

By: Denny

H.B. No. 1695

Substitute the following for H.B. No. 1695:

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C.S.H.B. No. 1695

A BILL TO BE ENTITLED

AN ACT

relating to certain election processes and procedures.

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

SECTION 1. Section 1.006, Election Code, is amended to read as follows:

Sec. 1.006. EFFECT OF WEEKEND OR HOLIDAY. (a) If the last day for performance of an act is a Saturday, Sunday, or legal state or national holiday, the act is timely if performed on the next regular business day, except as otherwise provided by this code.

(b) If the last day for performance of an act is extended under Subsection (a), the extended date is used to determine any other dates and deadlines, and the dates or times of any related procedures, that are expressly required to be made on a date or at a time determined in relation to the last day for performance of the act.

(c) A declaration of ineligibility of a candidate is considered to be the performance of an act under this section for purposes of causing the candidate's name to be omitted from the ballot.

(d) The filing of a document, including a withdrawal request or resignation, is considered to be the performance of an act under this section for purposes of creating a vacancy to be filled at a subsequent election.

(e) The death of a person is not considered to be the

1 performance of an act under this section.

2 SECTION 2. Section 2.025, Election Code, is amended to read
3 as follows:

4 Sec. 2.025. RUNOFF ELECTION DAY. (a) Except as otherwise
5 provided by this code [~~Subsection (b)~~], a runoff election shall be
6 held not earlier than the 20th or later than the 45th [~~30th~~] day
7 after the date the final canvass of the main election is completed.

8 (b) A runoff election date later than [~~may be held after~~]
9 the period prescribed by Subsection (a) may be prescribed by a
10 home-rule city charter [~~law but not later than the 45th day after~~
11 ~~the date the final canvass of the main election is completed only~~
12 ~~to:~~

13 [~~(1) permit a joint runoff election to be held with~~
14 ~~another political subdivision in accordance with Chapter 271, or~~

15 [~~(2) avoid holding the runoff on:~~

16 [~~(A) a legal state or national holiday, or~~

17 [~~(B) a weekend day within three days of a legal~~
18 ~~state or national holiday]~~.

19 (c) This section [~~Subsection (b)~~] supersedes a law outside
20 this subchapter to the extent of a conflict notwithstanding Section
21 2.022.

22 SECTION 3. Section 2.051(b), Election Code, is amended to
23 read as follows:

24 (b) In the case of an election in which any members of the
25 political subdivision's governing body are elected from
26 territorial units such as single-member districts, this subchapter
27 applies to the election in a particular territorial unit

1 ~~[single-member district]~~ if ~~[+]~~

2 ~~[(1)]~~ each candidate whose name is to appear on the
3 ballot in that territorial unit ~~[district]~~ is unopposed and no
4 at-large proposition or opposed at-large race is to appear on the
5 ballot. This subchapter applies to an unopposed at-large race in
6 such an election regardless of whether an opposed race is to appear
7 on the ballot in a particular territorial unit ~~[+and~~

8 ~~[(2) the requirements prescribed by Subsection (a) are~~
9 ~~otherwise met]~~.

10 SECTION 4. Section 2.053(c), Election Code, is amended to
11 read as follows:

12 (c) A certificate of election shall be issued to each
13 candidate in the same manner and at the same time as provided for a
14 candidate elected at the election. The candidate must qualify for
15 the office in the same manner as provided for a candidate elected at
16 the election.

17 SECTION 5. Section 13.072(c), Election Code, is amended to
18 read as follows:

19 (c) Except as provided by Subsection (d) ~~[or (e)]~~, if the
20 registrar determines that an application does not comply with
21 Section 13.002 or does not indicate that the applicant is eligible
22 for registration, the registrar shall reject the application.

23 SECTION 6. Section 13.073, Election Code, is amended by
24 adding Subsection (c) to read as follows:

25 (c) If the registrar rejects an application for
26 incompleteness but receives a completed application not later than
27 the 10th day after the date the notice is delivered under Subsection

1 (a) or the date the incomplete application is returned under
2 Subsection (b), as applicable, the original date of submission of
3 the incomplete application is considered to be the date of
4 submission to the registrar for the purpose of determining the
5 effective date of registration.

