

1-1 By: Taylor of Galveston (Senate Sponsor - Duncan) H.B. No. 2817  
1-2 (In the Senate - Received from the House May 11, 2011;  
1-3 May 11, 2011, read first time and referred to Committee on State  
1-4 Affairs; May 19, 2011, reported adversely, with favorable  
1-5 Committee Substitute by the following vote: Yeas 9, Nays 0;  
1-6 May 19, 2011, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 2817 By: Duncan

1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to certain election practices and procedures.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Section 4.004(a), Election Code, is amended to  
1-13 read as follows:

1-14 (a) The notice of a general or special election must state:

1-15 (1) the nature and date of the election;

1-16 (2) except as provided by Subsection (c), the location  
1-17 of each polling place [~~including each early voting polling place~~];

1-18 (3) the hours that the polls will be open; and

1-19 (4) any other information required by other law.

1-20 SECTION 2. Section 18.064, Election Code, is amended to  
1-21 read as follows:

1-22 Sec. 18.064. SANCTION FOR NONCOMPLIANCE. If a registrar  
1-23 fails to substantially comply with Section 15.083, 16.032,  
1-24 [~~18.042,~~] or 18.061 or with rules adopted by the secretary of state  
1-25 implementing the statewide computerized voter registration list,  
1-26 the registrar is not entitled to receive state funds for financing  
1-27 voter registration in the county.

1-28 SECTION 3. Section 18.065(a), Election Code, is amended to  
1-29 read as follows:

1-30 (a) The secretary of state shall monitor each registrar for  
1-31 substantial compliance with Sections 15.083, 16.032, [~~18.042,~~] and  
1-32 18.061 and with rules implementing the statewide computerized voter  
1-33 registration list.

1-34 SECTION 4. Subchapter C, Chapter 18, Election Code, is  
1-35 amended by adding Section 18.068 to read as follows:

1-36 Sec. 18.068. VOTING HISTORY. Not later than the 30th day  
1-37 after the date of the primary, runoff primary, or general election  
1-38 or any special election ordered by the governor, the registrar  
1-39 shall electronically submit to the secretary of state the record of  
1-40 each voter participating in the election.

1-41 SECTION 5. Section 19.002(d), Election Code, is amended to  
1-42 read as follows:

1-43 (d) The comptroller may not issue a warrant if on June 1 of  
1-44 the year in which the warrant is to be issued the most recent notice  
1-45 received by the comptroller from the secretary of state under  
1-46 Section 18.065 indicates that the registrar is not in substantial  
1-47 compliance with Section 15.083, 16.032, [~~18.042,~~] or 18.065 or with  
1-48 rules implementing the registration service program.

1-49 SECTION 6. Section 31.006, Election Code, is amended to  
1-50 read as follows:

1-51 Sec. 31.006. REFERRAL OF COMPLAINT TO ATTORNEY GENERAL.

1-52 (a) If, after receiving a complaint alleging criminal conduct in  
1-53 connection with an election, the secretary of state determines that  
1-54 there is reasonable cause to suspect that the alleged criminal  
1-55 conduct occurred, the secretary shall promptly refer the complaint  
1-56 to the attorney general. The secretary shall deliver to the  
1-57 attorney general all pertinent documents in the secretary's  
1-58 possession.

1-59 (b) The documents submitted to the attorney general under  
1-60 Subsection (a) are not considered public information until the  
1-61 attorney general has completed the investigation or has made a  
1-62 determination that the complaint referred does not warrant an  
1-63 investigation.

2-1 SECTION 7. Section 31.092(b), Election Code, is amended to  
2-2 read as follows:

2-3 (b) The county election officer may contract with the county  
2-4 executive committee of a political party holding a primary election  
2-5 in the county to perform election services, as provided by this  
2-6 subchapter, in the party's general primary election or runoff  
2-7 primary election, or both. ~~[To be binding, a contract under this~~  
2-8 ~~subsection must be approved in writing by the secretary of state,~~  
2-9 ~~and the execution of a contract is not completed until written~~  
2-10 ~~approval is obtained.]~~

2-11 SECTION 8. Section 31.093(a), Election Code, is amended to  
2-12 read as follows:

