

## **BILL ANALYSIS**

C.S.H.B. 2628  
By: Vo  
Elections  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

It has been noted that some smaller counties do not have the capability to post election night returns online, which hinders the availability of this information for residents of the county. It has been suggested that the secretary of state now has the technology to post all election returns, including county-level election returns, on its website. C.S.H.B. 2628 seeks to provide for this online posting of election returns by revising the manner of reporting and maintaining certain information relating to candidates and election returns.

### **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. 2628 amends the Election Code to include an election for a county or precinct office among the elections for which the county clerk is required to prepare county election returns. The bill removes the requirement for county election returns to be delivered in a sealed envelope that is labeled with the applicable county and election and removes the requirement for the secretary of state to deliver officially prescribed envelopes for delivering the returns to the secretary.

C.S.H.B. 2628 specifies that the method by which any changes in a political party's county or precinct chairs must be reported to the secretary of state is by posting online in the database maintained for this purpose. The bill changes the manner in which state and county chairs are required to submit the requisite candidate information pertaining to primary election candidates for purposes of the secretary of state's online database by requiring the chairs to submit the information electronically. The bill specifies that the method by which the secretary of state is required to be notified if a candidate withdraws, dies, or is declared ineligible, or if the candidate's application is determined not to comply with the applicable requirements, is by electronic submission to the secretary of state's website. The bill replaces the requirement for the secretary of state to archive and keep available for inspection a list of all candidates for whom the requisite information has been submitted and to prescribe methodology for distribution to each county clerk and state chair with a requirement for the secretary of state to make that list available on the secretary of state's website and to archive the list on the website for historical purposes after the election.

C.S.H.B. 2628 revises the requirements for public notice of an extended deadline for filing an application for a place on the ballot due to a withdrawn, deceased, or ineligible candidate by

requiring the authority preparing the notice to post the notice on the authority's website, if one is maintained, and additionally to deliver a copy of the notice to, as applicable:

- for a candidate for an office filled by voters of a single county:
  - at least one daily newspaper published in the county or, if none, at least one weekly newspaper published there, if any; and
  - the county clerk, to be posted on the county clerk's website; or
- for a candidate for an office filled by voters of more than one county:
  - at least three daily newspapers that regularly maintain a news representative at the State Capitol; and
  - the secretary of state, to be posted on the secretary of state's website.

C.S.H.B. 2628 includes "accepted" and "rejected" among the notations the secretary of state is required to develop to describe the status of each primary candidate and exempts the county chair from the requirement to update those notations after each general primary and runoff primary election if the secretary of state's website automatically updates the notations based on election returns.

C.S.H.B. 2628 expands the contents of the list required to be delivered to the secretary of state by an authority with whom an application for nomination by a convention is filed by including any additional information required by the secretary of state and requires the list to be in a format prescribed by the secretary of state. The bill changes the format in which the presiding officer of a convention held by a party with state organization is required to certify for placement on the general election ballot the name and address of each candidate nominated by the convention from a written format to a format prescribed by the secretary of state.

#### **EFFECTIVE DATE**

September 1, 2019.

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

While C.S.H.B. 2628 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute does not include a prohibition against a county or precinct chair participating in any votes of an executive committee unless the chair's information has been reported to the secretary of state.

The substitute does not remove certain requirements for an authority ordering an election to deliver the applicable notice to certain newspapers.