

BILL ANALYSIS

Senate Research Center
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C.S.H.B. 2173
By: Torres et al. (Van de Putte)
State Affairs
5/19/2011
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

C.S.H.B. 2173 amends current law relating to the adoption of certain voting procedures and to certain elections, including procedures necessary to implement the federal Military and Overseas Voter Empowerment Act, deadlines for declaration of candidacy and dates for certain elections, and to terms of certain elected officials.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the secretary of state in SECTION 1 (Sections 101.007 and 101.109) and SECTION 49 of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 101, Election Code, as follows:

CHAPTER 101. VOTING BY RESIDENT FEDERAL POSTCARD APPLICANT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 101.001. ELIGIBILITY. Makes no changes to this section.

Sec. 101.002. GENERAL CONDUCT OF VOTING. Makes no changes to this section.

Sec. 101.003. New heading: DEFINITIONS. Defines, in this chapter, "FPCA registrant." Deletes existing Subsection (a) requiring that an application for a ballot to be voted under this subchapter be submitted on an official federal postcard application form, and include the information necessary to indicate that the applicant is eligible to vote in the election for which the ballot is requested. Deletes existing Subsection (b) designation. Makes a nonsubstantive change.

Sec. 101.004. NOTING FPCA REGISTRATION ON POLL LIST. Requires that a notation, for each person registered to vote under Section 101.055 (FPCA Registrant) accepted to vote, be made beside the voter's name on the early voting poll list indicating that the voter is an FPCA registrant.

Sec. 101.005. NOTING FPCA REGISTRATION AND E-MAIL ON EARLY VOTING ROSTER. Requires that the entry on the early voting roster pertaining to a voter under this chapter who is an FPCA registrant include a notation indicating that the voter is an FPCA registrant. Requires the early voting clerk to note on the early voting by mail roster each e-mail of a ballot under Subchapter C.

Sec. 101.006. EXCLUDING FPCA REGISTRANT FROM PRECINCT EARLY VOTING LIST. Provides that a person to whom a ballot is provided under this chapter is not required to be included on the precinct early voting list if the person is an FPCA registrant.

Sec. 101.007. DESIGNATION OF SECRETARY OF STATE. (a) Provides that the secretary of state (SOS) is designated as the state office to provide information regarding

voter registration procedures and absentee ballot procedures, including procedures related to the federal write-in absentee ballot, to be used by persons eligible to vote under the federal Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. Section 1973ff et seq.).

(b) Provides that SOS is designated as the state coordinator between military and overseas voters and county election officials. Requires a county election official to:

(1) cooperate with the secretary of state to ensure that military and overseas voters timely receive accurate balloting materials that a voter is able to cast in time for the election; and

(2) otherwise comply with the federal Military and Overseas Voter Empowerment Act (Pub. L. No. 111-84, Div. A, Title V, Subt. H).

(c) Authorizes SOS to adopt rules as necessary to implement this section.

Sec. 101.008. STATUS OF APPLICATION OR BALLOT VOTED. Requires SOS, in coordination with local election officials, to implement an electronic free-access system by which a person eligible for early voting by mail under this chapter or Chapter 114 (Voting Federal Ballot by Overseas Citizen) may determine by telephone, by e-mail, or over the Internet whether:

(1) the person's federal postcard application or other registration or ballot application has been received and accepted; and

(2) the person's ballot has been received and the current status of the ballot.

SUBCHAPTER B. SUBMISSION OF FEDERAL POSTCARD APPLICATION

Sec. 101.051. FORM AND CONTENTS OF APPLICATION. Requires that an application for a ballot to be voted under this subchapter:

(1) be submitted on an official federal postcard application form; and

(2) include the information necessary to indicate that the applicant is eligible to vote in the election for which the ballot is requested.

Sec. 101.052. SUBMITTING APPLICATION. Redesignates existing Section 101.004 as Section 101.052. Makes no further changes to this section.

Sec. 101.053. ACTION BY EARLY VOTING CLERK ON CERTAIN APPLICATIONS. Redesignates existing Section 101.0041 as Section 101.053. Makes no further changes to this section.

Sec. 101.054. APPLYING FOR MORE THAN ONE ELECTION IN THE SAME APPLICATION. Redesignates existing Section 101.005 as Section 101.054. (a)-(b) Makes no changes to these subsections.