2-13 (a) If requested to do so by a political subdivision or  
2-14 political party, the county elections administrator shall enter  
2-15 into a contract to furnish the election services requested, in  
2-16 accordance with a cost schedule agreed on by the contracting  
2-17 parties. ~~[If the contracting parties are unable to reach an~~  
2-18 ~~agreement, on referral by either party, the secretary of state~~  
2-19 ~~shall either prescribe terms that the administrator must accept or~~  
2-20 ~~instruct the administrator to decline to enter into a contract with~~  
2-21 ~~the requesting party.]~~

2-22 SECTION 9. Section 32.002(c), Election Code, is amended to  
2-23 read as follows:

2-24 (c) The presiding judge and alternate presiding judge must  
2-25 be affiliated or aligned with different political parties, subject  
2-26 to this subsection. Before July of each year in a county to which  
2-27 Subsection (a)(1) applies or before August of each year in a county  
2-28 to which Subsection (a)(2) applies, the county chair of a political  
2-29 party whose candidate for governor received the highest or second  
2-30 highest number of votes in the county in the most recent  
2-31 gubernatorial general election shall submit in writing to the  
2-32 commissioners court a list of names of persons in order of  
2-33 preference for each precinct who are eligible for appointment as an  
2-34 election judge. The county chair may supplement the list of names  
2-35 of persons until the 20th day before a general election or the 15th  
2-36 day before a special election in case an appointed election judge  
2-37 becomes unable to serve. The commissioners court shall appoint the  
2-38 first person meeting the applicable eligibility requirements from  
2-39 the list submitted in compliance with this subsection by the party  
2-40 with the highest number of votes in the precinct as the presiding  
2-41 judge and the first person meeting the applicable eligibility  
2-42 requirements from the list submitted in compliance with this  
2-43 subsection by the party with the second highest number of votes in  
2-44 the precinct as the alternate presiding judge. If the candidates  
2-45 for governor of two political parties received the same number of  
2-46 votes in the precinct, the first person meeting the applicable  
2-47 eligibility requirements from the list submitted by the party whose  
2-48 candidate for governor received the highest number of votes in the  
2-49 county shall be appointed as the presiding judge and the first  
2-50 person meeting the applicable eligibility requirements from the  
2-51 list submitted by the party whose candidate for governor received  
2-52 the second highest number of votes in the county shall be appointed  
2-53 as the alternate presiding judge. The commissioners court may  
2-54 reject the list if the persons whose names are submitted on the list  
2-55 are determined not to meet the applicable eligibility requirements.

2-56 SECTION 10. Section 33.006(b), Election Code, is amended to  
2-57 read as follows:

2-58 (b) A certificate of appointment must:  
2-59 (1) be in writing and signed by the appointing  
2-60 authority or, for an appointment for a write-in candidate under  
2-61 Section 33.004, by each of the voters making the appointment;  
2-62 (2) indicate the capacity in which the appointing  
2-63 authority is acting;  
2-64 (3) state the name, residence address, and voter  
2-65 registration number of the appointee and be signed by the  
2-66 appointee;  
2-67 (4) identify the election and the precinct polling  
2-68 place or other location at which the appointee is to serve;  
2-69 (5) in an election on a measure, identify the measure

3-1 if more than one is to be voted on and state which side of the  
3-2 measure the appointee represents; and

3-3 (6) contain an affidavit executed by the appointee  
3-4 stating that the appointee will not have possession of a device  
3-5 capable ~~[any mechanical or electronic means]~~ of recording images or  
3-6 sound or that the appointee will disable or deactivate the device  
3-7 while serving as a watcher.

3-8 SECTION 11. Section 33.051(c), Election Code, is amended to  
3-9 read as follows:

3-10 (c) A watcher may not be accepted for service if the watcher  
3-11 has possession of a device capable ~~[any mechanical or electronic~~  
3-12 ~~means]~~ of recording images or sound unless the watcher agrees to  
3-13 disable or deactivate the device. The presiding judge may inquire  
3-14 whether a watcher has possession of any prohibited recording device  
3-15 before accepting the watcher for service.

3-16 SECTION 12. Section 66.058, Election Code, is amended by  
3-17 amending Subsection (a) and adding Subsection (h) to read as  
3-18 follows:

3-19 (a) Except as otherwise provided by this code, the precinct  
3-20 election records shall be preserved by the authority to whom they  
3-21 are distributed:

3-22 (1) in an election involving a federal office, for at  
3-23 least 22 months after election day in accordance with federal law;  
3-24 or

3-25 (2) in an election not involving a federal office, for  
3-26 at least six months after election day.

