

BILL ANALYSIS

Senate Research Center

H.B. 2817
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State Affairs
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Every election cycle presents new situations that often result in the need to clarify or adjust state election laws to allow local jurisdictions more flexibility and direction in the election process.

H.B. 2817 makes various changes to the Election Code with regard to state and local election process. These changes address frequently asked questions to and from election officials and will result in more efficient elections.

H.B. 2817 amends current law relating to certain election practices and procedures; providing penalties.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Secretary of State of Texas in SECTION 1 (Section 1.016, Election Code), SECTION 4 (Section 13.009, Election Code), and SECTION 36 (Section 87.126, Election Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 1, Election Code, by adding Section 1.016, as follows:

Sec. 1.016. RESIDENCE FOR CERTAIN REGISTERED VOTERS. (a) Provides that for purposes of registration under this code, a person's residence is established at the first residence address in the following list that is applicable to the person:

- (1) the address the person claims as a homestead in this state;
- (2) the address stated on a driver's license issued to the person by the Department of Public Safety of the State of Texas (DPS) that has not expired or, if the person has notified DPS of a change of address under Section 521.054 (Notice of Change of Address or Name), Transportation Code, the new address contained in the notification;
- (3) the address stated on a personal identification card issued to the person by DPS that has not expired or, if the person has notified DPS of a change of address under Section 521.054, Transportation Code, the new address contained in the notification;
- (4) the address stated on a license to carry a concealed handgun issued to the person by DPS that has not expired or, if the person has notified DPS of a change of address under Section 411.181 (Notice of Change of Address or Name), Government Code, the new address contained in the notification; or
- (5) an address corresponding to a residence at which the person receives mail.

(b) Prohibits the address described by Subsection (a)(5) from being a commercial post office box or similar location that does not correspond to a residence.

(c) Provides that this section does not apply to:

(1) a person who is a member of the armed forces of the United States or the spouse or a dependent of a member; or

(2) a person enrolled as a full-time student at an institution of higher education.

(d) Requires the secretary of state (SOS) to adopt rules as necessary to implement this section.

SECTION 2. Amends Section 4.004(a), Election Code, to require a notice of a general or special election to state the nature and date of the election, except as provided by Subsection (c) (relating to giving notice of an election by posting the notice in the various election precincts), the location of each polling place, rather than including each early voting polling place, the hours that the polls will be open, and any other information required by other law.

SECTION 3. Amends Subchapter A, Chapter 13, Election Code, by adding Section 13.008, as follows:

Sec. 13.008. PERFORMANCE-BASED COMPENSATION FOR REGISTERING VOTERS PROHIBITED. (a) Provides that a person commits an offense if the person:

(1) compensates another person based on the number of voter registrations that the other person successfully facilitates;

(2) presents another person with a quota of voter registrations to facilitate as a condition of payment or employment;

(3) engages in another practice that causes another person's compensation from or employment status with the person to be dependent on the number of voter registrations that the other person facilitates; or

(4) accepts compensation for an activity described by Subdivision (1), (2), or (3).

(b) Provides that an offense under this section is a Class A misdemeanor.

(c) Provides that an officer, director, or other agent of an entity that commits an offense under this section is punishable for the offense.

SECTION 4. Amends Subchapter A, Chapter 13, Election Code, by adding Section 13.009, as follows:

Sec. 13.009. ELECTRONIC VOTER REGISTRATION. (a) Requires the secretary of state (SOS) to implement a program to allow a person who has a valid driver's license or personal identification card issued in this state to complete a voter registration application over the Internet from the official website of this state and either directly or via links to the websites of SOS, DPS, and counties participating in the program.

(b) Requires an applicant for electronic voter registration to:

(1) attest to the truth of the information provided on the application by affirmatively accepting the information as true; and

(2) affirmatively consent to the use of the address and signature on the applicant's driver's license or personal identification card for voter registration purposes.

(c) Requires the program, for each application submitted, to require that a digital copy of the applicant's signature be obtained from DPS.

(d) Provides that an application submitted under this section is considered for all purposes as an application submitted by mail under this title.

(e) Requires SOS to adopt rules as necessary to implement this section, including rules to provide for additional security measures necessary to ensure the accuracy and integrity of applications submitted electronically.

(f) Requires the rules adopted under Subsection (e) to require that each Internet website through which a person may complete a voter registration application include a description of the offense described by Section 13.007 (False Statement on Application) in a conspicuous location on the website near the place where the person begins or submits the application.

SECTION 5. Amends Section 13.031(d), Election Code, as follows:

(d) Requires a person, to be eligible for appointment as a volunteer deputy registrar, to:

(1) be a registered voter, rather than 18 years of age or older;

(2) not have been finally convicted of a felony or, if so convicted, to have fully discharged the person's sentence, including any term of incarceration, parole, or supervision, or completed a period of probation ordered by any court; or been pardoned or otherwise released from the resulting disability to vote; and

(3) not have been finally convicted of an offense under Section 32.51, Penal Code. Makes nonsubstantive changes.

