

- SUBJECT:** Deadlines for processing provisional ballots and conducting canvasses
- COMMITTEE:** Elections — favorable, without amendment
- VOTE:** 7 ayes — Morrison, Miles, Johnson, Klick, Miller, Simmons, Wu
0 nays
- WITNESSES:** For — Dana DeBeauvoir; Sondra Haltom, Empower the Vote Texas; Ed Johnson, Harris County Clerk’s Office; Glen Maxey, Texas Democratic Party; B R “Skipper” Wallace, Republican County Chairmans Association; (*Registered, but did not testify:* Jacquelyn Callanen, Bexar County Elections; Cheryl Johnson, Galveston County Tax Office; John Oldham, Texas Association of Election Administrators; Eric Opiela; Sheryl Swift, Galveston County Tax Office)

Against — (*Registered, but did not testify:* Stewart Snider, League of Women Voters of Texas)

On — (*Registered, but did not testify:* Keith Ingram, Texas Secretary of State, Elections Division)
- BACKGROUND:** Election Code, sec. 65.051, requires the early voting ballot board to verify and count provisional ballots not later than the seventh day after the date of the election. The secretary of state sets procedures regarding how a county’s voter registrar must assist the early voting ballot board to verify and count provisional ballots.

Under sec. 67.003, a local canvassing authority must meet to conduct the local canvass no earlier than the eighth day or no later than the 11th day after the election, except for elections held on the uniform election date in May. Under sec. 67.012, the governor must conduct the state canvass no earlier than the 15th or no later than the 30th day after the election.
- DIGEST:** HB 985 would require the early voting ballot board to verify and count provisional ballots in a general election for state and county officers no later than the 13th day after the election. The secretary of state would have to set procedures allowing the voter registrar seven calendar days to review a provisional voter’s eligibility in a general election for state and

county officers.

The local canvass could be set no later than the 14th day after a general election for state and county officers and the state canvass no earlier than the 18th day or no later than the 33rd day after the election.

The bill would take effect September 1, 2013.

**SUPPORTERS
SAY:**

HB 985 would help voter registrars comply with the law and provide a more appropriate deadline for processing provisional ballots and completing a canvass. It is sometimes impossible for voter registrars and early voting ballot boards to complete their duties under Election Code, sec. 65.051 within the prescribed limits. In some Harris County elections, more than 8,000 provisional ballots are cast, and simply collecting the ballots can take half the allotted time. It is important to protect the integrity of voting, and HB 985 would ensure that election administrators and officials did their jobs correctly and not just quickly.

The delay caused by the bill in the final posting of election results would be negligible, if it occurred at all. The bill would push the deadline for the governor's canvass back by only three days, and this extra time would be needed to compensate for that allotted to other entities by the bill. The bill would have no effect on the unofficial results, which would still come in on election night as they always do. The official canvassed results would be pushed back, at most, by three days.

**OPPONENTS
SAY:**

HB 985 could create delays in the announcement of official election results. By pushing back the deadlines for the processing of provisional ballots and the local and state canvasses, the bill would allow the governor's office to conduct the state canvass later and delay the results of general elections.

NOTES:

During the 2011 regular session, the House unanimously passed a similar bill, HB 2190 by Elkins, which was placed on the Senate local and uncontested calendar but not enacted.