6 SECTION 7. Section 15.025, Election Code, is amended to
7 read as follows:

8 Sec. 15.025. EFFECTIVE DATE OF CERTAIN CHANGES IN
9 REGISTRATION INFORMATION [~~IN PRECINCT OF NEW RESIDENCE~~].

10 (a) Except as provided by Subsections (b) and (d), the [The]
11 registration of a voter described by this subsection whose
12 information [residence] is changed on the registration records [to
13 another county election precinct in the same county] becomes
14 effective as to the change [in the precinct of new residence] on the
15 30th day after:

16 (1) the date the voter submits to the registrar
17 [~~receives~~] a notice of a change in registration information under
18 Section 15.021 or a [~~voter's~~] response under Section 15.053,
19 indicating the change [~~of residence~~]; or

20 (2) the date the voter submits a statement of
21 residence to an election officer under Section 63.0011 or a
22 registration application or change of address to an agency employee
23 under Chapter 20, indicating the change [~~of residence~~].

24 (b) A change in registration information covered by this
25 section is effective for purposes of early voting if it will be
26 effective on election day.

27 (c) For purposes of determining the effective date of a

1 change in registration information covered by this section, a
2 document submitted by mail is considered to be submitted to the
3 registrar on the date it is placed with postage prepaid and properly
4 addressed in the United States mail. The date indicated by the post
5 office cancellation mark is considered to be the date the document
6 was placed in the mail unless proven otherwise.

7 (d) If the 30th day before the date of an election is a
8 Saturday, Sunday, or legal state or national holiday, the document
9 is considered to be timely if it is submitted to the registrar on or
10 before the next regular business day.

11 SECTION 8. Sections 16.033(c) and (d), Election Code, are
12 amended to read as follows:

13 (c) The notice must include:

14 (1) a request for information relevant to determining
15 the voter's eligibility for registration; and

16 (2) a warning that the voter's registration is subject
17 to cancellation if the registrar does not receive an appropriate
18 reply on or before the 30th [~~60th~~] day after the date the notice is
19 mailed.

20 (d) Except as provided by Subsection (e), the registrar
21 shall cancel a voter's registration if:

22 (1) after considering the voter's reply, the registrar
23 determines that the voter is not eligible for registration;

24 (2) no reply is received from the voter on or before
25 the 30th [~~60th~~] day after the date the notice is mailed to the voter
26 under Subsection (b); or

27 (3) each notice mailed under Subsection (b) is

1 returned undelivered to the registrar with no forwarding
2 information available.

3 SECTION 9. Sections 16.0332(a) and (b), Election Code, are
4 amended to read as follows:

5 (a) After the registrar receives a list under Section
6 62.113, Government Code, of persons excused or disqualified from
7 jury service because of citizenship status, the registrar shall
8 deliver to each registered voter whose name ~~[who]~~ appears on the
9 list a written notice requiring the voter to submit to the registrar
10 ~~[provide]~~ proof of United States citizenship in the form of a
11 certified copy of the voter's birth certificate, United States
12 passport, or certificate of naturalization or any other ~~[a]~~ form
13 prescribed by the secretary of state. The notice shall be delivered
14 by forwardable mail to the mailing address on the voter's
15 registration application and to any new address of the voter known
16 to the registrar.

17 (b) If a voter fails to submit to ~~[provide]~~ the registrar
18 ~~[with]~~ proof of citizenship on or before the 30th ~~[31st]~~ day after
19 the date the notice is mailed ~~[to the voter]~~, the registrar shall
20 cancel the voter's registration.

21 SECTION 10. Section 16.036(a), Election Code, is amended
22 to read as follows:

23 (a) Immediately after cancellation of a voter's
24 registration under Section 16.031(a)(3), 16.033, ~~[or]~~ 16.0331, or
25 16.0332, the registrar shall deliver written notice of the
26 cancellation to the voter.

27 SECTION 11. Section 19.001(a), Election Code, is amended to

read as follows:

(a) Before May 15 of each year, the registrar shall prepare and submit to the comptroller of public accounts a statement containing:

(1) the total number of initial registrations for the previous voting year;

(2) the total number of registrations canceled under Sections 16.031(a)(1), ~~and~~ 16.033, and 16.0332 for the previous voting year; and

(3) the total number of registrations for which information was updated for the previous voting year.