SECTION 6. Amends Section 13.033(b), Election Code, as follows:

(b) Requires the registrar, if a person is to be appointed, to prepare a certificate of appointment in duplicate containing:

(1)-(5) Makes no changes to these subdivisions; and

(6) a statement that the appointment:

(A) terminates on the person's final conviction for an offense for failure to deliver a registration application or under Section 32.51 (Fraudulent Use or Possession of Identifying Information), Penal Code; and

(B) may terminate on the registrar's determination that the person failed to adequately review a registration application.

SECTION 7. Amends Section 13.036(a), Election Code, to provide that an appointment as a volunteer deputy registrar is terminated on the expiration of the volunteer deputy's term of appointment or the final conviction of the volunteer deputy for an offense prescribed by Section 13.008 or 13.43 (Failure to Deliver Application), Election Code, or Section 32.51, Penal Code.

SECTION 8. Amends Section 18.064, Election Code, to provide that if a registrar fails to substantially comply with Sections 15.083 (Delivery of List to Secretary of State), 16.032 (Cancellation Following End of Suspense List Period), 18.061 (Statewide Computerized Voter Registration List), or with rules adopted by SOS implementing the statewide computerized voter

registration list, the registrar is not entitled to receive state funds for financing voter registration in the county.

SECTION 9. Amends Section 18.065(a), Election Code, to make a conforming change.

SECTION 10. Amends Subchapter C, Chapter 18, Election Code, by adding Section 18.068, as follows:

Sec. 18.068. VOTING HISTORY. Requires the registrar, not later than the 30th day after the date of the primary, runoff primary, or general election or any special election ordered by the governor, to electronically submit to SOS the record of each voter participating in the election.

SECTION 11. Amends Section 19.002(d), Election Code, to make a conforming change.

SECTION 12. Amends Section 31.006, Election Code, as follows:

Sec. 31.006. REFERRAL OF COMPLAINT TO ATTORNEY GENERAL. (a) Creates this subsection from existing text. Makes no further changes to this subsection.

(b) Provides that the documents submitted to the attorney general under Subsection (a) are not considered public information until the attorney general has completed the investigation or has made a determination that the complaint referred does not warrant an investigation.

SECTION 13. Amends Section 31.092(b), Election Code, to delete existing text requiring a contract under this subsection to be binding, to be approved in writing by SOS, and providing that the execution of a contract is not completed until written approval is obtained.

SECTION 14. Amends Section 31.093(a), Election Code, to delete existing text requiring SOS, if the contracting parties are unable to reach an agreement, on referral by either party, to either prescribe terms that the administrator is required accept or instruct the administrator to decline to enter into a contract with the requesting party.

SECTION 15. Amends Section 32.002(c), Election Code, to require the first person meeting the applicable eligibility requirements from the list submitted by the party whose candidate for governor received the highest number of votes in the county, if the candidates for governor of two political parties received the same number of votes in the precinct, to be appointed as the presiding judge and the first person meeting the applicable eligibility requirements from the list submitted by the party whose candidate for governor received the second highest number of votes in the county to be appointed as the alternate presiding judge.

SECTION 16. Amends Section 32.075, Election Code, by adding Subsections (f) and (g), as follows:

(f) Prohibits the presiding judge or a special peace officer appointed under this section from removing an alternate presiding judge from the polling place without cause or:

(1) the approval of the county clerk, county elections administrator, or similar official administering the election for a political subdivision; and

(2) the documentation and certification by the presiding judge of the reason for removal.

(g) Provides that a person is eligible for appointment as a special peace officer under Subsection (b) (relating to the presiding judge to appointing special peace officers) only if the person is licensed as a peace officer by the Texas Commission on Law Enforcement Officer Standards and Education (TCLEOSE).

SECTION 17. Amends Section 33.006(b), Election Code, as follows:

(b) Requires a certificate of appointment to:

(1)-(5) Makes no changes to this subsection; and

(6) contain an affidavit executed by the appointee stating that the appointee will not have possession of a device capable of recording images or sound, rather than any mechanical or electronic means, or that the appointee will disable or deactivate the device while serving as a watcher.

SECTION 18. Amends Subchapter A, Chapter 33, Election Code, by adding Section 33.008, as follows:

Sec. 33.008. CONFIDENTIAL INFORMATION. (a) Provides that during the administration of the election, any information provided by a watcher under this chapter that is authorized to be used to identify the watcher is confidential and is authorized to be used only for election administration purposes. Authorizes the information to be made available to the public beginning on the day after election day.

(b) Provides that it is an offense to disclose information described by Subsection (a) during the administration of the election without the permission of the watcher.

