

By: Denny, Madden, Howard H.B. No. 1695
(Senate Sponsor - Nelson)
(In the Senate - Received from the House May 1, 2003;
May 6, 2003, read first time and referred to Committee on State
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Committee Substitute by the following vote: Yeas 8, Nays 0;
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COMMITTEE SUBSTITUTE FOR H.B. No. 1695 By: Nelson

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
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)~~] each candidate whose name is to appear on the
ballot in that territorial unit [~~district~~] is unopposed and no

at-large proposition or opposed at-large race is to appear on the ballot. This subchapter applies to an unopposed at-large race in such an election regardless of whether an opposed race is to appear on the ballot in a particular territorial unit~~[, and~~

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

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

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

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

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

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

(c) If the registrar rejects an application for incompleteness but receives a completed application not later than the 10th day after the date the notice is delivered under Subsection (a) or the date the incomplete application is returned under Subsection (b), as applicable, the original date of submission of the incomplete application is considered to be the date of submission to the registrar for the purpose of determining the effective date of registration.

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

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

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

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

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

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

(c) For purposes of determining the effective date of a change in registration information covered by this section, a document submitted by mail is considered to be submitted to the registrar on the date it is placed with postage prepaid and properly addressed in the United States mail. The date indicated by the post office cancellation mark is considered to be the date the document was placed in the mail unless proven otherwise.

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

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

(c) The notice must include:

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

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

3-1 mailed.

3-2 (d) Except as provided by Subsection (e), the registrar
3-3 shall cancel a voter's registration if:

3-4 (1) after considering the voter's reply, the registrar
3-5 determines that the voter is not eligible for registration;

3-6 (2) no reply is received from the voter on or before
3-7 the 30th ~~[60th]~~ day after the date the notice is mailed to the voter
3-8 under Subsection (b); or

3-9 (3) each notice mailed under Subsection (b) is
3-10 returned undelivered to the registrar with no forwarding
3-11 information available.

3-12 SECTION 9. Sections 16.0332(a) and (b), Election Code, are
3-13 amended to read as follows:

3-14 (a) After the registrar receives a list under Section
3-15 62.113, Government Code, of persons excused or disqualified from
3-16 jury service because of citizenship status, the registrar shall
3-17 deliver to each registered voter whose name ~~[who]~~ appears on the
3-18 list a written notice requiring the voter to submit to the registrar
3-19 [provide] proof of United States citizenship in the form of a
3-20 certified copy of the voter's birth certificate, United States
3-21 passport, or certificate of naturalization or any other ~~[a]~~ form
3-22 prescribed by the secretary of state. The notice shall be delivered
3-23 by forwardable mail to the mailing address on the voter's
3-24 registration application and to any new address of the voter known
3-25 to the registrar.

3-26 (b) If a voter fails to submit to ~~[provide]~~ the registrar
3-27 [with] proof of citizenship on or before the 30th ~~[31st]~~ day after
3-28 the date the notice is mailed ~~[to the voter]~~, the registrar shall
3-29 cancel the voter's registration.

3-30 SECTION 10. Section 16.036(a), Election Code, is amended
3-31 to read as follows:

3-32 (a) Immediately after cancellation of a voter's
3-33 registration under Section 16.031(a)(3), 16.033, ~~[or]~~ 16.0331, or
3-34 16.0332, the registrar shall deliver written notice of the
3-35 cancellation to the voter.

3-36 SECTION 11. Section 19.001(a), Election Code, is amended to
3-37 read as follows:

3-38 (a) Before May 15 of each year, the registrar shall prepare
3-39 and submit to the comptroller of public accounts a statement
3-40 containing:

3-41 (1) the total number of initial registrations for the
3-42 previous voting year;

3-43 (2) the total number of registrations canceled under
3-44 Sections 16.031(a)(1), ~~[and]~~ 16.033, and 16.0332 for the previous
3-45 voting year; and

3-46 (3) the total number of registrations for which
3-47 information was updated for the previous voting year.

3-48 SECTION 12. Section 32.091, Election Code, is amended by
3-49 amending Subsection (a) and adding Subsection (c) to read as
3-50 follows:

3-51 (a) Except as provided by Subsection (c), an ~~[An]~~ election
3-52 judge or clerk is entitled to compensation for services rendered at
3-53 a precinct polling place at an hourly rate not to exceed the amount
3-54 fixed by the appropriate authority, which amount must be at least
3-55 the federal minimum hourly wage. A judge or clerk may be compensated
3-56 at that rate for services rendered under Section 62.014(c).