SECTION 12. Section 67.003, Election Code, is amended to read as follows:

Sec. 67.003. TIME FOR LOCAL CANVASS. Each local canvassing authority shall convene to conduct the local canvass at the time set by the canvassing authority's presiding officer:

(1) on the seventh day after election day for:

(A) the general election for state and county officers; or

(B) an election of a political subdivision that is held jointly with the general election for state and county officers; or

(2) not earlier than the third day or later than the sixth day after election day for an election other than an ~~the~~ ~~general~~ election described by Subdivision (1) ~~[for state and county officers]~~.

SECTION 13. Section 83.006(b), Election Code, is amended

to read as follows:

(b) To be eligible for appointment as early voting clerk under this section, a person must meet the requirements for eligibility for service as a presiding election judge, except that:

(1) an appointee must be a qualified voter of the political subdivision and is not required to be a qualified voter of any other particular territory; ~~and~~

(2) in an election in which an officer of the political subdivision is a candidate, an appointee's status as an employee of the political subdivision does not make the appointee ineligible for appointment as the clerk; and

(3) an appointee who is a permanent employee of the political subdivision and a qualified voter of any territory is not required to be a qualified voter of the political subdivision.

SECTION 14. Section 83.007(b), Election Code, is amended to read as follows:

(b) To be eligible for appointment as early voting clerk under this section, a person must meet the requirements for eligibility for service as a presiding election judge, except that:

(1) an ~~the~~ appointee must be a qualified voter of the territory covered by the election and is not required to be a qualified voter of any other particular territory; and

(2) an appointee who is a permanent employee of the authority ordering the election and a qualified voter of any territory is not required to be a qualified voter of the territory covered by the election.

SECTION 15. Section 83.032(b), Election Code, is amended to

read as follows:

(b) For a temporary deputy to be eligible for appointment as a deputy early voting clerk under this section, the temporary deputy must meet the requirements for eligibility for service as a presiding election judge, except that:

(1) an appointee is not required to be a qualified voter of any particular territory other than the county, in the case of an appointment by a county clerk, or the city, in the case of an appointment by a city secretary; ~~and~~

(2) in an election in which the early voting clerk is a candidate, an appointee's status as an employee of the clerk does not make the appointee ineligible for appointment as a deputy early voting clerk; and

(3) an appointee who is a permanent employee of the county or city, as applicable, and a qualified voter of any territory is not required to be a qualified voter of the county or city, as applicable.

SECTION 16. Section 84.032, Election Code, is amended by amending Subsection (b) and adding Subsection (e) to read as follows:

(b) A request must:

(1) be in writing and signed by the applicant;

(2) specify the election for which the application was made; and

(3) except as provided by Subsection (c), ~~or~~ (d), or (e), be received by the early voting clerk:

(A) not later than the third day before election

1 day; and

2 (B) if an early voting ballot sent to the
3 applicant is returned to the clerk as a marked ballot, before the
4 marked ballot's arrival at the address on the carrier envelope.

5 (e) An applicant may also submit a request at any time after
6 the early voting ballot is returned to the early voting clerk as a
7 marked ballot and before the ballot is delivered to the early voting
8 ballot board by appearing in person and executing an affidavit that
9 the applicant did not mark the ballot.

10 SECTION 17. Section 86.003(c), Election Code, is amended to
11 read as follows:

12 (c) The address to which the balloting materials must be
13 addressed is the address at which the voter is registered to vote,
14 or the registered mailing address if different, unless the ground
15 for voting by mail is:

16 (1) absence from the county of residence, in which
17 case the address must be an address outside the voter's county of
18 residence;

19 (2) confinement in jail, in which case the address
20 must be the address of the jail or of a relative described by
21 Section 84.002(a)(4); or

22 (3) age or disability and the voter is living at a
23 hospital, nursing home or other long-term care facility, or
24 retirement center, or with a relative described by Section
25 84.002(a)(3), in which case the address must be the address of that
26 facility or relative.

27 SECTION 18. Section 86.007(d), Election Code, is amended to

read as follows:

(d) A marked ballot voted by mail that arrives after the time prescribed by Subsection (a) shall be counted if:

(1) the ballot was cast from an address outside the United States;

(2) the carrier envelope was placed for delivery before the time the ballot is required to arrive under Subsection (a); and

(3) the ballot arrives at the address on the carrier envelope not later than:

(A) the fifth day after the date of:

(i) the general election for state and county officers; or

(ii) an election of a political subdivision that is held jointly with the general election for state and county officers; or

(B) the second day after the date of an election other than an [the general] election described by Paragraph (A) [for state and county officers].