(c) Provides that an offense under this section is a Class B misdemeanor.

SECTION 19. Amends Section 33.051(c), Election Code, to make a conforming change.

SECTION 20. Amends Section 43.007, Election Code, by adding Subsections (k) and (l), as follows:

(k) Provides that each county that previously participated in a program under this section is authorized to continue participation in the program for future elections described by Subsection (a) if:

(1) the commissioners court of the county approves participation in the program; and

(2) SOS determines the county's participation in the program was successful.

(l) Provides that Subsections (b), (c), and (d) do not apply to a county participating in the program under Subsection (k).

SECTION 21. Amends Section 64.032, Election Code, by adding Subsection (c-1) and amending Subsection (d), as follows:

(c-1) Requires the person selected under Subsection (c) (relating to voter assistance) to also be a registered voter of the county in which the election is being held unless the person is related to the voter within the second degree by consanguinity or affinity, as determined under Subchapter B (Relationships by Consanguinity or by Affinity), Chapter 573 (Degrees of Relationship; Nepotism Prohibitions), Government Code.

(d) Requires the person, if assistance is provided by a person of the voter's choice, to provide a photo identification to an election officer and the officer to enter the person's name and address on the poll list beside the voter's name.

SECTION 22. Amends Subchapter B, Chapter 64, Election Code, by adding Section 64.0325, as follows:

Sec. 64.0325. LIMITATION ON ASSISTANCE. (a) Prohibits a person chosen under Section 64.032(c) from assisting more than two voters in a day, including assistance

provided during the period for early voting by personal appearance and assistance provided under Section 86.010 (Assisting Voter).

(b) Provides that a person who violates Subsection (a) is liable to the state for a civil penalty not to exceed \$10,000. Authorizes the attorney general or the appropriate district or county attorney to bring suit to recover a penalty under this subsection.

(c) Provides that Subsection (a) does not apply to a person assisting a voter if the person:

(1) is an employee of a state-licensed care facility in which the voter resides and is providing assistance to the voter in the normal course of the employee's authorized duties;

(2) is a sign language interpreter providing interpretation services to the voter; or

(3) is related to the voter within the second degree by consanguinity or affinity, as determined under Subchapter B, Chapter 573, Government Code.

SECTION 23. Amends Section 64.036(d), Election Code, to provide that an offense under this section is a state jail felony, rather than a Class A misdemeanor.

SECTION 24. Amends Section 84.007(b), Election Code, to require an application to be submitted to the early voting clerk by mail, common or contract carrier, or telephonic facsimile machine if a machine is available in the clerk's office, rather than if the applicant is absent from the county and if a machine is available.

SECTION 25. Amends Section 85.004, Election Code, as follows:

Sec. 85.004. New heading: PUBLIC NOTICE OF MAIN POLLING PLACE LOCATION. Requires the election order and the election notice to state the location of the main early voting polling place, rather than state the location of each early voting polling place.

SECTION 26. Amends Sections 85.032(b), (d), and (f), Election Code, as follows:

(b) Provides that the procedures prescribed by Sections 127.064 (Seals for Ballot Boxes), 127.065 (Sealing Ballot Box; Delivery to Polling Place), 127.066 (Sealing Deposit Slot; Delivery of Sealed Ballot Box to Counting Station), and 127.068 (Receiving Sealed Ballot Box at Counting Station) governing the use of sealed ballot boxes in electronic voting system elections apply to the use of sealed ballot boxes under this title to the extent those procedures can be made applicable, rather than-with references to the central counting station being applied to the early voting ballot board (board).

(d) Requires each custodian to retain possession of the key entrusted to the custodian until it is delivered to the presiding judge of the central counting station, rather than delivered to the board under Subchapter B (Delivering Materials to Board), Chapter 87 (Processing Early Ballot Votes).

(f) Deletes existing text requiring the procedures to include security measures covering the transfer of the ballots between the early voting clerk and the board.

SECTION 27. Amends Subchapter C, Chapter 85, Election Code, by adding Section 85.073, as follows:

Sec. 85.073. MOBILE VOTING STATIONS IN CERTAIN COUNTIES IN CERTAIN ELECTIONS. (a) Provides that this section applies to early voting in an election that

includes a bond proposition in a city or school district located in a county with a population of more than one million.

(b) Provides that if a mobile voting station is used, the mobile voting station:

(1) is prohibited from changing locations during the early voting period; and

(2) is required to be placed within the territory covered by the election in a manner to allow all of the voters in the territory the same access to the mobile voting station during the early voting period.

SECTION 28. Amends Section 86.0051, Election Code, by adding Subsection (b-1) and amending Subsections (c), (d), and (e), as follows:

(b-1) Prohibits a person from depositing in the mail or with a common or contract carrier more than two carrier envelopes containing ballots voted by other persons in an election.