3-57 (c) For a primary or runoff primary election, the minimum
3-58 hourly rate is the greater of the maximum rate provided by
3-59 Subsection (a) or, if the election officer attended a training
3-60 program as provided by Subchapter F, \$7.

3-61 SECTION 13. Section 32.111, Election Code, is amended to
3-62 read as follows:

3-63 Sec. 32.111. TRAINING STANDARDS FOR ELECTION JUDGES. (a)
3-64 The secretary of state shall ~~[governing body of a political~~
3-65 ~~subdivision that holds elections or the county executive committee~~
3-66 ~~of a political party that holds primary elections may]~~:

3-67 (1) adopt ~~[minimum]~~ standards of training in election
3-68 law and procedure for presiding or alternate election judges
3-69 ~~[serving in its elections]; [and]~~

(2) develop materials for a standardized curriculum for that training; and

(3) distribute the materials as necessary to the governing bodies of political subdivisions that hold elections and to each county executive committee of a political party that holds a primary election ~~[require that a person meet those standards before appointment or service as a judge]~~.

(b) The [Minimum] training standards may include required attendance at appropriate training programs or the passage of an examination at the end of a training program.

SECTION 14. Section 32.112, Election Code, is amended to read as follows:

Sec. 32.112. EXPENSE OF TRAINING JUDGES. The governing body of a political subdivision may appropriate funds to:

(1) compensate its election judges, early voting clerk, and deputy early voting clerks in charge of early voting polling places for attending a training program required under Section 32.111 [programs], at an hourly rate not to exceed the maximum rate of compensation of an election judge for services rendered at a precinct polling place or, if applicable, for attending a training program under Section 32.114; and

(2) pay the expenses of conducting the programs.

SECTION 15. Sections 32.113(a) and (b), Election Code, are amended to read as follows:

(a) The governing body of a political subdivision other than a county may, and the county executive committee of a political party shall, provide training [programs] for its election officers using the standardized training program and materials developed and provided by the secretary of state under Section 32.111.

(b) A political subdivision or county executive committee may conduct its training [programs] independently or jointly with other entities.

SECTION 16. Section 32.114, Election Code, is amended by amending Subsection (a) and adding Subsection (e) to read as follows:

(a) The county clerk shall provide one or more sessions of [a] training using the standardized training program and materials developed and provided by the secretary of state under Section 32.111 [program] for the election judges and clerks appointed to serve in elections ordered by the governor or a county authority. Each election judge shall complete the training program.

(e) An election judge, early voting clerk, or deputy early voting clerk in charge of an early voting polling place is entitled to compensation for attending the training program at an hourly rate not to exceed \$7.

SECTION 17. 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 an election of:

(i) a county; or

(ii) one or more other political subdivisions under an election services contract with the county election officer; 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 18. 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 19. 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 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 20. 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 21. 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 22. Section 85.001(c), Election Code, is amended to read as follows:

(c) If the date prescribed by Subsection (a) or (b) for beginning the period is a Saturday, Sunday, or legal state holiday, the early voting period begins ~~+~~

~~[(1)] on the next regular business day~~ ~~, or~~

~~[(2) on that Saturday or Sunday if early voting is ordered to be conducted on that day under Section 85.006].~~

SECTION 23. 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 24. 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 an election of:

(a) a county; or

(b) one or more political subdivisions under an election services contract with the county election officer; 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 25. 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.

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

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

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

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

(c) Not later than the fifth day after the date the early voting clerk issues the order calling for the appointment of a signature verification committee, or not later than October 15 for

a committee required under Subsection (a-1), the appropriate authority shall appoint the members of the committee and designate one of the appointees as chair, subject to Subsection (d). The authority shall fill a vacancy on the committee by appointment as soon as possible after the vacancy occurs, subject to Subsection (d). The early voting clerk shall post notice of the name and residence address of each appointee. The notice must remain posted continuously for the period beginning the day after the date of the appointment and ending on the last day of the committee's operation in the election.

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

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

(2) neither the voter's signature on the ballot application nor the signature on the carrier envelope certificate is determined to have been executed by a person other than the

voter, unless signed by a witness;

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

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

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

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

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

SECTION 28. Section 87.101, Election Code, is amended to read as follows:

Sec. 87.101. ~~[PREPARATION OF BALLOTS,]~~ DELIVERY OF BALLOTS TO COUNTING STATION. ~~[(a)]~~ On the direction of the presiding judge, the early voting ballot board ~~[, in accordance with Section 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 29. 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 30. 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) the [a] general election for state and county officers; or

(B) an election of a political subdivision that is held jointly with an election of:

(i) a county; or
(ii) one or more political subdivisions under an election services contract with the county election officer;

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

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

SECTION 31. Section 102.003(b), Election Code, is amended to read as follows:

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

SECTION 32. Section 104.003, Election Code, is amended to read as follows:

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

SECTION 33. Section 112.002, Election Code, is amended by amending Subsection (a) and adding Subsections (c) and (d) to read as follows:

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

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

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

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

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

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

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

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

(4) the date the statement is executed.