SECTION 19. Section 87.0241, Election Code, is amended by amending Subsection (b) and adding Subsection (c) to read as follows:

(b) The board may not count early voting ballots until:

(1) the polls open on election day; or

(2) in an election conducted by an authority of a county with a population of 100,000 or more or conducted jointly with such a county, the end of the period for early voting by

1 personal appearance.

2 (c) The secretary of state shall prescribe any procedures
3 necessary for implementing this section in regard to elections
4 described by Subsection (b)(2).

5 SECTION 20. Subchapter B, Chapter 87, Election Code, is
6 amended by adding Section 87.0242 to read as follows:

7 Sec. 87.0242. NOTICE OF BOARD MEETING. (a) Notice of the
8 date and time of an early voting ballot board meeting shall be
9 posted at the main early voting polling place not later than the
10 fifth day before the date of the meeting. The notice must include a
11 list of persons who are authorized to be present at the meeting.
12 The notice must remain posted continuously until the end of the
13 meeting.

14 (b) The notice shall be posted by:

15 (1) the early voting clerk; or

16 (2) in the general election for state and county
17 officers, the county elections board.

18 (c) If the board must reconvene the meeting for which a
19 notice is posted:

20 (1) the presiding judge of the board shall announce at
21 the end of the meeting the date and time the meeting will reconvene;
22 and

23 (2) the appropriate authority shall post an amended
24 notice in the same manner as the original notice.

25 SECTION 21. Section 87.027, Election Code, is amended by
26 amending Subsections (a), (c), (d), (i), and (j) and adding
27 Subsection (a-1) to read as follows:

1 (a) Except as provided by Subsection (a-1), a [A] signature
2 verification committee may be appointed in any election. The early
3 voting clerk is the authority responsible for determining whether a
4 signature verification committee is to be appointed. If the clerk
5 determines that a committee is to be appointed, the clerk shall
6 issue a written order calling for the appointment. [~~Section~~
7 ~~87.0271 supersedes this section to the extent of a conflict.~~]

8 (a-1) A signature verification committee shall be appointed
9 in the general election for state and county officers on submission
10 to the early voting clerk of a written request for the committee by
11 at least 15 registered voters of the county. The request must be
12 submitted not later than the preceding October 1, and a request
13 submitted by mail is considered to be submitted at the time of its
14 receipt by the clerk.

15 (c) Not later than the fifth day after the date the early
16 voting clerk issues the order calling for the appointment of a
17 signature verification committee, or not later than October 15 for
18 a committee required under Subsection (a-1), the appropriate
19 authority shall appoint the members of the committee and designate
20 one of the appointees as chair, subject to Subsection (d). The
21 authority shall fill a vacancy on the committee by appointment as
22 soon as possible after the vacancy occurs, subject to Subsection
23 (d). The early voting clerk shall post notice of the name and
24 residence address of each appointee. The notice must remain posted
25 continuously for the period beginning the day after the date of the
26 appointment and ending on the last day of the committee's operation
27 in the election.

1 (d) The early voting clerk shall determine the number of
2 members who are to compose the signature verification committee and
3 shall state that number in the order calling for the committee's
4 appointment. A committee must consist of not fewer than five
5 members. In an election ~~[and, in elections]~~ in which party
6 alignment is indicated on the ballot, each county chair of a
7 political party with a nominee or aligned candidate on the ballot
8 shall submit to the appointing authority a list of names of persons
9 eligible to serve on the signature verification committee. The
10 authority shall appoint at least two persons from each list to serve
11 as members of the committee. The same number of members must be
12 appointed from each list. The authority shall appoint the chair of
13 the committee from the list provided by the political party whose
14 nominee for governor received the most votes in the county in the
15 most recent gubernatorial general election. A vacancy on the
16 committee shall be filled by appointment from the original list or
17 from a new list submitted by the appropriate county chair ~~[must be~~
18 ~~balanced as equally as possible by members of each political party~~
19 ~~required to nominate candidates by primary election]~~.