(c) Requires that an application be treated as if it requests a ballot for a runoff election that results from an election for which a ballot is requested. Deletes existing text requiring that an application be treated as if it requests a ballot for each election for a federal office, including a primary or runoff election, that occurs on or before the date of the second general election for state and county officers that occurs after the date the application is submitted.

(d) Makes no changes to this subsection.

Sec. 101.055. FPCA VOTER REGISTRATION. Redesignates existing Section 101.006 as Section 101.055. (a) Makes no changes to this subsection.

(b) Requires a person, for purposes of registering to vote under this chapter, to provide the address of the last place of residence of the person in this state or the last place of residence in this state of the person's parent or legal guardian. Deletes existing text, defining, in this chapter, "FPCA registrant."

(c) Requires the voter registrar to register the person at the address provided under Subsection (b) unless that address no longer is recognized as a residential address, in which event the registrar shall assign the person to an address under procedures prescribed by SOS.

Sec. 101.056. METHOD OF PROVIDING BALLOT; REQUIRED ADDRESS. Redesignates existing Section 101.007 as Section 101.056. (a) Requires that the balloting materials provided under this subchapter, rather than the balloting materials provided under this chapter, be airmailed to the voter free of United States postage, as provided by the federal Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. Section 1973ff et seq.), in an envelope labeled "Official Election Balloting Material - via Airmail."

(b)-(c) Makes no changes to these subsections.

Sec. 101.057. RETURN OF VOTED BALLOT. Redesignates existing Section 101.008 as Section 101.057. Authorizes a ballot voted under this subchapter to be returned to the early voting clerk by mail, common or contract carrier, or courier. Makes a conforming change.

Deletes existing Section 101.009 (Noting FPCA Registration on Poll List).

Deletes existing Section 101.010 (Noting FPCA Registration on Early Voting Roster).

Deletes existing Section 101.011 (Excluding FPCA Registrant From Precinct Early Voting List).

Sec. 101.058. OFFICIAL CARRIER ENVELOPE. Redesignates existing Section 101.012 as Section 101.058. Requires that the officially prescribed carrier envelope for voting under this subchapter, rather than under this chapter, be prepared so that it can be mailed free of United States postage, as provided by the federal Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. Section 1973ff et seq.), rather than as provided by the Federal Voting Assistance Act of 1955, and contain the label prescribed by Section 101.056(a), rather than Section 101.007(a), for the envelope in which the balloting materials are sent to a voter.

SUBCHAPTER C. E-MAIL TRANSMISSION OF BALLOTING MATERIALS

Sec. 101.101. PURPOSE. Provides that the purpose of this subchapter is to implement the federal Military and Overseas Voter Empowerment Act (Pub. L. No. 111-84, Div. A, Title V, Subt. H).

Sec. 101.102. REQUEST FOR BALLOTING MATERIALS. (a) Authorizes a person eligible to vote under this chapter to request from the appropriate early voting clerk e-mail transmission of balloting materials under this subchapter.

(b) Requires the early voting clerk to grant a request made under this section for the e-mail transmission of balloting materials if:

(1) the requestor has submitted a valid federal postcard application and:

(A) if the requestor is a person described by Section 101.001(2)(C) (relating to a person who is domiciled in this state but temporarily living outside the territorial limits of the United States and the District of Columbia), has provided a current mailing address that is located outside the United States; or

(B) if the requestor is a person described by Section 101.001(2)(A) (relating to a person who is a member of the armed forces of the United States, or the spouse or a dependent of a member) or (B) (relating to a person who is a member of the merchant marine of the United States, or the spouse or a dependent of a member), has provided a current mailing address that is located outside the requestor's county of residence;

(2) the requestor provides an e-mail address that:

(A) corresponds to the address on file with the requestor's federal postcard application; or

(B) is stated on a newly submitted federal postcard application;

(3) the request is submitted on or before the seventh day before the date of the election; and

(4) a marked ballot for the election from the requestor has not been received by the early voting clerk.

Sec. 101.103. CONFIDENTIALITY OF E-MAIL ADDRESS. Provides that an e-mail address used under this subchapter to request balloting materials is confidential and does not constitute public information for purposes of Chapter 552 (Public Information), Government Code. Requires an early voting clerk to ensure that a voter's e-mail address provided under this subchapter is excluded from public disclosure.