(c) Provides that a person commits an offense if the person knowingly violates Subsection (b) or (b-1).

(d) Provides that an offense under this section is a state jail felony, rather than a Class B misdemeanor, unless the person is convicted of an offense under Section 64.036 for providing unlawful assistance to the same voter in connection with the same ballot, in which event the offense is a felony of the third degree, rather than a state jail felony.

(e) Provides that Subsections (a) and (c) do not apply if the person is related to the applicant within the second degree by affinity or the third degree by consanguinity, as determined under Subchapter B, Chapter 573, Government Code. Provides that Subsection (c) does not apply to an employee of a state licensed care facility where the voter resides who is working in the normal course of the employee's authorized duties. Deletes existing text providing that Subsections (a) and (c) do not apply if the person is related to the applicant within the second degree by affinity or the third degree by consanguinity as determined under Subchapter B, Chapter Government Code, or is registered to vote at the same address as the applicant.

SECTION 29. Amends Section 86.006(f), Election Code, to provide that, unless the person possessed the ballot or carrier envelope with the intent to defraud the voter or the election authority, this subsection does not apply to certain persons, including a person who, on the date of the offense, was an employee of a state licensed care facility where the voter resides who is working in the normal course of the employee's authorized duties.

SECTION 30. Amends Sections 86.010(g) and (h), Election Code, as follows:

(g) Provides that an offense under this section is a state jail felony, rather than a Class A misdemeanor, unless the person is convicted of an offense under Section 64.036 (Unlawful Assistance) for providing unlawful assistance to the same voter, in which event the offense is a felony of the third degree. Makes a conforming change.

(h) Provides that Subsection (f) does not apply if the person is related to the applicant within the second degree by affinity or the third degree by consanguinity, as determined under Subchapter B, Chapter 573, Government Code. Deletes existing text providing that Subsection(f) does not apply if the person is registered to vote at the same address as the applicant.

SECTION 31. Amends Section 87.021, Election Code, to delete existing text requiring the early voting clerk to deliver to the board each ballot box, in accordance with Section 85.032(b), containing the early voting ballots voted by personal appearance and the clerk's key to each box; and a ballot transmittal form that includes the number of names appearing on the poll lists prepared in connection with early voting by personal appearance.

SECTION 32. Amends Subchapter B, Chapter 87, Election Code, by adding Section 87.0211, as follows:

Sec. 87.0211. ELECTRONIC DELIVERY OF MATERIALS RECORDED ELECTRONICALLY. Authorizes the early voting clerk, if ballot materials and ballot applications are recorded electronically as provided by Section 87.126, to deliver those materials to the board through electronic means.

SECTION 33. Amends Section 87.022, Election Code, to require the materials, except as provided by Section 87.0222 (Time of Deliver: Ballots Voted by Mail) or 87.024 (Time of Deliver: Voting Machine Election), rather than Section 87.0221, 87.0222, 87.023, 87.024, to be delivered to the board under this subchapter during the time the polls are open on election day, or as soon after the polls close as practicable, at the time or times specified by the presiding judge of the board.

SECTION 34. Amends Section 87.0241, Election Code, by amending Subsection (b) and adding Subsection (d), as follows:

(b) Creates an exception under Subsection (d).

(d) Authorizes the board to establish a process for removing data from voting machines used in early voting before the polls open on election day if:

(1) the county will use the voting machines on election day; and

(2) SOS approves the process.

SECTION 35. Amends Section 87.027, Election Code, by adding Subsection (m), to authorize the signature verification committee, if ballot materials or ballot applications are recorded electronically as provided by Section 87.126, to use an electronic copy of a carrier envelope certificate or the voter's ballot application in making the comparison under Subsection (i) (relating to signature comparisons by the signature verification committee).

SECTION 36. Amends Subchapter G, Chapter 87, Election Code, by adding Section 87.126, as follows:

Sec. 87.126. ELECTRONIC RECORDING OF BALLOT MATERIALS AND APPLICATIONS. (a) Authorizes the early voting clerk to electronically record applications for a ballot to be voted by mail, jacket envelopes, carrier envelopes, and ballots.

(b) Authorizes SOS to adopt rules providing requirements for the electronic image quality and storage of the electronic images of the documents described by Subsection (a).

SECTION 37. Amends Section 101.001, Election Code, as follows:

Sec. 101.001. ELIGIBILITY. (a) Creates this subsection from existing text. Makes no further changes to this subsection.

(b) Provides that, notwithstanding Subsection (a) and Chapter 114, a person who indicates on a federal postcard application that the person is a United States citizen residing outside the United States indefinitely is entitled to vote a full ballot as provided by this chapter if the person is otherwise eligible to vote under this chapter and is a registered voter at the address contained on the application.