20 (i) The signature verification committee shall compare the
21 signature on each carrier envelope certificate, except those signed
22 for a voter by a witness, with the signature on the voter's ballot
23 application to determine whether the signatures are those of the
24 same person. The committee may also compare the signatures with the
25 signature on the voter's registration application to confirm that
26 the signatures are those of the same person ~~[match]~~ but may not use
27 the registration application signature to determine that the

1 signatures are not those of the same person [~~do not match~~]. A
2 determination under this subsection that the signatures are not
3 those of the same person [~~do not match~~] must be made by a majority
4 vote of the committee's membership. The committee shall place the
5 jacket envelopes, carrier envelopes, and applications of voters
6 whose signatures are not those of the same person [~~do not match~~] in
7 separate containers from those of voters whose signatures are those
8 of the same person [~~match~~]. The committee chair shall deliver the
9 sorted materials to the early voting ballot board at the time
10 specified by the board's presiding judge but within the period
11 permitted for the early voting clerk's delivery of early voting
12 ballots to the board.

13 (j) If a signature verification committee is appointed, the
14 early voting ballot board shall follow the same procedure for
15 accepting the early voting ballots voted by mail as in an election
16 without a signature verification committee, except that the board
17 may not determine whether a voter's signatures on the carrier
18 envelope certificate and ballot application are those of the same
19 person [~~match~~] if the committee has determined that the signatures
20 are those of the same person [~~match~~]. If the committee has
21 determined that the signatures are not those of the same person [~~do~~
22 ~~not match~~], the board may make a determination that the signatures
23 are those of the same person [~~match~~] by a majority vote of the
24 board's membership.

25 SECTION 22. Section 87.041(b), Election Code, is amended to
26 read as follows:

27 (b) A ballot may be accepted only if:

1 (1) the carrier envelope certificate is properly
2 executed;

3 (2) neither the voter's signature on the ballot
4 application nor the signature on the carrier envelope certificate
5 is determined to have been executed by a person other than the
6 voter, unless signed by a witness;

7 (3) the voter's ballot application states a legal
8 ground for early voting by mail;

9 (4) the voter is registered to vote, if registration
10 is required by law;

11 (5) the address to which the ballot was mailed to the
12 voter, as indicated by the application, was outside the voter's
13 county of residence, if the ground for early voting is absence from
14 the county of residence; ~~and~~

15 (6) for a voter to whom a statement of residence form
16 was required to be sent under Section 86.002(a), the statement of
17 residence is returned in the carrier envelope and indicates that
18 the voter satisfies the residence requirements prescribed by
19 Section 63.0011; and

20 (7) the address to which the ballot was mailed to the
21 voter is an address that is otherwise required by Sections 84.002
22 and 86.003.

23 SECTION 23. Section 87.101, Election Code, is amended to
24 read as follows:

25 Sec. 87.101. [~~PREPARATION OF BALLOTS,~~] DELIVERY OF BALLOTS
26 TO COUNTING STATION. [~~(a)~~] On the direction of the presiding
27 judge, the early voting ballot board[, ~~in accordance with Section~~

1 ~~85.032(b),~~ shall deliver to the central counting station ~~[open]~~
2 the container for the early voting electronic system ballots that
3 are to be counted by automatic tabulating equipment at a central
4 counting station. The board shall make the delivery without
5 opening the container and ~~[, remove the ballots from the container,~~
6 ~~and remove any ballots enclosed in ballot envelopes from their~~
7 ~~envelopes.~~

8 ~~[(b) On the direction of the presiding judge, the early~~
9 ~~voting ballot board may prepare the ballots for delivery to the~~
10 ~~central counting station at any time after they are received and~~
11 ~~shall deliver them]~~ in accordance with the procedure applicable to
12 electronic system ballots cast at a precinct polling place.

13 SECTION 24. Section 87.1231(a), Election Code, is amended
14 to read as follows:

15 ~~[(a)]~~ Not later than the time of the local canvass, the
16 early voting clerk shall deliver to the local canvassing authority
17 a report of the total number of early voting votes for each
18 candidate or measure by election precinct. The report may reflect
19 the total for votes by mail and the total for votes by personal
20 appearance.

21 SECTION 25. Section 87.125(a), Election Code, is amended to
22 read as follows:

23 (a) The early voting ballot board shall convene to count
24 ballots voted by mail described by Section 86.007(d) at the time set
25 by the presiding judge of the board ~~[on]~~:

26 (1) on the sixth day after the date of:

27 (A) a general election for state and county

1 officers; or

2 (B) an election of a political subdivision that
3 is held jointly with the general election for state and county
4 officers;

5 (2) on the second [fifth] day after the date of a
6 primary [or special] election, at a time following the last mail
7 delivery, or on an earlier day or at an earlier time if the early
8 voting clerk certifies that all ballots mailed from outside the
9 United States have been received; or

10 (3) not earlier than the third day or later than the
11 fifth day after the date of an election other than an election
12 described by Subdivision (1) or (2).

