

SUBJECT: Revising certain election dates and procedures

COMMITTEE: Elections — committee substitute recommended

VOTE: 5 ayes — Denny, Howard, Deshotel, Bohac, Harper-Brown,
0 nays
2 absent — Coleman, Uresti

WITNESSES: No public hearing

DIGEST: CSHB 1 would amend portions of the Election Code, as amended by acts of the 78th Legislature, to set a uniform timetable for local jurisdictions to canvass votes, a uniform deadline for all jurisdictions to consider late out-of-country mail ballots, and a uniform date for the early-voting ballot board to convene to count those ballots. It would move the runoff primary election date from the third Tuesday to the second Tuesday in April following the general primary election and would move the May uniform election date for general and special elections from the third Saturday to the first Saturday.

Each local canvassing authority would have to convene to conduct the local canvass not earlier on the eighth day or later than the 11th day after election day. A marked ballot voted by mail cast from an address outside the United States would have to be counted if received at the address on the carrier envelope within five days after the election date. The early-voting ballot board would have to convene to count late overseas mail ballots on the sixth day after election day, or on an earlier day if the early-voting clerk certified that all ballots mailed from outside the United States had been received.

The bill would take effect on the 91st day after the last day of the third called session.

SUPPORTERS SAY: During its regular session, the 78th Legislature enacted several election-related bills with conflicting provisions. For example, HB 1549 moved the runoff primary election date to the third Tuesday in April following the general primary election in even-numbered years, while HB 2496 by Branch

moved it to the first Tuesday in April. HB 1549 and HB 1695 by Denny established conflicting dates regarding the timetable for conducting the local canvass in certain elections. Similarly, HB 1695 attempted to clarify the deadline for counting late overseas mail ballots, but confusion remained among voting clerks and overseas voters because there are still two deadlines, depending on the type of election.

Uniformity in dates and evenly spaced election dates are simpler for all involved. Different dates for vote counting are confusing for elections officials especially. CSHB 1 would simplify the consideration of out-of-country mail ballots by making this deadline uniform for all jurisdictions and clear up confusion by establishing a uniform time period for local jurisdictions to canvass precinct returns.

HB 1549 moved the May uniform election date from the first to the third Saturday. Before the 78th Legislature's regular session, the general primary election date was the second Tuesday in March in even-numbered years, the runoff primary election was the second Tuesday in April, and the presidential primary election date was the second Tuesday in March in a presidential election year. To allow more time to process provisional votes, the May uniform election date was moved to the third Saturday. However, with the enactment of HB 2496, which moved the general primary, runoff primary, and presidential primary election dates ahead by one week, there is no longer any need to move the May uniform election date.

Having the May date on the third Saturday would present multiple challenges for city secretaries, particularly in staffing. Some cities, including Bryan, rely heavily on college students to staff election polling places. By the third Saturday in May, most students have left for summer break. In other cities, the timing would conflict with events such as high school graduation and senior proms and could hinder parents' and teachers' abilities to vote. Another issue facing city secretaries is the international municipal clerks' advanced-level certification and training conference, held on this date every year. A well-trained municipal clerk is an asset to any city government and its citizens. Also, the later date in May could force any runoff election into late June or early July. Effectively, this would eliminate any opportunity for a newly elected council or school board member to have a say in their budget process, which is completed by then. Voter turnout for a June or July runoff would be

very low and thus expensive. If the earlier date occasionally conflicts with Cinco de Mayo (May 5) celebrations, it could be an incentive for people who are already out in the community celebrating to exercise their civic duty and vote.

**OPPONENTS
SAY:**

The May uniform election date should be left on the third Saturday. The general primary election date has been moved to the first Tuesday in March in even-numbered years. Combined with the proposal to move the runoff primary election date to the second Tuesday in April, a May uniform election date on the first Saturday would give voters little time to recover from one election to the next. Also, an election on the first Saturday in May could conflict with celebrating Cinco de Mayo (May 5) in some years.

NOTES:

The committee substitute modified the filed version of HB 1 by requiring each local canvassing authority to convene to conduct the local canvass not earlier than the 8th day or later than the 11th day after election day, rather than on the 11th day after election day. The substitute also modified the effective date to be the 91st day after the last day of the third called session.

An almost identical bill, HB 16 by Denny, passed the House and the Senate during the first called session, but died when it was not signed in the Senate due to lack of a quorum on the final day of the session.