

By: Denny

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 for any computations as to other dates, deadlines, and procedures that are required to be made 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 performance of an act under this section.

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

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

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

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

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

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

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

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

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

(b) In the case of an election in which any members of the political subdivision's governing body are elected from territorial units such as single-member districts, this subchapter applies to the election in a particular territorial unit [~~single-member district~~] if[+]

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

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

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

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

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

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

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

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

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

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

7 Sec. 15.025. EFFECTIVE DATE OF CERTAIN CHANGES IN
8 REGISTRATION INFORMATION [~~IN PRECINCT OF NEW RESIDENCE~~]. (a)
9 Except as provided by Subsections (b) and (d), the [The]
10 registration of a voter described by this subsection whose
11 information [~~residence~~] is changed on the registration records [~~to~~
12 ~~another county election precinct in the same county~~] becomes
13 effective as to the change [~~in the precinct of new residence~~] on the
14 30th day after:

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

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

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

26 (c) For purposes of determining the effective date of a
27 change in registration information covered by this section, a

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

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

10 SECTION 8. Section 16.003, Election Code, is amended by
11 adding Subsections (c) and (d) to read as follows:

12 (c) Each month the Department of Public Safety shall prepare
13 an abstract of each final judgment received by the department,
14 occurring in the month, convicting a person 18 years of age or older
15 who is a resident of the state of a felony.

16 (d) The Department of Public Safety shall file each abstract
17 with the secretary of state not later than the 10th day of the month
18 following the month in which the abstract is prepared. The
19 secretary of state shall file each abstract received under this
20 subsection with the voter registrar of the person's county of
21 residence not later than the 10th day of the month following the
22 month in which the abstract is received under this subsection.

23 SECTION 9. Sections 16.033(c) and (d), Election Code, are
24 amended to read as follows:

25 (c) The notice must include:

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

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

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

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

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

12 (3) each notice mailed under Subsection (b) is
13 returned undelivered to the registrar with no forwarding
14 information available.

15 SECTION 10. Sections 16.0332(a) and (b), Election Code,
16 are amended to read as follows:

17 (a) After the registrar receives a list under Section
18 62.113, Government Code, of persons excused or disqualified from
19 jury service because of citizenship status, the registrar shall
20 deliver to each registered voter whose name ~~[who]~~ appears on the
21 list a written notice requiring the voter to submit to the registrar
22 ~~[provide]~~ proof of United States citizenship in the form of a
23 certified copy of the voter's birth certificate, United States
24 passport, or certificate of naturalization or any other ~~[a]~~ form
25 prescribed by the secretary of state. The notice shall be delivered
26 by forwardable mail to the mailing address on the voter's
27 registration application and to any new address of the voter known

1 to the registrar.

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

6 SECTION 11. Section 16.036(a), Election Code, is amended
7 to read as follows:

8 (a) Immediately after cancellation of a voter's
9 registration under Section 16.031(a)(3), 16.033, [~~or~~] 16.0331, or
10 16.0332, the registrar shall deliver written notice of the
11 cancellation to the voter.

12 SECTION 12. Section 19.001(a), Election Code, is amended
13 to read as follows:

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

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

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

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

24 SECTION 13. Section 63.0101, Election Code, is amended to
25 read as follows:

26 Sec. 63.0101. DOCUMENTATION OF PROOF OF
27 IDENTIFICATION. The following documentation is acceptable as

1 proof of identification under this chapter:

2 (1) a driver's license or personal identification card
3 issued to the person by the Department of Public Safety or a similar
4 document issued to the person by an agency of another state,
5 regardless of whether the license or card has expired;

6 (2) a form of identification containing the person's
7 photograph that establishes the person's identity;

8 (3) a birth certificate or other document confirming
9 birth that is admissible in a court of law and establishes the
10 person's identity;

11 (4) United States citizenship papers issued to the
12 person;

13 (5) a United States passport issued to the person;

14 (6) pre-printed checks containing the person's name
15 that are issued for a financial institution doing business in this
16 state;

17 (7) official mail addressed to the person by name from
18 a governmental entity;

19 (8) two other forms of identification that establish
20 the person's identity; ~~or~~

21 (9) an affidavit executed by a person who is working at
22 the polling place that attests to the identity of the voter, if the
23 voter does not have documentation described by Subdivisions (1)-(8)
24 in the voter's possession at the polling place at the time of
25 offering to vote; or

26 (10) any other form of identification prescribed by
27 the secretary of state.