Sec. 101.104. ELECTIONS COVERED. Provides that the e-mail transmission of balloting materials under this subchapter is limited to:

(1) an election in which an office of the federal government appears on the ballot, including a primary election;

(2) an election to fill a vacancy in the legislature unless:

(A) the election is ordered as an emergency election under Section 41.0011 (Emergency Requiring Early Election); or

(B) the election is held as an expedited election under Section 203.013 (Expedited Election); or

(3) an election held jointly with an election described by Subdivision (1) or (2).

Sec. 101.105. BALLOTING MATERIALS TO BE SENT BY E-MAIL. Provides that balloting materials to be sent by e-mail under this subchapter include:

(1) the appropriate ballot;

(2) ballot instructions, including instructions that inform a voter that the ballot must be returned by mail to be counted;

(3) instructions prescribed by the secretary of state on:

(A) how to print a return envelope from the federal Voting Assistance Program website; and

(B) how to create a carrier envelope or signature sheet for the ballot; and

(4) a list of certified write-in candidates, if applicable.

Sec. 101.106. METHODS OF TRANSMISSION TO VOTER. (a) Authorizes the balloting materials to be provided by e-mail to the voter in PDF format, through a scanned format, or by any other method of electronic transmission authorized by SOS in writing.

(b) Requires SOS to prescribe procedures for the retransmission of balloting materials following an unsuccessful transmission of the materials to a voter.

Sec. 101.107. RETURN OF BALLOT. (a) Requires a voter described by Section 101.001(2)(A) or (B) to be voting from outside the voter's county of residence. Requires a voter described by Section 101.001(2)(C) to be voting from outside the United States.

(b) Requires a voter who receives a ballot under this subchapter to return the ballot in the same manner as required under Section 101.057 and, except as provided by Chapter 105 (Voting by Military Personnel or Other Persons Overseas), prohibits the voter from returning the ballot by electronic transmission.

(c) Provides that a ballot that is not returned as required by Subsection (b) is considered a ballot not timely returned and is not sent to the early voting ballot board for processing.

(d) Provides that the deadline for the return of a ballot under this section is the same deadline as provided in Section 86.007 (Deadline for Returning Marked Ballot).

Sec. 101.108. TRACKING OF BALLOTING MATERIALS. Requires SOS by rule to create a tracking system under which an FPCA registrant may determine whether a voted ballot has been received by the early voting clerk. Requires each county that sends ballots to FPCA registrants to provide information required by the secretary of state to implement the system.

Sec. 101.109. RULES. (a) Authorizes SOS to adopt rules as necessary to implement this subchapter.

(b) Authorizes SOS to provide for an alternate secure method of electronic ballot transmission under this subchapter instead of transmission by e-mail.

Deletes existing Section 101.013 (Designation of Secretary of State).

SECTION 2. Amends Section 2.025, Election Code, by amending Subsection (a) and adding Subsection (d), as follows:

(a) Requires that a runoff election, except as provided by Subsection (d) or as otherwise provided by this code, be held not earlier than the 20th or later than the 45th day after the date the final canvass of the main election is completed.

(d) Requires that a runoff election for a special election to fill a vacancy in Congress or a special election to fill a vacancy in the legislature to which Section 101.104 applies be held not earlier than the 70th day or later than the 77th day after the date the final canvass of the main election is completed.

SECTION 3. Amends Section 3.005(c), Election Code, as follows:

(c) Provides that, for an election to be held on:

(1) the date of the general election for state and county officers, the election is required to be ordered not later than the 78th day, rather than the 70th day, before election day; and

(2) a uniform election date other than the date of the general election for state and county officers, the election is required to be ordered not later than the 71st day before election day.

SECTION 4. Amends Section 41.001, Election Code, by amending Subsection (a) and adding Subsection (d), as follows:

(a) Requires that each general or special election in this state, except as otherwise provided by this subchapter, be held on one of the following dates:

(1) the second Saturday in May in an odd-numbered year;

(2) the second Saturday in May in an even-numbered year, for an election held by a political subdivision other than a county; or

(3) the first Tuesday after the first Monday in November.

(d) Provides that, notwithstanding Section 31.093 (Duty to Contract), a county elections administrator is not required to enter into a contract to furnish election services for an election held on the date described by Subsection (a)(2).

SECTION 5. Amends Section 41.0052, Election Code, as follows:

Sec. 41.0052. CHANGING GENERAL ELECTION DATE. (a) Redesignates existing Subsection (a-1) as Subsection (a). Deletes existing Subsection (a) authorizing the governing body of a political subdivision other than a county to, not later than December 31, 2005, change the date on which it holds its general election for officers to another authorized uniform election date.

