SUBJECT: Preserving ballot order in runoff and tie-resolving elections

COMMITTEE: Elections — favorable, without amendment

VOTE: 9 ayes — Klick, Cortez, Bucy, Burrows, Cain, Fierro, Israel, Middleton,
                Swanson

                0 nays

WITNESSES: For —Alan Vera, Harris County Republican Party Ballot Security
                Committee; Ed Johnson; (*Registered, but did not testify*: Cary Roberts,
                County and District Clerks' Association of Texas; Cinde Weatherby,
                League of Women Voters of Texas; Chris Davis, Texas Association of
                Elections Administrators; Windy Johnson, Texas Conference of Urban
                Counties; Glen Maxey, Texas Democratic Party; Deece Eckstein, Travis
                County Commissioners Court)

                Against — None

                On — Christina Adkins, Texas Secretary of State-Elections Division

BACKGROUND: Election Code sec 52.094 requires that the order of names on a ballot for a
                nonpartisan general or special election be listed on the ballot in an order
                determined by a drawing.

DIGEST: HB 88 would require the order of candidates' names on ballots used in
                runoff elections or elections held to resolve a tie be determined not by a
                drawing but by the relative order of names on the original ballot.

                This bill would take effect September 1, 2019.

SUPPORTERS   HB 88 would eliminate inefficiencies in the preparation of ballots for
SAY: runoff elections and elections held to resolve a tie, reducing the time
                between the original and subsequent elections and saving money for
                elections administrators.

Current law requires election officials to hold a drawing to determine the order of names on the ballot for certain elections. If a runoff election or an election to resolve a tie is required, the order of the names on the new ballot is determined by a second drawing. The later drawing cannot be conducted until the results of the original election are certified by election officials.

These requirements create a significant delay in the production of ballots, which causes the second election to take place later than it otherwise would, and the need for ballots to be generated quickly creates higher production costs in the form of overtime and expediting fees for printers or programmers. HB 88 would streamline the election process and save counties time and money.

This problem used to occur in party primaries until HB 1735 was enacted in 2017, which required the order of names on the ballot to remain the same from the first to the second election. This bill would implement the same solution in applicable runoff elections and elections held to resolve a tie.

OPPONENTS
SAY:

No concerns identified.