

BILL ANALYSIS

Senate Research Center
86R31951 GRM-F

C.S.H.B. 88
By: Swanson (Fallon)
State Affairs
5/10/2019
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

H.B. 88 would avoid the inefficiency and delay of re-drawing ballot order for candidates in a runoff by providing that the candidates' names would appear on the runoff ballot in the same relative order they appeared in the initial election.

The same would also apply in the rare instance of a tie election (for which Texas law requires a second election be conducted). (Original Author's/Sponsor's Statement of Intent)

C.S.H.B. 88 amends current law relating to an election 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 Section 2.002(d), Election Code, to require the order of the candidates' names on the ballot in an election requiring a plurality vote to be the relative order of names on the original ballot, rather than to be determined by a drawing in accordance with Section 52.094 (Names of Candidates).

SECTION 2. Amends Section 52.075, Election Code, as follows:

Sec. 52.075. MODIFICATION OF BALLOT FORM FOR CERTAIN VOTING SYSTEMS. (a) Creates this subsection from existing text. Authorizes the secretary of state to prescribe the form and content of a ballot for an election using a voting system, including an electronic voting system or a voting system that uses direct recording electronic voting machines or ballot marking devices, rather than an electronic voting system or a voting system that uses direct recording electronic voting machines, to conform to the formatting requirements of the system.

(b) Defines "ballot marking device," "direct recording electronic voting machine," "electronic voting system," and "voting system."

SECTION 3. Amends Sections 52.094(a) and (c), Election Code, as follows:

(a) Requires the order of the candidates' names on the ballot of any resulting runoff election or election held to resolve a tie vote to be the relative order of names on the original election ballot.

(c) Deletes existing text requiring the notice of the date, hour, and place of the drawing, for a runoff election or an election held to resolve a tie vote, to remain posted for 24 hours immediately preceding the scheduled time of the drawing.

SECTION 4. Amends Section 121.003, Election Code, by adding Subdivision (13) to define "ballot marking device."

SECTION 5. Effective date: September 1, 2019.