(b) Makes no changes to this subsection.

(c) Authorizes a home-rule city to implement the change authorized by Subsection (a) through the adoption of a resolution. Provides that the change contained in the resolution supersedes a city charter provision that requires a different general election date.

(d) Provides that the holdover of a member of a governing body of a city in accordance with Section 17 (Officers to Serve Until Successors Qualified), Article XVI (General Provisions), Texas Constitution, so that a term of office may be conformed to a new election date chosen under this section does not constitute a vacancy for purposes of Section 11(b) (requiring a municipality so providing a term exceeding two (2) years but not exceeding four (4) years for any of its non-civil service officers to elect all of the members of its governing body by majority vote of the qualified voters in such municipality, and prohibiting any vacancy or vacancies occurring on such governing body from being filled by appointment), Article XI (Municipal Corporations), Texas Constitution.

SECTION 6. Amends Section 41.007(b), Election Code, to provide that the runoff primary election date is the fourth Tuesday in May, rather than the second Tuesday in April, following the general primary election.

SECTION 7. Amends Section 65.051, Election Code, by adding Subsection (c), to provide that Section 1.006 (Effect of Weekend or Holiday) does not apply to this section.

SECTION 8. Amends Section 86.004(b), Election Code, as follows:

(b) Requires that the balloting materials for a voter who indicates on the application for a ballot to be voted by mail or the federal postcard application that the voter is eligible to vote early by mail as a consequence of the voter's being outside the United States, for an election to which Section 101.104 applies, rather than for the general election for state and county officers, be mailed on or before the later of the 45th day before election day or the seventh calendar day after the date the clerk receives the application.

SECTION 9. Amends Section 86.011(b), Election Code, to require the clerk to also include a copy of the voter's federal postcard application if the ballot is voted under Chapter 101, and the signature cover sheet, if the ballot is voted under Chapter 105.

SECTION 10. Amends Subchapter B, Chapter 87, Election Code, by adding Section 87.0223, as follows:

Sec. 87.0223. TIME OF DELIVERY: BALLOTS SENT OUT BY REGULAR MAIL AND E-MAIL. (a) Prohibits the early voting clerk, if the clerk has provided a voter a ballot to be voted by mail by both regular mail and e-mail under Subchapter C, Chapter 101, from delivering a jacket envelope containing the early voting ballot voted by mail by the voter to the board until both ballots are returned, or the deadline for returning marked ballots under Section 86.007 has passed.

(b) Requires the early voting clerk, if both the ballot provided by regular mail and the ballot provided by e-mail are returned before the deadline, to deliver only the jacket envelope containing the ballot provided by e-mail to the board. Provides that the ballot provided by regular mail is considered to be a ballot not timely returned.

SECTION 11. Amends Section 87.041, Election Code, by adding Subsection (f) to require the early voting ballot board, in making the determination under Subsection (b)(2) (authorizing a ballot to be accepted only if 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) for a ballot cast under Chapter 101 or 105, to compare the signature on the carrier envelope or signature cover sheet with the signature of the voter on the federal postcard application.

SECTION 12. Amends Section 87.043, Election Code, by amending Subsection (a) and adding Subsection (d), as follows:

(a) Requires the early voting ballot board to keep a record of the number of rejected ballots in each envelope.

(d) Requires that a notation be made on the carrier envelope of any ballot that was rejected after the carrier envelope was opened and include the reason the envelope was opened and the ballot was rejected.

SECTION 13. Amends Section 87.0431, Election Code, to require the presiding judge, if the ballot was transmitted to the voter by e-mail under Subchapter C, Chapter 101, to also provide the notice to the e-mail address to which the ballot was sent.

SECTION 14. Amends Section 87.044(a), Election Code, to require the early voting ballot board, for a ballot voted under Chapter 101 or 105, to place the copy of the voter's federal postcard application or signature cover sheet in the same location as the carrier envelope.

SECTION 15. Amends Section 105.003, Election Code, to require SOS to prescribe procedures to allow a voter who qualifies to vote by a federal write-in absentee ballot to vote through use of a federal write-in absentee ballot in any general, special, primary, or runoff election for federal office, or an election for any office for which the balloting materials may be sent under Section 101.104.

