

SUBJECT: Changing certain dates and deadlines in the Election Code

COMMITTEE: Elections — favorable, without amendment

VOTE: 6 ayes — Laubenberg, Goldman, Fallon, Phelan, Reynolds, Schofield

0 nays

1 absent — Israel

WITNESSES: For — Bill Sargent, Galveston County Clerk; (*Registered, but did not testify*: Rosemary Edwards; Kathy Haigler; Jason Vaughn; Heather Hawthorne, County and District Clerks Association of Texas; Ed Johnson, Harris County Clerk's Office; Alan Vera, Harris County Republican Party Ballot Security Committee; Cinde Weatherby, League of Women Voters of Texas; Glen Maxey, Texas Democratic Party; Julie Wheeler, Travis County Commissioners Court)

Against — None

On — Ashley Fischer, Texas Secretary of State; (*Registered, but did not testify*: Keith Ingram, Texas Secretary of State, Elections Division)

DIGEST: HB 3005 would define, in the Election Code, “national holiday” to mean a legal public holiday under 5 U.S.C. sec. 6103, and any holiday taken in lieu of one of those holidays if the holiday occurred on a Saturday or Sunday. The bill also would define “state holiday” to mean a state holiday under Government Code, sec. 662.003(b)(1) through sec. 662.003(b)(6).

This bill would move various dates in the Election Code, move the deadlines for a candidate to withdraw in certain circumstances, and change when a candidate’s name would appear on the ballot if the candidate was declared ineligible.

The bill would allow runoff elections following elections held on the uniform election date in May of an even-numbered year to be held within 30 days of a general primary election, or runoff primary election.

Write-in candidates running for office in a city or county would not be able to file a declaration of write-in candidacy earlier than the 30th day before the filing deadline for the declaration.

This bill would repeal:

- Education Code, sec. 11.055(c) which sets the filing deadline for positions on the board of trustees of an independent school district in elections held on the date of the general election for state and county officers as the 78th day before election day;
- Election Code, sec. 65.051(c) which exempts the date by which early voting ballot boards are required to verify and count provisional ballots from the effects of the deadline falling on a weekend or holiday; and
- Election Code, sec. 101.052(g) which provides a deadline of the 7th day before election day for a federal postcard application to be submitted.

The bill would take effect on September 1, 2015.

SUPPORTERS
SAY:

HB 3005 would fix several inconsistencies that have been inadvertently created in the Election Code from legislation enacted over the past few sessions. The bill would align candidate filing and mail-in ballot ordering deadlines for all uniform election dates, eliminate separate ordering deadlines for mail in ballots, ensure that primary blackout periods do not limit available dates for runoff elections, and ensure that agencies have enough time to meet deadlines imposed on them for printing ballots, counting and verifying ballots, and delivering applications for mail-in ballots.

It also would prevent the early voting ballot board from having to meet twice to count provisional ballots and late ballots from overseas voters, align application deadlines for mail-in ballots and federal postcard ballots, close gaps between filing deadlines and replacement nomination deadlines, give candidates an appropriate amount of time to decide whether they should withdraw from elections, align various deadlines for certification of candidates, and remove sections of code that are no longer necessary after proposed changes.

HB 3005
House Research Organization
page 3

OPPONENTS No apparent opposition.
SAY: