

By: Schofield

H.B. No. 19

A BILL TO BE ENTITLED

AN ACT

relating to the practices and procedures of federal elections.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 1.002(a), Election Code, is amended to read as follows:

(a) This code applies to all general, special, federal, and primary elections held in this state.

SECTION 2. Section 1.005, Election Code, is amended to read as follows:

Sec. 1.005. DEFINITIONS. In this code:

(1) "City secretary" includes a city clerk or, in a city that has no city secretary or clerk, the city officer who performs the duties of a city secretary.

(2) "County election precinct" means an election precinct established under Section 42.001.

(3) "County office" means an office of the county government that is voted on countywide.

(4) "District office" means an office of the federal or state government that is not voted on statewide.

(4-a) "Federal election" means a primary or general election for a federal office or a resulting runoff election.

(4-b) "Federal judge" means:

(A) a judge, former judge, or retired judge of a United States court of appeals;

1 (B) a judge, former judge, or retired judge of a
2 United States district court;

3 (C) a judge, former judge, or retired judge of a
4 United States bankruptcy court; or

5 (D) a magistrate judge, former magistrate judge,
6 or retired magistrate judge of a United States district court.

7 (4-c) "Federal office" means the offices of president
8 and vice president of the United States, United States senator, or
9 United States representative.

10 (5) "Final canvass" means the canvass from which the
11 official result of an election is determined.

12 (6) "General election" means an election, other than a
13 primary election, that regularly recurs at fixed dates.

14 (7) "General election for state and county officers"
15 means the general election at which officers of the [~~federal~~]
16 state[~~r~~] and county governments are elected.

17 (8) "Gubernatorial general election" means the
18 general election held every four years to elect a governor for a
19 full term.

20 (9) "Independent candidate" means a candidate in a
21 nonpartisan election or a candidate in a partisan election who is
22 not the nominee of a political party.

23 (10) "Law" means a constitution, statute, city
24 charter, or city ordinance.

25 (11) "Local canvass" means the canvass of the precinct
26 election returns.

27 (12) "Measure" means a question or proposal submitted

1 in an election for an expression of the voters' will.

2 (13) "Political subdivision" means a county, city, or
3 school district or any other governmental entity that:

4 (A) embraces a geographic area with a defined
5 boundary;

6 (B) exists for the purpose of discharging
7 functions of government; and

8 (C) possesses authority for subordinate
9 self-government through officers selected by it.

10 (14) "Primary election" means an election held by a
11 political party under Chapter 172 to select its nominees for public
12 office, and, unless the context indicates otherwise, the term
13 includes a ~~[presidential]~~ primary election for a federal office.

14 (15) "Proposition" means the wording appearing on a
15 ballot to identify a measure.

16 (16) "Registered voter" means a person registered to
17 vote in this state whose registration is effective.

18 (17) "Residence address" means the street address and
19 any apartment number, or the address at which mail is received if
20 the residence has no address, and the city, state, and zip code that
21 correspond to a person's residence.

22 (18) "Special election" means an election that is not
23 a general election or a primary election.

24 (18-a) "State judge" means:

25 (A) a judge, former judge, or retired judge of an
26 appellate court, a district court, a constitutional county court, a
27 county court at law, or a statutory probate court of this state;

1 (B) an associate judge appointed under Chapter
2 201, Family Code, or a retired associate judge or former associate
3 judge appointed under that chapter;

4 (C) a magistrate or associate judge appointed
5 under Chapter 54 or 54A, Government Code;

6 (D) a justice of the peace; or

7 (E) a municipal court judge.

8 (19) "Statewide office" means an office of the
9 [~~federal or~~] state government that is voted on statewide.

10 (21) "Uniform election date" means an election date
11 prescribed by Section 41.001.

12 (22) "Voting station" means the voting booth or other
13 place where voters mark their ballots or otherwise indicate their
14 votes at a polling place.

15 (23) "Voting year" means the 12-month period beginning
16 January 1 of each year.

17 (24) "Presidential primary election" means an
18 election held under Subchapter A, Chapter 191, at which a political
19 party's voters are given an opportunity to express their
20 preferences for the party's presidential candidates, or for an
21 "uncommitted" status if provided by party rule, for the purpose of
22 determining the allocation of the party's delegates from this state
23 to the party's national presidential nominating convention.

24 SECTION 3. Chapters 11, 12, 13, 14, 15, 16, 17, 18, 19, and
25 20, Election Code, are designated as Subtitle A, Title 2, Election
26 Code, and a heading is added to Subtitle A to read as follows:

27 SUBTITLE A. GENERAL REQUIREMENTS

1 SECTION 4. Section 11.002(a), Election Code, is amended to
2 read as follows:

3 (a) In this code, "qualified voter" means a person who:

4 (1) is 18 years of age or older;

5 (2) is a United States citizen;

6 (3) has not been determined by a final judgment of a
7 court exercising probate jurisdiction to be:

8 (A) totally mentally incapacitated; or

9 (B) partially mentally incapacitated without the
10 right to vote;

11 (4) has not been finally convicted of a felony or, if
12 so convicted, has:

13 (A) fully discharged the person's sentence,
14 including any term of incarceration, parole, or supervision, or
15 completed a period of probation ordered by any court; or

16 (B) been pardoned or otherwise released from the
17 resulting disability to vote;

18 (5) is a resident of this state; and

19 (6) is a registered voter under this subtitle.

20 SECTION 5. Title 2, Election Code, is amended by adding
21 Subtitle B to read as follows:

22 SUBTITLE B. FEDERAL ELECTIONS

23 CHAPTER 21. GENERAL PROVISIONS

24 Sec. 21.001. DEFINITIONS. In this subtitle:

25 (1) "Federal ballot" means a ballot that only lists
26 elections and candidates for federal office.

27 (2) "State election" means an election that is not a

1 federal election.

2 Sec. 21.002. FEDERAL ELECTIONS SEPARATE. (a)

3 Notwithstanding other law, a federal election is a separate
4 election from any other election in this state.

5 (b) A federal election under this subtitle may not list on
6 the federal ballot any proposition or election for state or county
7 office.

8 (c) To the extent feasible, a federal election and a state
9 election shall be held separately and concurrently using the same
10 precincts and polling locations.

11 Sec. 21.003. RULES. (a) The secretary of state shall adopt
12 rules to enact this subtitle.

13 (b) The rules adopted under this section must reduce voter
14 disruption and confusion to the greatest extent possible, including
15 by using the same area in which voters are being accepted for voting
16 and the same voting stations for state and federal elections.

17 CHAPTER 22. VOTER REGISTRATION FOR FEDERAL ELECTIONS

18 Sec. 22.001. DEFINITION. In this chapter, "military
19 service voter" means:

20 (1) a member of the armed forces of the United States;

21 (2) a member of the merchant marine of the United
22 States;

23 (3) a member of the Texas National Guard;

24 (4) a member of the National Guard of another state
25 serving on active duty under an order of the president of the United
26 States;

27 (5) a member of a reserve component of the armed forces

1 of the United States serving on active duty under an order of the
2 president of the United States or activated on state orders; or
3 (6) a spouse or dependent of a member of a military
4 organization listed in Subdivisions (1) through (5).

5 Sec. 22.002. ELIGIBILITY TO VOTE IN FEDERAL ELECTIONS. To
6 be eligible to vote in a federal election in this state, a person
7 must:

8 (1) be a qualified voter as defined by Section 11.002
9 on the day the person offers to vote; or

10 (2) meet all requirements for voter eligibility under
11 federal law and:

12 (A) meet all of the requirements to be a
13 qualified voter under Section 11.002 except the requirement under
14 Section 11.002(a)(6) that the person be a registered voter under
15 Subtitle A, and be:

16 (i) a military service voter; or

17 (ii) domiciled in this state but
18 temporarily living outside the territorial limits of the United
19 States and the District of Columbia; or

20 (B) be unable to complete the registration
21 requirements under Subtitle A.

22 Sec. 22.003. REGISTRATION FOR FEDERAL ELECTIONS. (a) The
23 secretary of state shall create and maintain a procedure by which a
24 person eligible under Section 22.002 may submit an application to
25 register to vote under this subtitle. The procedure under this
26 section must comply with all federal laws for voter registration.

27 (b) A person who submits an application for registration

1 under Chapter 13 that does not comply with all requirements under
2 Subtitle A but does comply with all requirements under federal law
3 shall be registered to vote under this subtitle.

4 (c) A person registered to vote under Subsection (b) who
5 submits an application for registration under Chapter 13 that is
6 accepted becomes registered to vote under Subtitle A.

7 CHAPTER 23. CONDUCT OF FEDERAL ELECTIONS

8 Sec. 23.001. CREATION OF FEDERAL BALLOT. The authority
9 preparing a ballot for a concurrent federal and state election
10 shall prepare a separate federal ballot for voters registered under
11 this subtitle.

12 Sec. 23.002. BALLOT RECEIVED BY VOTER IN FEDERAL ELECTION.

13 (a) A voter registered to vote under Subtitle A may vote a full
14 ballot containing propositions and candidates for office in state
15 and federal elections.

16 (b) A voter registered to vote under this subtitle may only
17 vote a federal ballot.

18 Sec. 23.003. OTHER CONDUCT. (a) Voting, tabulation, and
19 reporting procedures for a state election shall be conducted under
20 the provisions of this code.

21 (b) To the extent possible, voting, tabulation, and
22 reporting procedures for a federal election shall be conducted
23 under the provisions of this code.

24 (c) To the extent that federal law conflicts with a
25 provision of this code, voting, tabulation, and reporting
26 procedures for a federal election shall be conducted under the
27 provisions of the applicable federal law.

1 SECTION 6. Subchapter A, Chapter 41, Election Code, is
2 amended by adding Section 41.003 to read as follows:

3 Sec. 41.003. GENERAL ELECTION FOR FEDERAL OFFICERS. (a)
4 The general election for federal officers shall be held on the first
5 Tuesday after the first Monday in November in even-numbered years.

6 (b) To the extent feasible, the general election for federal
7 officers shall be held concurrently with the general election for
8 state and county officers.

9 SECTION 7. The heading to Section 41.007, Election Code, is
10 amended to read as follows:

11 Sec. 41.007. PRIMARY ELECTIONS FOR STATE AND COUNTY
12 OFFICERS.

13 SECTION 8. Sections 41.007(a) and (d), Election Code, are
14 amended to read as follows:

15 (a) The general primary election date for state and county
16 officers is the first Tuesday in March in each even-numbered year.

17 (d) No ~~[other]~~ election other than a primary election for
18 federal officers may be held on the date of a primary election.

19 SECTION 9. Subchapter A, Chapter 41, Election Code, is
20 amended by adding Section 41.0075 to read as follows:

21 Sec. 41.0075. PRIMARY ELECTIONS FOR FEDERAL OFFICERS. (a)
22 The primary election date for federal officers is the first Tuesday
23 in March in each even-numbered year.

24 (b) The runoff primary election date for federal officers is
25 the fourth Tuesday in May following the primary election for
26 federal officers.

27 (c) The presidential primary election date is the first

1 Tuesday in March in each presidential election year.

2 (d) To the extent feasible, the primary election for federal
3 officers shall be held concurrently with the primary election for
4 state and county officers.

5 SECTION 10. Section 42.002(a), Election Code, is amended to
6 read as follows:

7 (a) The county election precincts are the election
8 precincts for the following elections:

9 (1) the general election for state and county
10 officers;

11 (2) a special election ordered by the governor;

12 (3) a primary election;

13 (4) a countywide election ordered by the commissioners
14 court, county judge, or other county authority, except an election
15 subject to Section 42.062(2); ~~and~~

16 (5) a federal election; and

17 (6) as provided by Section 42.0621, any other election
18 held by a political subdivision on a uniform election date.

