

## **BILL ANALYSIS**

C.S.H.B. 3122  
By: Faircloth  
Elections  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Interested observers have expressed concern that when the end of the presentation of identification six-day cure period falls on a holiday, the period extends to a seventh day—the same day by which the early voting ballot board must act—making it difficult for the board to complete its work on time. In addition, if the board makes any errors, election officials have no standing to seek judicial review to remedy the errors. C.S.H.B. 3122 seeks to address these concerns.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.H.B. 3122 amends the Election Code to extend from the seventh day after the date of an election to the ninth day after the date of an election the deadline by which the early voting ballot board is required to verify and count provisional ballots.

C.S.H.B. 3122 authorizes a county election officer who determines a ballot was incorrectly rejected by the early voting ballot board before the time set for convening the canvassing authority to petition a district court for injunctive or other relief as the court determines appropriate.

### **EFFECTIVE DATE**

September 1, 2015.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 3122 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

#### INTRODUCED

SECTION 1. Section 65.051(a), Election

#### HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Section 65.051(a), Election

84R 25593

15.113.1101

Substitute Document Number: 84R 19833

Code, is amended to read as follows:  
(a) The early voting ballot board shall verify and count provisional ballots as provided by this subchapter not later than the 13th ~~seventh~~ day after the date of an election.

SECTION 2. Section 67.003, Election Code, is amended to read as follows:

Sec. 67.003. TIME FOR LOCAL CANVASS. (a) Except as provided by Subsection (b) ~~[or—(e)]~~, each local canvassing authority shall 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 14th ~~14th~~ day after election day.

(b) For an election held on the uniform election date in May, the local canvass must occur not later than the 14th ~~14th~~ day after election day and not earlier than the later of:

- (1) the third day after election day;
- (2) the date on which the early voting ballot board has verified and counted all provisional ballots, if a provisional ballot has been cast in the election; or
- (3) the date on which all timely received ballots cast from addresses outside of the United States are counted, if a ballot to be voted by mail in the election was provided to a person outside of the United States.

~~[(e) In an election described by Section 65.051(a-1), the time for the local canvass may be set not later than the 14th day after election day.]~~

SECTION 3. Subchapter G, Chapter 87, Election Code, is amended.

SECTION 4. This Act takes effect September 1, 2015.

Code, is amended to read as follows:  
(a) The early voting ballot board shall verify and count provisional ballots as provided by this subchapter not later than the ninth ~~seventh~~ day after the date of an election.

~~No equivalent provision.~~

SECTION 2. Same as introduced version.

SECTION 3. Same as introduced version.