

BILL ANALYSIS

Senate Research Center

H.B. 3206
By: Danburg (Shapleigh)
State Affairs
5/14/1999
Engrossed

DIGEST

Currently, there are some discontinuities in the interpretations of certain election procedures. H.B. 3206 would reconcile older law with newer law, specifically to implement 1997 changes in the Texas Election Code as well as to further implement the National Voter Registration Act. This bill would also make changes to existing laws concerning existing election processes and procedures.

PURPOSE

As proposed, H.B. 3206 amends certain election processes and procedures, and provides criminal penalties.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 1.005, Election Code, to define "electioneering."

SECTION 2. Amends Chapter 1, Election Code, by adding Section 1.017, as follows:

Sec. 1.017. RELATIONSHIP INVOLVING INFORMAL MARRIAGE. Includes informal marriage described by Section 2.401, Family Code, for purposes of this code and certain other law.

SECTION 3. Amends Section 2.025, Election Code, to require a runoff election to be held by the 45th day, rather than 20th day after final canvass. Deletes text requiring a runoff election by a certain date. Makes conforming changes.

SECTION 4. Amends Section 2.051(b), Election Code, to make this chapter applicable to certain unopposed at-large races. Makes conforming changes.

SECTION 5. Amends Section 2.053(c), Election Code, to require a certificate of election to be issued at the same time as provided for a candidate elected at the election. Requires the candidate to qualify for the office in the same manner as provided for a candidate election at the election.

SECTION 6. Amends Section 13.072(c), Election Code, to delete Subsection (e) as an exception to certain determinations by the registrar.

SECTION 7. Amends Section 13.073, Election Code, to set forth policies and procedures in the event the registrar rejects an application for registration.

SECTION 8. Amends Section 15.025, Election Code, as follows:

Sec. 15.025. New heading: EFFECTIVE DATE OF CERTAIN CHANGES IN REGISTRATION INFORMATION. Provides exceptions to registration requirements. Establishes that a change in registration information covered by this section is effective for purposes of early voting if it will be effective on election day. Considers a document submitted by mail to be submitted to the registrar by a certain date, and sets forth provisions regarding the date for weekends and holidays.

SECTION 9. Amends Section 16.0332(a), Election Code, to require the registrar to deliver proof of citizenship in the form of a birth certificate, U.S. passport, or certificate of naturalization or any other form prescribed by the secretary of state.

SECTION 10. Amends Section 16.036(a), Election Code, to require the registrar to deliver a notice of a cancellation under Section 16.0332.

SECTION 11. Amends Section 19.001(a), Election Code, to make conforming changes.

SECTION 12. Amends Section 43.031, Election Code, by adding Subsection (e), to prohibit a polling place from being located in certain places.

SECTION 13. Amends Section 63.0101, Election Code, to require certain affidavit documentation to be proof of identification.

SECTION 14. Amends Chapter 83B, Election Code, by adding Section 83.035, as follows:

Sec. 83.035. DEPUTIES SERVING AT MAIN EARLY VOTING POOLING PLACE IN CERTAIN ELECTIONS. Sets forth policies and procedures for a deputy serving at a polling place. Requires the secretary of state to prescribe procedures necessary to implement this section.

SECTION 15. Amends Section 84.001, Election Code, by adding Subsection (f), to authorize an applicant for a ballot to be voted by mail on the ground of age or disability to apply on the same application for ballots for each election in which the applicant may be eligible to vote in the calendar year.

SECTION 16. Amends Section 84.032, Election Code, to require a request to be received by the early voting chair, except as provided by Subsection (e). Authorizes an applicant to submit a request at certain times.

SECTION 17. Amends Sections 85.036(a) and (b), Election Code, to require certain polling ballots to be within 100 feet, rather than 30 feet, of the entrance to the room in which it is located.

SECTION 18. Amends Section 86.003(d), Election Code, to require a form for a statement of residence to be provided to a voter in accordance with Section 86.002. Requires the voter to be rejected under certain circumstances regarding the address on the registration.

SECTION 19. Amends Section 86.007, Election Code, to require a marked ballot to be counted under certain circumstances. Deletes requirements for a marked ballot not to be counted. Makes conforming changes.