13 SECTION 26. Section 102.003(b), Election Code, is amended
14 to read as follows:

15 (b) An application may be submitted after the last day of
16 the period for early voting by personal appearance and before 5 [2]
17 p.m. on election day.

18 SECTION 27. Section 104.003, Election Code, is amended to
19 read as follows:

20 Sec. 104.003. TIME AND PLACE FOR VOTING. Voting under this
21 chapter shall be conducted on election day, beginning at 7 [8] a.m.
22 and concluding at 7 [2] p.m., at the main early voting polling
23 place[~~, except that the voting shall begin at 7 a.m. and conclude at~~
24 ~~7 p.m. in an election in which mechanical voting machines are used~~].

25 However, if the early voting ballots voted by mail are processed at
26 a location other than the main early voting polling place, the early
27 voting clerk may require the voting to be conducted at that

1 location.

2 SECTION 28. Section 112.002, Election Code, is amended by
3 amending Subsection (a) and adding Subsections (c) and (d) to read
4 as follows:

5 (a) After changing residence to another county, a person is
6 eligible to vote a limited ballot by personal appearance during the
7 early voting period or by mail if:

8 (1) the person would have been eligible to vote in the
9 county of former residence on election day if still residing in that
10 county; and

11 (2) ~~[the date of the election is not more than 90 days~~
12 ~~after the new residence is established; and~~

13 ~~[(3)]~~ a voter registration for the person in the
14 county of new residence is not effective on or before election day.

15 (c) Before being accepted for voting under this chapter, the
16 voter must execute a statement including:

17 (1) a statement that the voter satisfies the
18 applicable requirements prescribed by Subsection (a);

19 (2) the voter's residence address or, if the residence
20 has no address, the address at which the voter receives mail and a
21 concise description of the voter's residence;

22 (3) the month, day, and year of the voter's birth; and

23 (4) the date the statement is executed.

24 (d) A statement executed under Subsection (c) shall be
25 submitted:

26 (1) to an election officer at the main early voting
27 polling place, if the person is voting by personal appearance; or

1 (2) with the person's application for a ballot to be
2 voted by mail, if the person is voting by mail.

3 SECTION 29. Section 127.066(c), Election Code, is amended
4 to read as follows:

5 (c) After the box is sealed, it shall be delivered to the
6 central counting station by two election officers ~~[in accordance~~
7 ~~with the procedure for delivering ballot box no. 3 to the central~~
8 ~~counting station]~~. The officers shall deliver the box to the
9 presiding judge of the central counting station or to the judge's
10 designee.

11 SECTION 30. Chapter 144, Election Code, is amended by
12 adding Section 144.006 to read as follows:

13 Sec. 144.006. FILING DEADLINE FOR DECLARED WRITE-IN
14 CANDIDATE. Except as otherwise provided by law, a declaration of
15 write-in candidacy must be filed not later than 5 p.m. of the fifth
16 day after the date an application for a place on the ballot is
17 required to be filed in an election in which:

18 (1) the filing deadline for an application for a place
19 on the ballot is the 45th day before election day; and

20 (2) write-in votes may be counted only for names
21 appearing on a list of declared write-in candidates.

22 SECTION 31. Sections 172.126(a) and (c), Election Code, are
23 amended to read as follows:

24 (a) The primary elections in a county may be conducted
25 jointly at the regular polling places designated for the general
26 election for state and county officers. The county clerk shall
27 supervise the overall conduct of the joint primary elections. This

1 section applies to the conduct of joint primary elections
2 notwithstanding and in addition to other applicable provisions of
3 this code. The decision to conduct a joint general primary election
4 or runoff primary election, as applicable, must be made by majority
5 vote of the full membership of the commissioners court and with the
6 unanimous approval of the county clerk and the county chair of each
7 political party required to nominate candidates by primary
8 election.

