BILL ANALYSIS

Senate Research Center

H.B. 1146
By: Bonnen (Janek)
State Affairs
5/18/2007
Committee Report (Amended)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Texas Election Code and federal rules require electronic voting machines at polling places to ensure accessibility to those with disabilities. An electronic voting machine can add substantial fiscal implications to the cost of conducting an election for very small municipalities.

H.B. 1146 authorizes cities that have a population of less than 250 to conduct elections entirely by mail. This will save them the cost of the electronic voting machine, while still making it easy for voters with disabilities to cast a ballot.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subtitle B, Title 7, Election Code, by adding Chapter 107, as follows:

CHAPTER 107. VOTING BY MAIL IN CERTAIN SMALL CITIES

Sec. 107.001. AUTHORITY TO CONDUCT MAIL-ONLY ELECTION. (a) Authorizes a city with a population of less than 250 to by ordinance provide that one or more elections held by the city will be conducted only by mail under this chapter.

(b) Requires the ordinance to be adopted before the 90th day before the election date of the first election conducted by mail under this chapter.

Sec. 107.002. CONDUCT OF MAIL-ONLY ELECTION. (a) Provides that, in an election held under this chapter, a person is required to vote early by mail and that voting by personal appearance is not permitted.

(b) Requires the early voting clerk, not more than 45 days and not less than 21 days before the deadline for requesting a ballot under this section, to send to each registered voter of the city a postage-paid ballot application. Requires the city to include with the ballot application a statement to educate voters about the mail-only election that contains instructions on how to obtain a ballot and how to vote in the election.

(c) Requires a registered voter, to vote in an election held under this chapter, to request a ballot from the early voting clerk, in writing or in person at the office of the early voting clerk, not later than the seventh day before election day. Requires a written request to be signed by the voter. Requires the early voting clerk to provide an official ballot to each registered voter in the city who requests a ballot under this subsection in the manner provided by Chapter 86.

(d) Requires the balloting materials to be sent to the address at which the voter is registered to vote, unless the voter has applied for a ballot to be voted early by mail under Chapter 84 and the balloting materials are to be sent to a different address as authorized by Section 86.003(c).

Sec. 107.003. NOTICE OF MAIL-ONLY ELECTION. (a) Requires a city conducting an election by mail under this chapter to publish notice in a newspaper of general circulation in the city at least once during the week before the deadline for a voter to request a ballot.

(b) Requires the notice to state certain information.

Sec. 107.004. TIME FOR PROVIDING BALLOT. (a) Requires the balloting materials for an election held under this chapter, except as provided by Subsection (b), to be mailed to a voter not later than the 25th day before election day.

(b) Provides that Section 86.004 applies to the mailing of a ballot to a voter who applied for a ballot to be voted early by mail under Chapter 84.

Sec. 107.005. APPLICABILITY OF EARLY VOTING BY MAIL PROVISIONS. Provides that, except as otherwise provided by this chapter, the provisions applicable to early voting by mail apply to an election held under this chapter.

Sec. 107.006. ADDITIONAL PROCEDURES. Requires the secretary of state to prescribe any additional procedures necessary to implement this chapter.

SECTION 2. Effective date: upon passage or September 1, 2007.

SUMMARY OF COMMITTEE CHANGES

Amends H.B. 1146 (engrossed version) at page 3, line 20, to include Section 107.007, as follows:

Sec. 107.007. SUNSET PROVISION. Provides that this chapter expires January 1, 2009.

Amends H.B. 1146 by adding the following appropriately numbered SECTION and renumbering subsequent SECTIONS of the bill as necessary:

SECTION __. Amends Section 84.004, Election Code, by adding Subsection (b-1), as follows:

(b-1) Provides that it is an exemption to the application of Subsection (a) (providing that a person commits an offense if, in the same election, the person signs an early voting ballot application as a witness for more than one applicant) that the person signed early voting ballot applications for more than one applicant in an election conducted under Chapter 107. Provides that this subsection expires January 1, 2009.