SECTION 20. Amends Section 87.0241, Election Code, to establish until when the early voting ballot board (board) may not count early voting ballots. Requires the secretary of state to prescribe any procedures necessary for implementing this section.

SECTION 21. Amends Section 87.026, Election Code, to prohibit a person from being in a meeting of a board or signature verification committee (committee). Makes a conforming change.

SECTION 22. Amends Section 87.027(f), Election Code, to prohibit the committee from continuing operation after a certain date.

SECTION 23. Amends Section 87.0271(a), Election Code, to require a request to be submitted by a certain date.

SECTION 24. Amends Section 87.041(b), Election Code, to authorize a ballot to be accepted if the address to which the ballot was mailed to the voter is an address that is otherwise required by Sections 84.002 and 84.003.

SECTION 25. Amends Section 87.0431, Election Code, to provide that an original or copy of a notice is not available for public inspection until the early voting election returns until certain returns are delivered.

SECTION 26. Amends Section 87.1231, Election Code, to delete a prohibition regarding the early voting

clerk.

SECTION 27. Amends Section 87.125(a), Election Code, to require the board to convene to count ballots that arrive by a certain time.

SECTION 28. Amends Chapter 87G, Election Code, by adding Sections 87.126 and 87.127, as follows:

Sec. 87.126. UNLAWFULLY DIVULGING VOTE. Makes it an offense when a person was at the meeting place and knowingly communicates with another person certain information, which is a felony of the third degree. Provides that this section does not apply to information presented in an official investigation or other official proceedings.

Sec. 87.127. UNLAWFULLY REVEALING INFORMATION BEFORE POLLS CLOSE. Sets forth information that a person may reveal at the meeting place and commit an offense, which is a Class C misdemeanor.

SECTION 29. Amends Section 88.004, Election Code, by adding Subsection (d), to make conforming changes.

SECTION 30. Amends Section 102.003(b), Election Code, to authorize an application to be submitted before 5 p.m., rather than 2 p.m.

SECTION 31. Amends Section 104.003, Election Code, to authorize voting to begin at 7 a.m., rather than 10 a.m. Makes conforming changes.

SECTION 32. Amends Section 112.006, Election Code, as follows:

Sec. 112.006. New heading: TIME AND PLACE FOR VOTING BY PERSONAL APPEARANCE. Makes conforming changes.

SECTION 33. Amends Chapter 125C, Election Code, by adding Section 125.0611, as follows:

Sec. 125.0611. PROVIDING SEPARATE BALLOT PART FOR WRITE-IN VOTING. Requires a certain part of a write-in ballot to be provided with the electronic ballot. Prohibits a voting from being required to request a separate part.

SECTION 34. Amends Section 127.006, Election Code, by adding Subsection (e), to require clerks to be affiliated or aligned with different political parties.

SECTION 35. Amends Sections 127.130(d) and (e), Election Code, delete text regarding a manual count of voting ballot about the conditions of the chad.

SECTION 36. Amends Section 141.004, Election Code, as follows:

Sec. 141.004. New heading: EFFECT OF BOUNDARY CHANGE ON RESIDENCE REQUIREMENT FOR POLITICAL SUBDIVISION. Considers certain parts of a political subdivision territory for voting requirements.

SECTION 37. Amends Sections 146.051 and 146.055, Election Code, to make nonsubstantive changes.

SECTION 38. Amends Section 173.011(b), Election Code, to require the secretary of state, rather than the county clerk, to receive remittance of certain surplus funds. Deletes language requiring the funds to be used only for paying certain expenses.

SECTION 39. Amends Section 212.001, Election Code, to require a recount document to be accompanied by a deposit as provided by Subchapter F.

SECTION 40. Amends Section 212.088(a), Election Code, to make conforming changes.

SECTION 41. Amends Section 212.111(b), Election Code, to require a deposit to be made in cash or money order.

SECTION 42. Amends Section 271.011, Election Code, by adding Subsection (c), to authorize a joint local canvass to be conducted on certain dates.

SECTION 43. Repealers: Sections 13.072(e), 15.026, and 212.111(e), Election Code (Action on Application; Effective Date of Registration Under New Name; Deposit Required).

SECTION 44. Effective date: September 1, 1999.

SECTION 45. Emergency clause.