SECTION 16. Amends Section 142.010(b), Election Code, to require the certifying authority, not later than the 68th day before general election day, rather than not later than the 55th day before general election day, to deliver the certification to the authority responsible for having the official ballot prepared in each county in which the candidate's name is to appear on the ballot.

SECTION 17. Amends Section 143.007(c), Election Code, as follows:

(c) Provides that, for an election to be held on:

(1) the date of the general election for state and county officers, the day of the filing deadline is the 78th day before election day, rather than the 70th day before election day; and

(2) a uniform election date other than the date of the general election for state and county officers, the day of the filing deadline is the 71st day before election day.

SECTION 18. Amends Section 144.005(d), Election Code, as follows:

(d) Provides that, for an election to be held on:

(1) the date of the general election for state and county officers, the day of the filing deadline is the 78th day before election day, rather than the 70th day before election day; and

(2) a uniform election date other than the date of the general election for state and county officers, the day of the filing deadline is the 71st day before election day.

SECTION 19. Amends Section 144.006(b), Election Code, as follows:

(b) Provides that, for an election to be held on:

(1) the date of the general election for state and county officers, the day of the filing deadline is the 78th day before election day, rather than the 67th day before election day; and

(2) a uniform election date other than the date of the general election for state and county officers, the day of the filing deadline is the 71st day before election day.

SECTION 20. Amends Section 145.037(e), Election Code, to require that the certification be delivered not later than 5 p.m. of the 71st day before election day, rather than the 70th day before election day.

SECTION 21. Amends Section 145.038(b), Election Code, to require the state chair to deliver the certification of the replacement nominee not later than 5 p.m. of the 69th day before election day, rather than the 67th day before election day.

SECTION 22. Amends Section 145.092(f), Election Code, to prohibit a candidate in an election for which the filing deadline for an application for a place on the ballot is not later than 5 p.m. of the 78th day before election day, rather than the 70th day before election day, from withdrawing from the election after 5 p.m. of the 71st day before election day, rather than after 5 p.m. of the 67th day before election day.

SECTION 23. Amends Section 145.094(a), Election Code, to require that the name of the candidate be omitted from the ballot under certain circumstances, including if the candidate withdraws or is declared ineligible before 5 p.m. of the 71st day before election day, rather than before 5 p.m. on the 67th day before election day, in an election subject to Section 145.092(f).

SECTION 24. Amends Section 145.096(a), Election Code, to require that a candidate's name, except as provided by Subsection (b), be placed on the ballot under certain circumstances, including if the candidate is declared ineligible after 5 p.m. of the 71st day before election day,

rather than after 5 p.m. of the 67th day before election day, in an election subject to Section 145.092(f).

SECTION 25. Amends Sections 146.025(a) and (b), Election Code, as follows:

(a) Requires that a declaration of write-in candidacy be filed not later than 5 p.m. of the 78th day before general election day, rather than not later than 5 p.m. of the 70th day before general election day, except as otherwise provided by this code. Prohibits a declaration from being filed earlier than the 30th day before the date of the regular filing deadline.

(b) Authorizes a declaration of write-in candidacy for the office sought by the deceased or ineligible candidate, if a candidate whose name is to appear on the general election ballot dies or is declared ineligible after the third day before the date of the filing deadline prescribed by Subsection (a), to be filed not later than 5 p.m. of the 75th day before election day, rather than not later than 5 p.m. of the 67th day before election day.

SECTION 26. Amends Section 146.029(c), Election Code, to require the certifying authority, not later than the 68th day before election day, rather than not later than the 62nd day before election day, to deliver the certification to the authority responsible for having the official ballot prepared in each county in which the office sought by the candidate is to be voted on.

SECTION 27. Amends Section 146.054(b), Election Code, as follows:

(b) Provides that, for an election to be held on:

(1) the date of the general election for state and county officers, the day of the filing deadline is the 74th day before election day, rather than the 67th day before election day; and

(2) a uniform election date other than the date of the general election for state and county officers, the day of the filing deadline is the 71st day before election day.

SECTION 28. Amends Section 161.008(b), Election Code, to require SOS, not later than the 68th day before general election day, rather than not later than the 62nd day before general election day, to deliver the certification to the authority responsible for having the official general election ballot prepared in each county in which the candidate's name is to appear on the ballot.