19 SECTION 11. Section 67.010(a), Election Code, is amended to
20 read as follows:

21 (a) The county election returns for an election for a
22 statewide office other than governor or lieutenant governor, a
23 statewide measure, a district office, or a federal office
24 [~~president and vice-president of the United States~~] shall be
25 canvassed by the governor.

26 SECTION 12. Section 84.014, Election Code, is amended to
27 read as follows:

1 Sec. 84.014. ACTION BY EARLY VOTING CLERK ON CERTAIN
2 APPLICATIONS. If an applicant provides a date of birth, driver's
3 license number, or social security number on the applicant's
4 application for an early voting ballot to be voted by mail that is
5 different from or in addition to the information maintained by the
6 voter registrar in accordance with Subtitle A, Title 2, the early
7 voting clerk shall notify the voter registrar. The voter registrar
8 shall update the voter's record with the information provided by
9 the applicant.

10 SECTION 13. Section 101.052, Election Code, is amended by
11 amending Subsections (e), (f), and (j) and adding Subsection (n) to
12 read as follows:

13 (e) An applicant who otherwise complies with applicable
14 requirements is entitled to receive a full ballot to be voted by
15 mail under this chapter if:

16 (1) the applicant submits a federal postcard
17 application to the early voting clerk on or before the 20th day
18 before election day; and

19 (2) the application contains the information that is
20 required for registration under Subtitle A, Title 2.

21 (f) The applicant is entitled to receive only a federal
22 ballot to be voted by mail under Chapter 114 if:

23 (1) the applicant submits the federal postcard
24 application to the early voting clerk after the date provided by
25 Subsection (e)(1) and before the deadline for submitting a regular
26 application for a ballot to be voted by mail; and

27 (2) the application contains the information that is

1 required for registration under Subtitle A, Title 2.

2 (j) If the early voting clerk determines that an application
3 that is submitted before the time prescribed by Subsection (e)(1)
4 does not contain the information that is required for registration
5 under Subtitle A, Title 2, the clerk shall notify the applicant of
6 that fact. If the applicant has provided a telephone number or an
7 address for receiving mail over the Internet, the clerk shall
8 notify the applicant by that medium.

9 (n) A federal postcard application that does not meet the
10 requirements of Subtitle A, Title 2, may still constitute
11 registration for federal elections if the federal postcard
12 application meets the requirements of Subtitle B, Title 2.

13 SECTION 14. Section 101.053(b), Election Code, is amended
14 to read as follows:

15 (b) If an applicant provides a date of birth, driver's
16 license number, or social security number on the applicant's
17 federal postcard application that is different from or in addition
18 to the information maintained by the voter registrar in accordance
19 with Subtitle A, Title 2, the early voting clerk shall notify the
20 voter registrar. The voter registrar shall update the voter's
21 record with the information provided by the applicant.

22 SECTION 15. Section 101.055, Election Code, is amended by
23 amending Subsection (a) and adding Subsection (a-1) to read as
24 follows:

25 (a) The submission of a federal postcard application that
26 complies with the [~~applicable~~] requirements of Subtitle A, Title 2,
27 by an unregistered applicant constitutes registration by the

1 applicant:

2 (1) for the purpose of voting in the election for state
3 and county officers for which a ballot is requested; and

4 (2) under Subtitle A, Title 2, if the federal postcard
5 application complies with the requirements under that subtitle,
6 unless the person indicates on the application that the person is
7 residing outside the United States indefinitely.

8 (a-1) The submission of a federal postcard application that
9 complies with the requirements of Subtitle B, Title 2, by an
10 unregistered applicant constitutes registration by the applicant:

11 (1) for the purpose of voting in the election for
12 federal officers for which a ballot is requested; and

13 (2) under Subtitle B, Title 2, if the federal postcard
14 application complies with the requirements under that subtitle,
15 unless the person indicates on the application that the person is
16 residing outside the United States indefinitely.

17 SECTION 16. Section 142.005, Election Code, is amended to
18 read as follows:

19 Sec. 142.005. AUTHORITY WITH WHOM APPLICATION FILED. An
20 application for a place on the ballot must be filed with:

21 (1) the secretary of state, for a federal, statewide,
22 or district office; or

23 (2) the county judge, for a county or precinct office.

