

## **BILL ANALYSIS**

Senate Research Center  
83R3851 ADM-D

H.B. 985  
By: Elkins (Huffman)  
State Affairs  
5/10/2013  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Concerned parties report that election officials in certain large counties do not have adequate time to review the thousands of provisional ballots and affidavits that are generated during each election. Such cases, the parties note, could constitute a violation of law.

H.B. 985 amends current law relating to the deadlines by which provisional ballots must be processed and the state canvass must be conducted for certain elections.

### **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 Section 65.051, Election Code, by adding Subsection (a-1), as follows:

(a-1) Requires the early voting ballot board, notwithstanding Subsection (a), for an election held on the date of the general election for state and county officers, to verify and count provisional ballots as provided by this subchapter not later than the 13th day after the date of the election.

SECTION 2. Amends Section 65.052, Election Code, as follows:

Sec. 65.052. DUTY OF VOTER REGISTRAR. Requires the secretary of state (SOS) to prescribe procedures by which the voter registrar of the county in which a provisional ballot is cast is required to provide assistance to the early voting ballot board in executing its authority under this subchapter. Requires that the procedures allow for seven calendar days for the voter registrar to review a provisional voter's eligibility in an election described by Section 65.051(a-1).

SECTION 3. Amends Section 67.003, Election Code, by amending Subsection (a) and adding Subsection (c), as follows:

(a) Requires each local canvassing authority, except as provided by Subsection (b) (relating to requiring that the local canvass for an election held on the uniform election date in May be held between certain dates) or (c), to convene to conduct the local canvass at the time set by the canvassing authority's presiding officer not earlier than the eighth day or later than the 11th day after election day.

(c) Authorizes the time for the local canvass to be set not later than the 14th day after election day in an election described by Section 65.051(a-1).

SECTION 4. Amends Section 67.012(a), Election Code, as follows:

(a) Requires the governor to conduct the state canvass at the time set by SOS not earlier than the 15th or later than the 30th day after election day, or for an election described by

Section 65.051(a-1), not earlier than the 18th or later than the 33rd day after election day.  
Makes a nonsubstantive change.

SECTION 5. Effective date: September 1, 2013.