

- SUBJECT:** Revising certain election processes and procedures
- COMMITTEE:** Elections — favorable, without amendment
- VOTE:** 8 ayes — L. Taylor, Hernandez Luna, Berman, Branch, Burkett, Isaac, P. King, Veasey
- 0 nays
- 1 absent — Farias
- WITNESSES:** For — (*Registered, but did not testify:* Steve Raborn, Texas Association of Elections Administrators; Colleen Vera, King Street Patriots - True the Vote Initiative; B. R. “Skipper” Wallace, Texas Republican County Chairman’s Association; Suzy Young, Brown County Elections)
- Against — None
- On — Ann McGeehan, Office of the Secretary of State
- BACKGROUND:** The secretary of state makes periodic recommendations to clean up the Election Code. HB 2817 would implement these recommendations.
- Under current law, the county chair of a political party whose candidate for governor received the highest or second highest number of votes in the county submits a list of names of possible election judges for each precinct. The presiding judge is selected precinct by precinct from the list of the party with the highest votes in the precinct.
- DIGEST:** HB 2817 would make several changes to the Election Code.
- Voting history.** The registrar would be required to electronically submit to the secretary of state the record of each voter participating in an election by the 30th day after the primary, runoff primary, general election, or special election.
- Criminal conduct in an election.** The bill would add a provision relating to the referral of a complaint alleging criminal conduct in connection with an election to the attorney general. Documents received by the attorney

general from the secretary of state would not be considered public information until the attorney general had completed the investigation or had made a determination that an investigation was not warranted.

Contract for election services. A contract for election services between the county election officer and the county executive committee of a political party no longer would have to be approved by the secretary of state. The secretary of state also no longer would intervene if the county elections administrator and a political subdivision or political party was unable to reach an agreement for election services.

Appointing election judges. The bill would amend the process for appointing election judges for each regular county election precinct. The bill would add a provision to resolve what happened when there was a tie in the number of votes for governor in a precinct. In this situation, the list of the party with the most votes in the county as a whole would determine the presiding judge.

Electronic devices. The bill would update code provisions banning “any mechanical or electronic means” of recording images or sound for persons such as election watchers. The code instead would ban a “device” capable of recording images or sound unless it was disabled or deactivated.

Early voting ballot board. The early voting clerk no longer would be required to deliver each ballot box to the early voting ballot board. A custodian would retain possession of the ballot box key until it was delivered to the presiding judge of the central counting station, rather than the early voting ballot board.

Changing county of residence. A person would be allowed to vote during the early voting period in a new county of residence if the person was registered in the county of former residence at the time the person submitted a voter registration application in the new county, provided other requirements were also met.

Counting station. The counting station manager would be required to include in the plan for the central counting station a process for comparing the number of voters who signed the combination form with the number of votes cast for the entire election.

Application for place on ballot. The bill would amend the deadlines for posting notice of the period for filing an application for a place on a ballot. The notice would have to be posted not later than the 30th day before:

- the first day on which a candidate could file the application; or
- the last day on which a candidate could file the application, if the Election Code did not designate a first day on which the candidate could file the application.

The deadlines above would not apply to an office filled at the general election for state and county officers.

Withdrawal of candidate. Withdrawal from an election would have no legal effect if it was not in writing and signed by the candidate and timely filed with the appropriate authority. Votes for withdrawn candidates would be treated in the same manner as votes cast for deceased or ineligible candidates.

The general deadline for withdrawing from an election would be changed. A candidate would have to withdraw by 5 p.m. of the third day after the deadline for filing the an application for a place on the ballot, except as otherwise provided, rather than being required to withdraw by 5 p.m. of the second day before the beginning of early voting, as under current law.

A candidate for nomination could not withdraw from the general primary election after the first day after the deadline for filing the candidate's application for a place on the general primary election ballot.

Certification of population. The Texas Ethics Commission would be required to make the written certification of the population of each judicial district for which a candidate for judge had to file a campaign treasurer appointment.

Local option liquor election. The bill would add requirements for a notice in a newspaper to call a local option election on alcoholic beverages. The notice would have to include:

- the individual or entity applying for the petition to gather signatures for the election;
- the type of local option liquor election;

- the name of the political subdivision in which the petition would be circulated; and
- the name and title of the person with whom the application would be filed.

Repealed provisions. The bill would repeal several provisions:

- requirements for the registrar to prepare an annual registration report and file a preelection registration statement;
- special time of delivery rules for paper ballots and automatically counted ballots;
- a special deadline for withdrawal for a candidate in a runoff election

Effective date. The bill would take effect on September 1, 2011.

NOTES:

The companion bill, SB 849 by Duncan, was reported favorably, as substituted, by the Senate State Affairs Committee on May 4 and recommended for the Local and Uncontested Calendar.