24 SECTION 17. Section 145.033, Election Code, is amended to
25 read as follows:

26 Sec. 145.033. AUTHORITY WITH WHOM WITHDRAWAL REQUEST FILED.

27 A candidate must file a withdrawal request with:

1 (1) the secretary of state, for a federal, statewide,
2 or district office; or

3 (2) the authority responsible for having the official
4 ballot prepared, for a county or precinct office.

5 SECTION 18. Section 145.037(d), Election Code, is amended
6 to read as follows:

7 (d) The chair must deliver the certification to:

8 (1) the secretary of state, for a federal, statewide,
9 or district office; or

10 (2) the authority responsible for having the official
11 ballot prepared, for a county or precinct office.

12 SECTION 19. Section 146.024, Election Code, is amended to
13 read as follows:

14 Sec. 146.024. AUTHORITY WITH WHOM DECLARATION FILED. A
15 declaration of write-in candidacy must be filed with:

16 (1) the secretary of state, for a federal, statewide,
17 or district office; or

18 (2) the county judge, for a county or precinct office.

19 SECTION 20. Section 161.008(a), Election Code, is amended
20 to read as follows:

21 (a) Except as provided by Subsection (c), the secretary of
22 state shall certify in writing for placement on the general
23 election ballot the name of each candidate nominated at a primary
24 election or convention of a political party for a federal,
25 statewide, or district office.

26 SECTION 21. Section 163.006(d), Election Code, is amended
27 to read as follows:

1 (d) Before January 15 of each year in which political
2 parties hold precinct conventions under this title, the secretary
3 of state shall deliver written notice of the requirements of this
4 section to the state chair of each party that had a nominee for a
5 federal, statewide, or district office on the most recent general
6 election ballot.

7 SECTION 22. Section 172.059(b), Election Code, is amended
8 to read as follows:

9 (b) A withdrawal request for the runoff primary must be
10 filed with the state chair, for a federal, statewide, or district
11 office, or with the county chair, for a county or precinct office.

12 SECTION 23. Section 172.121(a), Election Code, is amended
13 to read as follows:

14 (a) The state chair shall certify on the secretary of
15 state's website for placement on the runoff primary election ballot
16 the name of each general primary candidate for a federal,
17 statewide, or district office who is to be a candidate in the
18 runoff.

19 SECTION 24. Section 172.122(a), Election Code, is amended
20 to read as follows:

21 (a) The state chair shall certify by posting on the
22 secretary of state's website the name and address of each primary
23 candidate who is nominated for a federal, statewide, or district
24 office. The state chair shall execute and file digitally with the
25 secretary of state an affidavit certifying that the returns posted
26 on the secretary of state's website are the correct and complete
27 returns. The secretary of state shall adopt by rule a process to

1 allow the chair to submit the affidavit digitally.

2 SECTION 25. Section 173.063, Election Code, is amended to
3 read as follows:

4 Sec. 173.063. FEE RETAINED BY STATE CHAIR. The state chair
5 shall deposit in the state primary fund each filing fee
6 accompanying an application for a place on the ballot filed with the
7 state chair:

8 (1) for a federal office;

9 (1-a) for a statewide office; or

10 (2) for a district office if the application is filed
11 after the regular filing deadline.

12 SECTION 26. Section 181.0311(a), Election Code, as
13 effective September 1, 2021, is amended to read as follows:

14 (a) In addition to any other requirements, to be considered
15 for nomination by convention, a candidate must:

16 (1) pay a filing fee to the secretary of state for a
17 federal, statewide, or district office or the county judge for a
18 county or precinct office; or

19 (2) submit to the secretary of state for a federal,
20 statewide, or district office or the county judge for a county or
21 precinct office a petition in lieu of a filing fee that satisfies
22 the requirements prescribed by Subsection (e) and Section 141.062.