SECTION 14. 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 15. 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 16. 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 17. 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 day; and

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

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

SECTION 18. Section 86.003(c), Election Code, is amended to read as follows:

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

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

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

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

SECTION 19. 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 the general election for state and county officers; or

(B) the second day after the date of an election other than the general election for state and county officers or the fifth day after the date of a joint election if the political subdivision's ballot is combined with the ballot for the general election for state and county officers.

SECTION 20. 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 personal appearance.

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

4 SECTION 21. Subchapter B, Chapter 87, Election Code, is
5 amended by adding Section 87.0242 to read as follows:

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

13 (b) The notice shall be posted by:

14 (1) the early voting clerk; or

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

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

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

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

24 SECTION 22. Section 87.027, Election Code, is amended by
25 amending Subsections (a), (c), (d), (i), and (j) and adding
26 Subsection (a-1) to read as follows:

27 (a) Except as provided by Subsection (a-1), a [A] signature

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

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

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

27 (d) The early voting clerk shall determine the number of

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

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

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

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

SECTION 23. Section 87.041(b), Election Code, is amended to read as follows:

(b) A ballot may be accepted only if:

(1) the carrier envelope certificate is properly

1 executed;

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

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

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

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

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

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

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

24 Sec. 87.101. ~~[PREPARATION OF BALLOTS,]~~ DELIVERY OF BALLOTS
25 TO COUNTING STATION. ~~[(a)]~~ On the direction of the presiding judge,
26 the early voting ballot board~~[, in accordance with Section~~
27 ~~85.032(b),]~~ shall deliver to the central counting station ~~[open]~~

the container for the early voting electronic system ballots that are to be counted by automatic tabulating equipment at a central counting station. The board shall make the delivery without opening the container and~~[, remove the ballots from the container, and remove any ballots enclosed in ballot envelopes from their envelopes.]~~

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

SECTION 25. Section 87.1231(a), Election Code, is amended to read as follows:

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

SECTION 26. Section 87.125(a), Election Code, is amended to read as follows:

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

(1) on the sixth day after the date of a general election for state and county officers; ~~[or]~~

(2) on the second ~~[fifth]~~ day after the date of a primary ~~[or special]~~ election, at a time following the last mail

1 delivery, or on an earlier day or at an earlier time if the early
2 voting clerk certifies that all ballots mailed from outside the
3 United States have been received; or

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

7 SECTION 27. Section 102.003(b), Election Code, is amended
8 to read as follows:

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

12 SECTION 28. Section 104.003, Election Code, is amended to
13 read as follows:

14 Sec. 104.003. TIME AND PLACE FOR VOTING. Voting under this
15 chapter shall be conducted on election day, beginning at 7 [8] a.m.
16 and concluding at 7 [2] p.m., at the main early voting polling
17 place[, ~~except that the voting shall begin at 7 a.m. and conclude at~~
18 ~~7 p.m. in an election in which mechanical voting machines are used~~].
19 However, if the early voting ballots voted by mail are processed at
20 a location other than the main early voting polling place, the early
21 voting clerk may require the voting to be conducted at that
22 location.

23 SECTION 29. Section 112.002, Election Code, is amended by
24 amending Subsection (a) and adding Subsections (c) and (d) to read
25 as follows:

26 (a) After changing residence to another county, a person is
27 eligible to vote a limited ballot by personal appearance during the

1 early voting period or by mail if:

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

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

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

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

11 (1) a statement that the voter satisfies the
12 applicable requirements prescribed by Subsection (a);

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

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

17 (4) the date the statement is executed.

18 (d) A statement executed under Subsection (c) shall be
19 submitted:

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

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

24 SECTION 30. Section 127.066(c), Election Code, is amended
25 to read as follows:

26 (c) After the box is sealed, it shall be delivered to the
27 central counting station by two election officers ~~[in accordance~~

1 ~~with the procedure for delivering ballot box no. 3 to the central~~
2 ~~counting station].~~ The officers shall deliver the box to the
3 presiding judge of the central counting station or to the judge's
4 designee.