SECTION 38. Amends Section 112.002(a), Election Code, to provide that, 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 under certain circumstances, including the person is

registered to vote in the county of former residence at the time the person submitted a voter registration application in the county of new residence.

SECTION 39. Amends Subchapter A, Chapter 122, Election Code, by adding Section 122.006 to read as follows:

Sec. 122.006. EXEMPTION FROM USE OF VOTING SYSTEM FOR CERTAIN POLITICAL SUBDIVISIONS. (a) Provides that this section applies only to:

- (1) a city with a population of 40,000 or less; and
- (2) a school district with a student population of 10,000 or less.

(b) Provides that a political subdivision is not required to use an electronic voting system.

SECTION 40. Amends Section 127.007, Election Code, as follows:

Sec. 127.007. PLAN FOR COUNTING STATION OPERATION. (a) Creates this subsection from existing text. Makes no further changes to this subsection.

(b) Requires the plan required under this section to address the process for comparing the number of voters who signed the combination form with the number of votes cast for the entire election.

SECTION 41. Amends Subchapter E, Chapter 127, Election Code, by adding Section 127.1311 to read as follows:

Sec. 127.1311. ANNOUNCING UNOFFICIAL RESULTS. (a) Requires unofficial election results, except as provided by Subsection (b), to be released as soon as they are available after the polls close.

(b) Authorizes the presiding judge of the central counting station, in cooperation with the county clerk, to withhold the release of unofficial election results until the last voter has voted.

SECTION 42. Amends Section 127.201, Election Code, by adding Subsection (g), to provide that this section does not apply to the tabulation of electronic voting system results for a voting system that uses direct recording electronic voting machines.

SECTION 43. Amends Section 129.023(c), Election Code, to require the general custodian of election records to adopt certain procedures for testing, including procedures that verify that each contest position, as well as each precinct and ballot style, on the ballot can be voted and is accurately counted, rather than verify that each contest position on the ballot can be voted and is accurately counted for each precinct and ballot style.

SECTION 44. Amends Subchapter A, Chapter 141, Election Code, by adding Section 141.005, as follows:

Sec. 141.005. RESIDENCY REQUIREMENT IN CERTAIN POLITICAL SUBDIVISIONS. (a) Provides that this section applies only to a political subdivision that:

- (1) is located in a county with territory greater than 4,600 square miles; and
- (2) is either an independent school district servicing less than 1,500 students, or a municipality with a population of less than 8,000.

(b) Provides that, notwithstanding Section 141.001 (Definitions), a municipal charter provision, or any other law, a candidate for the governing body of an independent school district or a municipality is eligible for any position of the governing body if the candidate resides anywhere in the territory from which any member of the governing body is elected.

SECTION 45. Amends Section 141.040, Election Code, as follows:

Sec. 141.040. NOTICE OF DEADLINES. (a) Creates this subsection from existing text. Requires the authority with whom an application for a place on the ballot under this subchapter must be filed to post notice of the dates of the filing period in a public place in a building in which the authority has an office not later than the 30th day before:

- (1) the first day on which a candidate may file the application; or
- (2) the last day on which a candidate may file the application, if this code does not designate a first day on which the candidate may file the application.

(b) Provides that this section does not apply to an office filled at the general election for state and county officers.

Deletes existing text requiring the authority with whom the application must be filed, not later than the 30th day before the first day on which a candidate is authorized to file an application for a place on the ballot under this subchapter, to post notice of the dates of the filing period in a public place in a building in which the authority has an office.

SECTION 46. Amends Section 145.001, Election Code, by amending Subsection (b) and adding Subsection (d-1), as follows:

(b) Requires a withdrawal request to be in writing and be signed and acknowledged by the candidate and be timely filed with the appropriate authority or an agent of an authority only as expressly provided by this code. Deletes existing text requiring a withdrawal, to be effective, to be in writing and be signed and acknowledged by the candidate.

(d-1) Provides that a withdrawal that is not filed in compliance with Subsection (b) has no legal effect and is not considered filed.

SECTION 47. Amends Section 145.005, Election Code, as follows:

Sec. 145.005. New heading: EFFECT OF VOTES CAST FOR DECEASED, WITHDRAWN, OR INELIGIBLE CANDIDATE. (a) Requires the votes cast for the candidate, if the name of a deceased, withdrawn, or ineligible candidate appears on the ballot under this chapter, to be counted and entered on the official election returns in the same manner as for the other candidates.

(b) Requires the resulting vacancy, if the deceased, withdrawn, or ineligible candidate receives the vote required for election, to be filled in the regular manner.

(c) Provides that if the deceased, withdrawn, or ineligible candidate and another candidate tie for the most votes in an election in which a plurality vote is sufficient for election, the other candidate is considered to be elected. Requires the winner of the election, if more than one other candidate is tied with the deceased, withdrawn, or ineligible candidate, to be determined by resolving the tie between the other candidates in the regular manner for resolving a tie vote in the election.