SECTION 29. Amends Section 172.023(a), Election Code, to require that an application for a place on the general primary election ballot must be filed not later than 6 p.m. on the second Monday in December of an odd-numbered year, rather than not later than 6 p.m. on January 2 in the primary election year, unless the filing deadline is extended under Subchapter C.

SECTION 30. Amends Section 171.0231(d), Election Code, as follows:

(d) Requires that a declaration of write-in candidacy be filed not later than 5 p.m. of the 85th day before general primary election day, rather than not later than 5 p.m. of the 62nd day before general primary election day. Authorizes a declaration of write-in candidacy for the office sought by the deceased or ineligible candidate, if a candidate whose name is to appear on the ballot for the office of county chair or precinct chair dies or is declared ineligible after the third day before the date of the regular filing deadline prescribed by this subsection, to be filed not later than 5 p.m. of the 81st day before election day, rather than not later than 5 p.m. of the 59th day before election day.

SECTION 31. Amends Section 172.028(b), Election Code, to require the state chair, not later than the 81st day before general primary election day, rather not later than the 57th day before general primary election day, to deliver the certification to the county chair in each county in which the candidate's name is to appear on the ballot.

SECTION 32. Amends Section 172.052(a), Election Code, to prohibit a candidate for nomination from withdrawing from the general primary election after the 79th day before general primary election day, rather than after the 62nd day before general primary election day.

SECTION 33. Amends Sections 172.054(a) and (b), Election Code, as follows:

(a) Provides that the deadline for filing an application for a place on the general primary election ballot is extended as provided by this section if a candidate who has made an application that complies with the applicable requirements:

(1) dies on or after the fifth day before the date of the regular filing deadline and on or before the 79th day before general primary election day, rather than the 62nd day before general primary election day;

(2) Makes a conforming change; or

(3) Makes no changes to this subdivision.

(b) Requires that an application for an office sought by a withdrawn, deceased, or ineligible candidate be filed not later than 6 p.m. of the 77th day before general primary election day, rather than the 60th day before general primary election day. Provides that an application filed by mail with the state chair is not timely if received later than 5 p.m. of the 77th day before general primary election day, rather than if received later than 5 p.m. of the 60th day before general election primary day.

SECTION 34. Amends Section 172.057, Election Code, to require that a candidate's name be omitted from the general primary election ballot if the candidate withdraws, dies, or is declared ineligible on or before the 79th day before general primary election day, rather than on or before the 62nd day before general primary election day.

SECTION 35. Amends Section 172.058(a), Election Code, to require that the candidate's name, if a candidate who has made an application for a place on the general primary election ballot that complies with the applicable requirements dies or is declared ineligible after the 79th day before general primary election day, rather than after the 62nd day before the general primary election day, to be placed on the ballot and the votes cast for the candidate be counted and entered on the official election returns in the same manner as for the other candidates.

SECTION 36. Amends Section 172.059(a), Election Code, to prohibit a candidate for nomination from withdrawing from the runoff primary election day after 5 p.m. of the 8th day after general primary election day, rather than after 5 p.m. of the 10th day after general primary election day.

SECTION 37. Amends Section 172.082(c), Election Code, to require that the drawing be conducted at the county seat not later than the fourth Tuesday in December of an odd-numbered year, rather than not later than the 53rd day before general primary election day.

SECTION 38. Amends Section 192.033(b), Election Code, to require SOS to deliver the certification to the authority responsible for having the official ballot prepared in each county before the later of the 68th day before presidential election day, rather than the 62nd day before presidential election day, or the second business day after the date of final adjournment of the party's national presidential nominating convention.

SECTION 39. Amends Section 201.051(b), Election Code, to require that the election, for a vacancy to be filled by a special election to be held on the date of the general election for state and county officers, to be ordered not later than the 79th day before election day, rather than not later than the 70th day before election day.

SECTION 40. Amends Section 201.054(f), Election Code, to provide that, for a special election to be held on the date of the general election for state and county officers, the day of the filing deadline is the 75th day before election day, rather than the 67th day before election day.

SECTION 41. Amends Sections 11.055(a) and (c), Education Code, as follows:

(a) Requires that an application of a candidate for a place on the ballot, except as provided by Subsection (c), be filed not later than 5 p.m. of the 71st day before the date of the election, rather than not later than 5 p.m. before the 62nd day before the date of the election.

(c) Provides that, for an election to be held on the date of the general election for state and county officers, the day of the filing deadline is the 78th day before election day, rather than the 70th day before election day.