3-27 (h) For the preservation of precinct election records in an  
3-28 election involving a federal office, the secretary of state shall  
3-29 instruct the affected authorities on the actions necessary to  
3-30 comply with federal law and otherwise implement this section.

3-31 SECTION 13. Section 84.007(b), Election Code, is amended to  
3-32 read as follows:

3-33 (b) An application must be submitted to the early voting  
3-34 clerk by:

- 3-35 (1) mail;
- 3-36 (2) common or contract carrier; or
- 3-37 (3) a means of sending an electronic copy prescribed  
3-38 by the secretary of state ~~[telephonic facsimile machine, if the~~  
3-39 ~~applicant is absent from the county and if a machine is available in~~  
3-40 ~~the clerk's office].~~

3-41 SECTION 14. Section 85.004, Election Code, is amended to  
3-42 read as follows:

3-43 Sec. 85.004. PUBLIC NOTICE OF MAIN POLLING PLACE LOCATION.  
3-44 The election order and the election notice must state the location  
3-45 of the main ~~[each]~~ early voting polling place.

3-46 SECTION 15. Sections 85.032(b), (d), and (f), Election  
3-47 Code, are amended to read as follows:

3-48 (b) The ballot box in which voters deposit their marked  
3-49 early voting ballots must have two locks, each with a different key,  
3-50 and must be designed and constructed so that the box can be sealed  
3-51 to detect any unauthorized opening of the box and that the ballot  
3-52 slot can be sealed to prevent any unauthorized deposit in the box.  
3-53 The seals for the boxes must be serially numbered for each election.  
3-54 The procedures prescribed by Sections 127.064, 127.065, 127.066,  
3-55 and 127.068 governing the use of sealed ballot boxes in electronic  
3-56 voting system elections apply to the use of sealed ballot boxes  
3-57 under this title to the extent those procedures can be made  
3-58 applicable~~[, with references to the central counting station being~~  
3-59 ~~applied to the early voting ballot board]~~. The secretary of state  
3-60 shall prescribe any procedures necessary to implement the use of  
3-61 sealed ballot boxes in early voting.

3-62 (d) Each custodian shall retain possession of the key  
3-63 entrusted to the custodian until it is delivered to the presiding  
3-64 judge of the central counting station ~~[early voting ballot board~~  
3-65 ~~under Subchapter B, Chapter 87]~~.

3-66 (f) The secretary of state shall prescribe procedures  
3-67 providing for the security of the voted early voting ballots from  
3-68 the last day of voting by personal appearance at a polling place  
3-69 until the day the ballots are counted. ~~[The procedures must include~~

4-1 ~~security measures covering the transfer of the ballots between the~~  
4-2 ~~early voting clerk and the early voting ballot board.]~~

4-3 SECTION 16. Section 87.021, Election Code, is amended to  
4-4 read as follows:

4-5 Sec. 87.021. BALLOTS AND OTHER MATERIALS DELIVERED TO  
4-6 BOARD. The early voting clerk shall deliver to the early voting  
4-7 ballot board:

4-8 (1) in an election in which regular paper ballots are  
4-9 used for early voting by personal appearance, each ballot box, in  
4-10 accordance with Section 85.032(b), containing the early voting  
4-11 ballots voted by personal appearance and the clerk's key to each  
4-12 box;

4-13 (2) the jacket envelopes containing the early voting  
4-14 ballots voted by mail, regardless of the ballot type or voting  
4-15 system used;

4-16 (3) the poll lists prepared in connection with early  
4-17 voting by personal appearance;

4-18 (4) the list of registered voters used in conducting  
4-19 early voting; and

4-20 (5) a ballot transmittal form that includes a  
4-21 statement of the number of early voting ballots voted by mail,  
4-22 regardless of the ballot type or voting system used, that are  
4-23 delivered to the early voting ballot board, and in an election in  
4-24 which regular paper ballots are used for early voting by personal  
4-25 appearance, the number of names appearing on the poll lists  
4-26 prepared in connection with early voting by personal appearance.

4-27 SECTION 17. Subchapter B, Chapter 87, Election Code, is  
4-28 amended by adding Section 87.0211 to read as follows:

4-29 Sec. 87.0211. ELECTRONIC DELIVERY OF MATERIALS RECORDED  
4-30 ELECTRONICALLY. If ballot materials and ballot applications are  
4-31 recorded electronically as provided by Section 87.126, the early  
4-32 voting clerk may deliver those materials to the early voting ballot  
4-33 board through electronic means.