(d) Requires the candidates in the runoff, in a race in which a runoff is required, if the deceased, withdrawn, or ineligible candidate received the vote that would entitle the candidate to a place on the runoff election ballot or tied for that number of votes, to be determined in the regular manner but without regard to the votes received by the deceased, withdrawn, or ineligible candidate.

SECTION 48. Amends Sections 145.092(a) and (d), Election Code, as follows:

(a) Prohibits a candidate, except as otherwise provided by this section, from withdrawing from an election after 5 p.m. of the third day after the deadline for filing the candidate's application for a place on the ballot, rather than the second day before the beginning of early voting by personal appearance.

(d) Prohibits a candidate in a runoff election from withdrawing from the election after 5 p.m. of the third day after the date of the main election, rather than following a main election subject to Subsection (b).

SECTION 49. Amends Section 145.094(a), Election Code, as follows:

(a) Requires the name of a candidate to be omitted from the ballot if the candidate:

(1) dies before the second day before the date of the deadline for filing the candidate's application for a place on the ballot;

(2) withdraws or is declared ineligible within the time prescribed by Section 145.092(a) (relating to withdrawal in an election after certain times) in an election subject to that section, rather than before 5 p.m. of the second day before the beginning of early voting by personal appearance in an election subject to Section 145.092(a);

(3) withdraws or is declared ineligible within the time prescribed by Section 145.092(b) (relating to withdrawals from election regarding application deadlines), in an election subject to that section, rather than withdrawals or is declared ineligible before 5 p.m. of the 53rd day before election day, in an election subject to Section 145.092(b); or

(4) withdraws or is declared ineligible within the time prescribed by Section 145.092(f) (relating to withdrawal of a candidate in regards to filing deadlines), in an election subject to that section, rather than withdrawals or is declared ineligible before 5 p.m. of the 67th day before election day, in an election subject to Section 145.092(f).

SECTION 50. Amends Subchapter B, Chapter 171, Election Code, by adding Section 171.029, as follows:

Sec. 171.029. REMOVAL OF COUNTY CHAIR. (a) Defines, in this section, "incompetency" and "official misconduct."

(b) Authorizes the state executive committee of a political party to call a hearing on the issue of removing the county chair for incompetency or official misconduct in response to a complaint from a member of the political party in the county from which the chair was elected.

(c) Requires the state executive committee to give notice to the county chair not later than the 14th day before the date of the hearing, stating the allegations of incompetency or official misconduct. Requires evidence, at the hearing, to be presented of the chair's incompetency or official misconduct, and requires that the county chair have the opportunity to examine or question the evidence against the chair.

(d) Requires the state executive committee, after conducting the hearing and reviewing the evidence, to vote on the question of the removal of the county chair. Requires the committee, if at least three-fifths of the membership of the state executive committee finds that the county chair has demonstrated incompetency or committed official misconduct, to suspend any party rules to the extent necessary to remove the chair.

(e) Requires the county executive committee to fill a vacancy created by the removal of a county chair under this section as provided by Sections 171.024 (Filling Vacancy) and 171.025 (Procedure for Filling Vacancy in Office of County Chair), except that the appointment is required to be approved by three-fifths of the membership of the state executive committee.

SECTION 51. Amends Section 172.052(a), Election Code, to prohibit a candidate for nomination from withdrawing from the general primary election after the first day after the deadline for filing the candidate's application, rather than the 62nd day before general primary election day, for a place on the general primary election ballot.

SECTION 52. Amends Section 172.057, Election Code, to require a candidate's name to be omitted from the general primary election ballot if the candidate withdraws, dies, or is declared ineligible within the time prescribed by Section 172.052(a) (relating to withdrawal of candidate for general elections), rather than on or before the 62nd day before general primary election day.

SECTION 53. Amends Sections 174.022(a), (b), and (c), Election Code, as follows:

(a) Authorizes the precinct conventions to be held in the regular county election precincts on:

(1) general primary election day; and

(2) a date determined by the county executive committee that occurs not later than the fifth day after the date of the general primary election, rather than in the regular county election precincts.

(b) Requires the county executive committee, consistent with Subsection (c), not later than the date of the regular drawing for position on the general primary election ballot, to set the hour and place for convening each precinct convention for the precincts served by the committee. Requires the county chair, if the county executive committee fails to do so, to set, consistent with Subsection (c), the hour and place.

(c) Provides that the hour set for convening the conventions, if precinct conventions are held on general primary election day, may not be earlier than 7 p.m. or later than 9 p.m., but may not convene until the last voter has voted at the precinct polling place. Requires the county executive committee, if precinct conventions are held on a day other than general primary election day, to set the hour for convening or a time frame in which the conventions is required to convene.