SECTION 42. Amends Section 11.056(b), Education Code, to require that a declaration of write in candidacy be filed not later than the deadline prescribed by Section 146.054, Election Code, for a write-in candidate in a city election, rather than requires that, except as provided by Subsection (e), a declaration of write-in candidacy 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.

SECTION 43. Amends Section 11.059(e), Education Code, as follows:

(e) Authorizes the board of trustees, not later than December 31, 2011, rather than December 31, 2007, to adopt a resolution changing the length of the terms of its trustees. Requires that the resolution provide for a term of either three or four years and specify the manner in which the transition from the length of the former term to the modified term is made. Requires that the transition begin with the first regular election for trustees that occurs after January 1, 2012, rather than after January 1, 2008, and a trustee who serves on that date is required to serve the remainder of that term. Provides that this subsection expires January 1, 2017, rather than January 1, 2013.

SECTION 44. Amends Section 130.0825(b), Education Code, to require that a declaration of write in candidacy be filed not later than the deadline prescribed by Section 146.054, Election Code, for a write-in candidate in a city election, rather than requires that, except as provided by Subsection (e), a declaration of write-in candidacy 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.

SECTION 45. Amends Section 285.131(d), Health and Safety Code, to require that a declaration of write in candidacy be filed not later than the deadline prescribed by Section 146.054, Election Code, for a write-in candidate in a city election, rather than requires that, except as provided by Subsection (e), a declaration of write-in candidacy 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.

SECTION 46. Amends Subchapter A, Chapter 21, Local Government Code, by adding Section 21.004, as follows:

Sec. 21.004. CHANGE OF LENGTH OR STAGGERING OF TERMS IN GENERAL-LAW MUNICIPALITY. (a) Provides that this section applies only to a general-law municipality whose governing body is composed of members that serve a term of one or three years, or staggered terms.

(b) Authorizes the governing body of the general-law municipality to, not later than December 31, 2012, adopt a resolution:

(1) changing the length of the terms of its members to two years; or

(2) providing for the election of all members of the governing body at the same election.

(c) Requires that the resolution specify the manner in which the transition in the length of terms is made. Requires that the transition begin with the first regular

election for members of the governing body that occurs after January 1, 2013, and that a member who serves on that date serve the remainder of that term.

(d) Provides that this section expires January 1, 2016.

SECTION 47. Amends Section 63.0945(d), Water Code, to require that a declaration of write in candidacy be filed not later than the deadline prescribed by Section 146.054, Election Code, for a write-in candidate in a city election, rather than requires that, except as provided by Subsection (e), a declaration of write-in candidacy 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.

SECTION 48. Provides that, to the extent of any conflict, this Act prevails over another Act of the 82nd Legislature, Regular Session, 2011, regardless of the relative dates of enactment.

SECTION 49. Requires SOS to adopt rules as necessary to implement this Act, including the adjustment or modification of any affected date, deadline, or procedure.

SECTION 50. Repealers: (1) Section 41.0052(a-1) (authorizing the governing body of a political subdivision to change the date on which it holds its general election for officers to the November uniform election date), Election Code;

(2) Section 11.056(e) (providing that, for an election to be held on the date of the general election for state and county officers, the day of the filing deadline is the 67th day before election day), and Section 130.0825(e) (providing that, for an election to be held on the date of the general election for state and county officers, the day of the filing deadline is the 67th day before election day), Education Code;

(3) Section 285.131(g) (providing that, for an election to be held on the date of the general election for state and county officers, the day of the filing deadline is the 67th day before election day), Health and Safety Code; and

(4) Section 63.0945(f) (providing that, for an election to be held on the date of the general election for state and county officers, the day of the filing deadline is the 67th day before election day), Water Code.

SECTION 51. (a) Provides that this section applies only to a political subdivision that elects the members of its governing body to a term that consists of an odd number of years.

(b) Authorizes the governing body of the political subdivision, not later than December 31, 2011, to adopt a resolution changing the length of the terms of its members to an even number of years. Requires that the resolution specify the manner in which the transition from the length of the former term to the modified term is made. Requires that the transition begin with the first regular election for members of the governing body that occurs after January 1, 2012, and that a member who serves on that date serve the remainder of that term.

(c) Provides that this section expires January 1, 2020.

SECTION 52. Provides that the changes in law made by this Act do not apply to an election held on November 8, 2011.

SECTION 53. Effective date: September 1, 2011.