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

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

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

SECTION 34. Section 127.066(c), Election Code, is amended to read as follows:

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

SECTION 35. Chapter 144, Election Code, is amended by adding Section 144.006 to read as follows:

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

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

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

SECTION 36. Section 172.024(a), Election Code, is amended to read as follows:

(a) The filing fee for a candidate for nomination in the general primary election is as follows:

(1) United States senator \$5,000 [~~\$4,000~~]

(2) office elected statewide, except United States senator 3,750 [~~3,000~~]

(3) United States representative 3,125 [~~2,500~~]

(4) state senator 1,250 [~~1,000~~]

(5) state representative 750 [~~600~~]

(6) member, State Board of Education 300 [~~250~~]

(7) chief justice or justice, court of appeals, other than a justice specified by Subdivision (8) 1,875 [~~1,500~~]

(8) chief justice or justice of a court of appeals that serves a court of appeals district in which a county with a population of more than 850,000 is wholly or partly situated 2,500 [~~2,000~~]

(9) district judge or judge specified by Section 52.092(d) for which this schedule does not otherwise prescribe a fee 1,500 [~~1,200~~]

(10) district or criminal district judge of a court in a judicial district wholly contained in a county with a population of more than 850,000 2,500 [~~2,000~~]

(11) judge, statutory county court, other than a judge specified by Subdivision (12) 1,500 [~~1,200~~]

(12) judge of a statutory county court in a county with a population of more than 850,000 2,500 [~~2,000~~]

(13) district attorney, criminal district attorney, or county attorney performing the duties of a district attorney 1,250 [~~1,000~~]

(14) county commissioner, county clerk, sheriff, county tax assessor-collector, county treasurer, or judge, constitutional county court:

(A) county with a population of 200,000 or more 1,250 [~~1,000~~]

(B) county with a population of under 200,000 750 [~~600~~]

(15) justice of the peace or constable:

(A) county with a population of 200,000 or more 1,000 [~~800~~]

(B) county with a population of under 200,000 375 [~~300~~]

(16) county surveyor, inspector of hides and animals, or public weigher 75 [~~50~~]

(17) office of the county government for which this schedule does not otherwise prescribe a fee 750 [~~600~~]

SECTION 37. Sections 172.126(a) and (c), Election Code, are amended to read as follows:

(a) The primary elections in a county may be conducted jointly at the regular polling places designated for the general election for state and county officers. The county clerk shall supervise the overall conduct of the joint primary elections. This section applies to the conduct of joint primary elections notwithstanding and in addition to other applicable provisions of this code. The decision to conduct a joint general primary election or runoff primary election, as applicable, must be made by majority vote of the full membership of the commissioners court and with the 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 38. Section 173.005(a), Election Code, is amended to read as follows:

~~[(a)]~~ The maximum hourly rate payable with state funds in a particular primary election year to election judges serving in a primary election for attending training programs is the same as the maximum rate prescribed by this code for ~~[a political subdivision's]~~ compensation for attending a training program for election judges appointed to serve in elections ordered by the governor or a county authority ~~[of its election judges for the same activity]~~.

SECTION 39. 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 holding the primary elections for that year, but not later than July 1 following the applicable primary election. The surplus in the primary fund shall be remitted regardless of whether state funds were requested by the chair. ~~[Any surplus primary funds received by the county clerk under this subsection may be used only for paying the remaining expenses of the joint primary election.]~~

SECTION 40. Section 212.001, Election Code, is amended to read as follows:

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

(1) be in writing;
(2) identify the office or measure for which a recount is desired;

(3) state the grounds for the recount;
(4) state the side of the measure that the person requesting the recount represents, if applicable;

(5) identify the election precincts, grouped by county or other appropriate territorial unit if the election involves more than one local canvassing authority, for which a recount is desired and must indicate the method of voting used in each precinct;

(6) be signed by:
(A) the person requesting the recount or, if there is more than one, any one or more of them; or

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

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

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

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

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

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

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

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

SECTION 41. 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 42. 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 43. 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 44. Sections 13.072(e), 15.026, 87.0271, 87.1231(b), 145.006, 173.005(b), and 212.111(c), Election Code, are repealed.

SECTION 45. (a) This Act takes effect September 1, 2003.

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

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