SECTION 54. Amends Section 174.023, Election Code, as follows:

Sec. 174.023. New heading: NOTICE OF DATE, HOUR, AND PLACE. (a) Requires the county chair to post a notice of the date, hour, and place for convening each precinct convention on the bulletin board used for posting notice of meetings of the commissioners court.

(b) Requires the county chair, not later than the 10th day before the date of the precinct conventions, to deliver to the county clerk written notice of the date, hour, and place for convening each precinct convention.

(c) Makes no changes to this subsection.

SECTION 55. Amends Section 174.092(a), Election Code, to require the biennial state convention to be convened on any day in June or July, rather than any day in June.

SECTION 56. Amends Section 213.013(i), Election Code, to provide that no device capable of recording images or sound, rather than mechanical or electronic means of recording images or sound, is allowed inside the room in which the recount is conducted, or in any hallway or corridor in the building in which the recount is conducted within 30 feet of the entrance to the room, while the recount is in progress unless the person entitled to be present at the recount agrees to disable or deactivate the device.

SECTION 57. Amends Section 216.002, Election Code, to provide that this title, including the notice requirement of Section 213.009 (Notice of Recount), except as otherwise provided by this chapter, applies to a recount conducted under this chapter with appropriate modifications as prescribed by SOS.

SECTION 58. Amends Section 232.008(c), Election Code, to require a contestant to file the petition not later than the 10th day after the date the official result is determined in certain contests including a runoff primary election.

SECTION 59. Amends Section 253.167, Election Code, as follows:

Sec. 253.167. CERTIFICATION OF POPULATION; NOTICE OF CONTRIBUTION AND EXPENDITURE LIMITS. (a) Requires the Texas Ethics Commission (TEC), rather than SOS, for purposes of this subchapter only, not later than June 1 of each odd-numbered year, to:

(1) make, rather than deliver to TEC, a written certification of the population of each judicial district for which a candidate for judge or justice must file a campaign treasurer appointment with TEC; and

(2) deliver to the county clerk of each county a written certification of the county's population, if the county comprises an entire judicial district under Chapter 26 (Constitutional County Courts), Government Code, or has a statutory county court or statutory probate court, other than a multicounty statutory county court created under Subchapter D (Multicounty Statutory County Courts), Chapter 25 (Statutory County Courts), Government Code.

(b) Requires TEC or the county clerk, as appropriate, following certification of population under Subsection (a), rather than on receipt of the certification, to make available to each candidate for an office covered by this subchapter written notice of the contribution and expenditure limits applicable to the office the candidate seeks.

SECTION 60. Amends Section 501.001, Election Code, by adding Subdivision (4) to define "political subdivision."

SECTION 61. Amends Section 501.023(a), Election Code, as follows:

(a) Requires the county clerk of the county, if 10 or more qualified voters of any county, justice precinct, or municipality file a written application and provide proof of publication of notice in a newspaper of general circulation in that political subdivision, to issue to the applicants a petition to be circulated among the qualified voters of the political subdivision for the signatures of those qualified voters who desire that a local option election be called for the purpose of determining whether the sale of alcoholic beverages of one or more of the various types and alcoholic contents shall be prohibited or legalized in the political subdivision. Requires the notice to include:

(1) the individual or entity that is applying for the petition to gather signatures for a local option liquor election;

- (2) the type of local option liquor election;
- (3) the name of the political subdivision in which the petition will be circulated;
and
- (4) the name and title of the person with whom the application will be filed.

SECTION 62. Amends Section 501.108(a), Election Code, to require the county clerk, if a county is not required to pay the initial expense, regardless of any authority to receive reimbursement, of a local option election under Section 501.107 (County Payment of Election Expense), to require the applicants for a petition for a local option election to make a deposit before the issuance of the petition.

SECTION 63. Amends Section 573.061, Government Code, as follows:

Sec. 573.061. GENERAL EXCEPTIONS. Provides that Section 573.041 (Prohibition Applicable to Public Official) does not apply to certain appointments, including an appointment of an election clerk under Section 32.031 (Presiding Judge to Appoint Clerks), Election Code, who is not related in the first degree by consanguinity or affinity to an elected official of the authority that appoints the election judges for that election.

SECTION 64. (a) Amends Section 15.022(a), Election Code, as follows:

(a) Requires the registrar to make the appropriate corrections in the registration records, including, if necessary, deleting a voter's name from the suspense list:

- (1)-(2) Makes no changes to these subdivisions;
- (3) after receipt of any affidavits, rather than a registration omissions list, executed under Section 63.006 (Voter with Correct Certificate Who is not on List), rather than 63.007, following an election; or
- (4)-(8) Makes no changes to these subdivisions.