23 SECTION 27. Section 181.032(a), Election Code, is amended
24 to read as follows:

25 (a) An application for nomination by a convention must be
26 filed with:

27 (1) the state chair, for a federal, statewide, or

1 district office; or

2 (2) the county chair, for a county or precinct office.

3 SECTION 28. Section 181.068(b), Election Code, is amended
4 to read as follows:

5 (b) Not later than the 20th day after the date of the
6 convention making the nomination, the presiding officer shall
7 deliver the certification to:

8 (1) the authority responsible for having the official
9 general election ballot prepared in the county, for certification
10 of a county or precinct office; or

11 (2) the secretary of state, for certification of a
12 federal, statewide, or district office.

13 SECTION 29. Sections 231.008(b) and (c), Election Code, are
14 amended to read as follows:

15 (b) If the judgment in a contest for an office affects the
16 preparation of the ballot for a succeeding election, the clerk
17 shall deliver a copy to the authority responsible for having the
18 official ballot prepared or, in the case of a federal, statewide, or
19 district office, to the authority responsible for certifying the
20 names of the candidates for placement on the ballot.

21 (c) If the judgment orders that a new general or special
22 election be held, the clerk shall deliver a copy to the authority
23 responsible for ordering the election. If the judgment orders a new
24 primary election, the clerk shall deliver a copy to the state chair
25 of the appropriate political party, in the case of a federal,
26 statewide, or district office, or to the county chair, in the case
27 of a county or precinct office.

1 SECTION 30. Section 232.013(d), Election Code, is amended
2 to read as follows:

3 (d) If the contested election is a primary, the district
4 clerk shall deliver a certified copy of the order setting the date
5 of the runoff to the state chair of the political party in the case
6 of a federal, statewide, or district office or to the county chair
7 in the case of a county or precinct office.

8 SECTION 31. Section 232.048(c), Election Code, is amended
9 to read as follows:

10 (c) The candidate receiving the most votes in a new election
11 ordered by a court in a primary election contest is the political
12 party's nominee, regardless of whether the candidate receives a
13 majority vote, if the date of the final canvass of the court-ordered
14 primary is on or after:

15 (1) the 85th day before the date of the succeeding
16 general election in the case of a federal, statewide, or district
17 office; or

18 (2) the 75th day before the date of the succeeding
19 general election in the case of a county or precinct office.

20 SECTION 32. Section 252.005, Election Code, is amended to
21 read as follows:

22 Sec. 252.005. AUTHORITY WITH WHOM APPOINTMENT FILED:
23 CANDIDATE. An individual must file a campaign treasurer appointment
24 for the individual's own candidacy with:

25 (1) the commission, if the appointment is made for
26 candidacy for:

27 (A) a federal office;

- 1 (A-1) a statewide office;
- 2 (B) a district office filled by voters of more
3 than one county;
- 4 (C) a judicial district office filled by voters
5 of only one county;
- 6 (D) state senator;
- 7 (E) state representative; or
- 8 (F) the State Board of Education;
- 9 (2) the county clerk, if the appointment is made for
10 candidacy for a county office, a precinct office, or a district
11 office other than one included in Subdivision (1);
- 12 (3) the clerk or secretary of the governing body of the
13 political subdivision or, if the political subdivision has no clerk
14 or secretary, with the governing body's presiding officer, if the
15 appointment is made for candidacy for an office of a political
16 subdivision other than a county;
- 17 (4) the county clerk if:
- 18 (A) the appointment is made for candidacy for an
19 office of a political subdivision other than a county;
- 20 (B) the governing body for the political
21 subdivision has not been formed; and
- 22 (C) no boundary of the political subdivision
23 crosses a boundary of the county; or
- 24 (5) the commission if:
- 25 (A) the appointment is made for candidacy for an
26 office of a political subdivision other than a county;
- 27 (B) the governing body for the political

1 subdivision has not been formed; and

2 (C) the political subdivision is situated in more
3 than one county.

4 SECTION 33. Section 41.007(c), Election Code, is repealed.

5 SECTION 34. This Act takes effect on the 91st day after the
6 last day of the legislative session.