

SUBJECT: Beginning date for period of early voting by personal appearance

COMMITTEE: Elections — favorable, without amendment

VOTE: 5 ayes — Denny, Howard, Deshotel, Bohac, Harper-Brown

0 nays

2 absent — Coleman, Uresti

WITNESSES: For — None

Against — Molly Beth Malcolm, Texas Democratic Party; (*Registered, but did not testify:*) Barbara Effenberger, Texas Democratic Party and Texas Democratic County Chairs Association

On — Elizabeth Hanshaw Winn, Secretary of State; (*Registered, but did not testify:*) Jesse Lewis, Republican Party of Texas

BACKGROUND: Elections Code, ch. 85 governs the conduct of voting by personal appearance. The period for early voting by personal appearance begins on the 17th day before election day and continues through the fourth day before election day. For a special runoff election for the office of state senator or representative or for a runoff primary election, the period begins on the 10th day before election day. Except for special runoff elections or primary runoff elections, the early voting clerk may order an early voting by personal appearance election on Saturday or Sunday.

DIGEST: HB 2150 would specify that if the date for the start of early voting by personal appearance were a Saturday, Sunday, or legal state holiday, the early voting period would begin on the next regular business day. The bill would repeal the option of beginning early voting on a Saturday or Sunday.

The bill would take effect September 1, 2003.

**SUPPORTERS
SAY:**

Some provisions of the Elections Code have caused unintended difficulties for voters and election officials. HB 2150 would clarify when early voting by personal appearance could begin, as recommended by the secretary of state.

By stipulating that if the date for beginning the early voting period falls on a weekend or a state holiday, the start date for early voting would fall to the next regular business day, HB 2150 would provide a statewide, uniform start date for early voting in person. Currently, the early voting clerk has discretion over whether to order the start of early voting on a weekend date, and this causes confusion among voters and election administrators.

The first two days of early voting are not used widely by voters. Participation does not increase until the last few days of early voting. Reducing the number of early voting days would save money for cities and counties.

**OPPONENTS
SAY:**

Although the intention of making voting easier for voters usually is good, HB 2150 would take away local control. The decision of when to begin early voting in person should be left to local election officials.