5 SECTION 31. Chapter 144, Election Code, is amended by
6 adding Section 144.006 to read as follows:

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

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

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

16 SECTION 32. Sections 172.126(a) and (c), Election Code, are
17 amended to read as follows:

18 (a) The primary elections in a county may be conducted
19 jointly at the regular polling places designated for the general
20 election for state and county officers. The county clerk shall
21 supervise the overall conduct of the joint primary elections. This
22 section applies to the conduct of joint primary elections
23 notwithstanding and in addition to other applicable provisions of
24 this code. The decision to conduct a joint general primary election
25 or runoff primary election, as applicable, must be made by majority
26 vote of the full membership of the commissioners court and with the
27 unanimous approval of the county clerk and the county chair of each

political party required to nominate candidates by primary election.

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

SECTION 33. Section 173.011(b), Election Code, is amended to read as follows:

(b) Any surplus remaining in a county primary fund shall be remitted to the secretary of state ~~[county clerk]~~ immediately after the final payment from the fund of the necessary expenses for

1 holding the primary elections for that year, but not later than July
2 1 following the applicable primary election. The surplus in the
3 primary fund shall be remitted regardless of whether state funds
4 were requested by the chair. ~~[Any surplus primary funds received by~~
5 ~~the county clerk under this subsection may be used only for paying~~
6 ~~the remaining expenses of the joint primary election.]~~

7 SECTION 34. Section 212.001, Election Code, is amended to
8 read as follows:

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

- 11 (1) be in writing;
- 12 (2) identify the office or measure for which a recount
13 is desired;
- 14 (3) state the grounds for the recount;
- 15 (4) state the side of the measure that the person
16 requesting the recount represents, if applicable;
- 17 (5) identify the election precincts, grouped by county
18 or other appropriate territorial unit if the election involves more
19 than one local canvassing authority, for which a recount is desired
20 and must indicate the method of voting used in each precinct;
- 21 (6) be signed by:
 - 22 (A) the person requesting the recount or, if
23 there is more than one, any one or more of them; or
 - 24 (B) an agent of the person requesting the
25 recount;
- 26 (7) state each requesting person's name, residence
27 address, and, if authorization to obtain the recount is based on

1 eligibility to vote in the election, voter registration number, and
2 county of registration if the election covers territory in more
3 than one county;

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

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

9 (B) there is more than one person requesting the
10 recount;

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

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

19 (11) be accompanied by a deposit as provided by
20 Subchapter E.

21 SECTION 35. Section 212.088(a), Election Code, is amended
22 to read as follows:

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

27 SECTION 36. 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 37. Section 212.112(a), Election Code, is amended to read as follows:

(a) Subject to Subsection (d), the amount of the recount deposit is determined by the number of precincts for which a recount is requested in the document that the deposit accompanies, in accordance with the following schedule:

(1) five times the maximum hourly rate of pay for election judges, for a precinct in which:

(A) regular paper ballots were used;

(B) electronic voting system ballots, other than punch-card ballots, are to be recounted manually; or

(C) both write-in votes and voting system votes are to be recounted;

(2) 10 times the maximum hourly rate of pay for election judges, for a precinct in which punch-card ballots are to be recounted manually;

(3) three times the maximum hourly rate of pay for election judges, for a precinct in which ballots are to be recounted by automatic tabulating equipment and no write-in votes are to be recounted; and

(4) two times the maximum hourly rate of pay for election judges, for a precinct in which:

(A) voting machines, including direct recording

1 electronic voting machines, were used and no write-in votes are to
2 be recounted; or

3 (B) only the write-in votes cast in connection
4 with a voting system are to be recounted.

5 SECTION 38. Section 277.002(a), Election Code, is amended
6 to read as follows:

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

8 (1) contain in addition to the signature:

9 (A) the signer's printed name;

10 (B) the signer's:

11 (i) date of birth and residence address; or

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

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

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

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

19 SECTION 39. Sections 13.072(e), 15.026, 87.0271,
20 87.1231(b), 145.006, and 212.111(c), Election Code, are repealed.

21 SECTION 40. (a) This Act takes effect September 1, 2003.

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