9 (c) One set of election officers shall conduct the primary
10 elections at each polling place. Not later than the second Monday
11 in December preceding the primary elections, each county chair
12 shall deliver to the county clerk a list of the names of the
13 election judges and clerks for that party. The presiding judge of
14 each party, or alternate judge if applicable, serves as a co-judge
15 for the precinct. If an eligible presiding co-judge and alternate
16 co-judge cannot be found to serve for a particular party in a
17 precinct, a joint primary may not be conducted in that precinct, and
18 that precinct must be consolidated with another precinct that has
19 an eligible presiding co-judge and alternate co-judge to serve for
20 each party. The county clerk shall appoint the election clerks in
21 accordance with rules prescribed by the secretary of state. The
22 secretary of state shall prescribe the maximum number of clerks
23 that may be appointed for each precinct. The early voting ballot
24 board and any central counting station shall also be composed of and
25 administered by one set of election officers that provides
26 representation for each party, and the secretary of state by rule
27 shall prescribe procedures consistent with this subsection for the

1 appointment of those officers.

2 SECTION 32. Section 173.011(b), Election Code, is amended
3 to read as follows:

4 (b) Any surplus remaining in a county primary fund shall be
5 remitted to the secretary of state ~~[county clerk]~~ immediately after
6 the final payment from the fund of the necessary expenses for
7 holding the primary elections for that year, but not later than July
8 1 following the applicable primary election. The surplus in the
9 primary fund shall be remitted regardless of whether state funds
10 were requested by the chair. ~~[Any surplus primary funds received by~~
11 ~~the county clerk under this subsection may be used only for paying~~
12 ~~the remaining expenses of the joint primary election.]~~

13 SECTION 33. Section 212.001, Election Code, is amended to
14 read as follows:

15 Sec. 212.001. GENERAL REQUIREMENTS FOR RECOUNT
16 DOCUMENT. A recount document submitted under this title must:

- 17 (1) be in writing;
- 18 (2) identify the office or measure for which a recount
19 is desired;
- 20 (3) state the grounds for the recount;
- 21 (4) state the side of the measure that the person
22 requesting the recount represents, if applicable;
- 23 (5) identify the election precincts, grouped by county
24 or other appropriate territorial unit if the election involves more
25 than one local canvassing authority, for which a recount is desired
26 and must indicate the method of voting used in each precinct;
- 27 (6) be signed by:

1 (A) the person requesting the recount or, if
2 there is more than one, any one or more of them; or

3 (B) an agent of the person requesting the
4 recount;

5 (7) state each requesting person's name, residence
6 address, and, if authorization to obtain the recount is based on
7 eligibility to vote in the election, voter registration number, and
8 county of registration if the election covers territory in more
9 than one county;

10 (8) designate an agent who is a resident of this state
11 to receive notice under this title on behalf of the person
12 requesting the recount if:

13 (A) the person requesting the recount is not a
14 resident of this state; or

15 (B) there is more than one person requesting the
16 recount;

17 (9) state the mailing address and at least one
18 telephone number, if any, at which the person requesting the
19 recount or an agent, identified by name, may receive notice given
20 under this title; ~~and~~

21 (10) state the mailing address and at least one
22 telephone number, if any, at which the opposing candidates for the
23 office or their agents, identified by name, may receive notice
24 given under this title; and

25 (11) be accompanied by a deposit as provided by
26 Subchapter E.

27 SECTION 34. Section 212.088(a), Election Code, is amended

to read as follows:

(a) If the deadline for submitting an expedited recount petition falls on a Saturday, Sunday, or legal state holiday, the deadline is extended to 10 [~~9~~] a.m. of the next regular business day.

SECTION 35. Section 212.111(b), Election Code, is amended to read as follows:

(b) The [~~Except as provided by Subsection (c), the~~] deposit must be in the form of cash or a cashier's check or money order made payable to the recount coordinator.

SECTION 36. Section 277.002(a), Election Code, is amended to read as follows:

(a) For a petition signature to be valid, a petition must:

(1) contain in addition to the signature:

(A) the signer's printed name;

(B) the signer's:

(i) date of birth and residence address; or

(ii) [~~the signer's~~] voter registration number and, if the territory from which signatures must be obtained is situated in more than one county, the county of registration; and

(C) [~~the signer's residence address; and~~

~~(D)~~] the date of signing; and

(2) comply with any other applicable requirements prescribed by law.

SECTION 37. Sections 13.072(e), 15.026, 87.0271, 87.1231(b), 145.006, and 212.111(c), Election Code, are repealed.

SECTION 38. (a) This Act takes effect September 1, 2003.

1 (b) As they relate to the holding of an election, the
2 changes in law made by this Act apply only to an election ordered on
3 or after September 1, 2003.