(b) Amends Section 63.006, Election Code, as follows:

Sec. 63.006. New heading: VOTER WITH REQUIRED DOCUMENTATION WHO IS NOT ON LIST. (a) Requires a voter who, when offering to vote, presents the documentation required under Section 63.001(b) (relating to presentation voter registration certificate), rather than a voter registration certificate indicating that the voter is currently registered in the precinct in which the voter is offering to vote, but whose name is not on the precinct list of registered voters to be accepted for voting if the voter presents a voter registration certificate indicating that the voter is currently registered:

- (1) in the precinct in which the voter is offering to vote; or
- (2) in a different precinct in the same county as the precinct in which the voter is offering to vote and the voter executes an affidavit stating that the voter:
 - (A) is a resident of the precinct in which the voter is offering to vote or is otherwise entitled by law to vote in that precinct;
 - (B) was a resident of the precinct in which the voter is offering to vote at the time the information on the voter's residence address was last provided to the voter registrar;

(C) did not deliberately provide false information to secure registration in a precinct in which the voter does not reside; and

(D) is voting only once in the election.

(b) Requires an election officer, after the voter is accepted, to:

(1) indicate beside the voter's name on the poll list that the voter was accepted under this section;

(2) enter beside the voter's name on the poll list the precinct of the voter's registration and the voter's registration number as indicated by the voter's registration certificate; and

(3) enter the voter's address beside the voter's name on the poll list.

(c) Amends Section 63.009, Election Code, as follows:

Sec. 63.009. VOTER WITHOUT CERTIFICATE WHO IS NOT ON LIST. Requires a voter who does not present a voter registration certificate when offering to vote, and whose name is not on the list of registered voters for the precinct in which the voter is offering to vote, to be accepted for provisional voting if the voter executes an affidavit in accordance with Section 63.011 (Provisional Voting).

Deletes Subsection (a) designation. Deletes existing text providing that Subsection (b) is an exception. Deletes existing Subsection (b) providing that if an election officer can determine from the voter registrar that the person is a registered voter of the county and the person presents proof of identification, the affidavits required by Sections 63.007 and 63.008 are substituted for the affidavit required by Section 63.011 in complying with that section. Deletes existing text requiring an election officer, after the voter is accepted under this subsection, to also indicate beside the voter's name on the poll list that the voter was accepted under this section.

(d) Amends Section 63.011, Election Code, by amending Subsections (a) and (b) and adding Subsection (b-1), as follows:

(a) Authorizes a person to whom Section 63.001(g) or 63.009 (Voter Without Certificate Who is Not on List), rather than Section 63.008(b) or 63.009(a), applies to cast a provisional ballot if the person executes an affidavit stating that the person:

(1) is a registered voter in the precinct in which the person seeks to vote; and

(2) is eligible to vote in the election.

(b) Provides that a form for an affidavit required by this section must, rather than shall, be printed on an envelope in which the provisional ballot voted by the person may be placed and to include:

(1) a space for entering the identification number of the provisional ballot voted by the person; and

(2) a space for an election officer to indicate whether the person presented a form of identification described by Section 63.0101 (Documentation of Proof of Identification).

(b-1) Creates this subsection from existing text. Makes no further changes.

(e) Amends Section 66.0241, Election Code, as follows:

Sec. 66.0241. CONTENTS OF ENVELOPE NO. 4. Requires envelope No. 4 to contain:

(1)-(2) Makes no changes to these subdivisions;

(3) Redesignates existing Subdivision (4) as Subdivision (3); and

(4) any affidavit executed under Section 63.006 or 63.011, rather than Section 63.007 or 63.011. Makes nonsubstantive changes.

(f) Amends Section 85.031(b), Election Code, to require the clerk, on accepting a voter, to indicate beside the voter's name on the list of registered voters, rather than registration omissions list, as applicable, that the voter is accepted to vote by personal appearance unless the form of the list makes it impracticable to do so, and requires the clerk to enter the voter's name on the poll list. Makes a nonsubstantive change.

(g) Repealers: Sections 63.005 (Registration Omissions List), 63.007 (Voter with Incorrect Certificate Who is Not on List), and 63.008 (Voter Without Certificate Who is on List), Election Code.

(h) Effective date, this section, notwithstanding any other provision of this Act: January 1, 2012.

SECTION 65. Repealers: Sections 18.041 (Annual Registration Report), 18.042 (Preelection Registration Statement), 87.0221 (Time of Delivery: Paper Ballots), 87.023 (Time of Delay), and 145.092(c) (relating to early voting clerk notifying county chair of nominees), Election Code.

SECTION 66. Makes application of Sections 13.031(d), 13.033(b), and 13.036(a), Election Code, as amended by this Act, prospective.

SECTION 67. Makes application of Sections 64.036, 86.0051, 86.006, and 86.010, Election Code, prospective.

SECTION 68. Provides that the change in law made by this Act applies to a federal postcard application that requests a ballot for an election that is held on or after the effective date of this Act.

SECTION 69. Effective date: September 1, 2011.