatorial general election and requires an equal number of committee members from each political party that submitted a list of names to be present to the extent practicable while the committee is reviewing signatures.

C.S.H.B. 1459 authorizes the county election board and an applicable appointing authority to make appointments to the early voting ballot board and the signature verification committee, respectively, as necessary from any political party if a political party does not submit the applicable list.

C.S.H.B. 1459 decreases the ballot board vote threshold required to override a verification committee's determination that the signatures are not those of the same person from a majority vote of the board's membership to at least one-half of that membership. The bill clarifies that, if a tie vote of the ballot board's or committee's membership occurs, the signatures are considered to be those of the voter.

EFFECTIVE DATE

September 1, 2019.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1459 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute includes provisions:

- addressing situations in which the applicable political party list is not submitted;
- requiring an equal number of signature verification committee members from each political party that submitted a list of names to be present to the extent practicable while the committee is reviewing signatures;
- decreasing the ballot board vote threshold required to override a verification committee's determination that the signatures are not those of the same person; and
- addressing situations in which there is a tie vote about the veracity of a signature.