4-34 SECTION 18. Section 87.0221(a), Election Code, is amended  
4-35 to read as follows:

4-36 (a) In an election in which regular paper ballots are used  
4-37 for early voting by personal appearance or by mail, the materials  
4-38 may be delivered to the board between the end of the period for  
4-39 early voting by personal appearance and the closing of the polls on  
4-40 election day, or as soon after closing as practicable, at the time  
4-41 or times specified by the presiding judge of the board.

4-42 SECTION 19. Section 87.023(a), Election Code, is amended to  
4-43 read as follows:

4-44 (a) In an election in which early voting ballots are to be  
4-45 counted by automatic tabulating equipment at a central counting  
4-46 station, the ballots voted by mail to be automatically counted may  
4-47 be delivered to the board between the end of the period for early  
4-48 voting by personal appearance and the closing of the polls on  
4-49 election day, or as soon after closing as practicable, at intervals  
4-50 specified by the presiding judge of the board.

4-51 SECTION 20. Section 87.027, Election Code, is amended by  
4-52 adding Subsection (m) to read as follows:

4-53 (m) If ballot materials or ballot applications are recorded  
4-54 electronically as provided by Section 87.126, the signature  
4-55 verification committee may use an electronic copy of a carrier  
4-56 envelope certificate or the voter's ballot application in making  
4-57 the comparison under Subsection (i).

4-58 SECTION 21. Subchapter G, Chapter 87, Election Code, is  
4-59 amended by adding Section 87.126 to read as follows:

4-60 Sec. 87.126. ELECTRONIC RECORDING OF BALLOT MATERIALS AND  
4-61 APPLICATIONS. (a) The early voting clerk may electronically  
4-62 record applications for a ballot to be voted by mail, jacket  
4-63 envelopes, carrier envelopes, and ballots.

4-64 (b) The secretary of state may adopt rules providing  
4-65 requirements for the electronic image quality and storage of the  
4-66 electronic images of the documents described by Subsection (a).

4-67 SECTION 22. Section 101.013, Election Code, is amended to  
4-68 read as follows:

4-69 Sec. 101.013. DESIGNATION OF SECRETARY OF STATE. (a) The

5-1 secretary of state is designated as the state office to provide  
 5-2 information regarding voter registration procedures and absentee  
 5-3 ballot procedures, including procedures related to the federal  
 5-4 write-in absentee ballot, to be used by persons eligible to vote  
 5-5 under the federal Uniformed and Overseas Citizens Absentee Voting  
 5-6 Act (42 U.S.C. Section 1973ff et seq.), as amended.

5-7 (b) The secretary of state is designated as the state  
 5-8 coordinator between military and overseas voters and county  
 5-9 election officials. A county election official shall:

5-10 (1) cooperate with the secretary of state to ensure  
 5-11 that military and overseas voters timely receive accurate balloting  
 5-12 materials that a voter is able to cast in time for the election; and

5-13 (2) otherwise comply with the federal Military and  
 5-14 Overseas Voter Empowerment Act (Pub. L. No. 111-84, Div. A, Title V,  
 5-15 Subt. H).

5-16 (c) The secretary of state may adopt rules as necessary to  
 5-17 implement this section.

5-18 SECTION 23. Section 112.002(a), Election Code, is amended  
 5-19 to read as follows:

5-20 (a) After changing residence to another county, a person is  
 5-21 eligible to vote a limited ballot by personal appearance during the  
 5-22 early voting period or by mail if:

5-23 (1) the person would have been eligible to vote in the  
 5-24 county of former residence on election day if still residing in that  
 5-25 county;

5-26 (2) the person is registered to vote in the county of  
 5-27 former residence at the time the person:

5-28 (A) offers to vote in the county of new  
 5-29 residence; or

5-30 (B) submitted a voter registration application  
 5-31 in the county of new residence; and

5-32 (3) a voter registration for the person in the county  
 5-33 of new residence is not effective on or before election day.

5-34 SECTION 24. Section 127.007, Election Code, is amended to  
 5-35 read as follows:

5-36 Sec. 127.007. PLAN FOR COUNTING STATION OPERATION. (a) The  
 5-37 manager shall establish and implement a written plan for the  
 5-38 orderly operation of the central counting station.

5-39 (b) The plan required under this section must address the  
 5-40 process for comparing the number of voters who signed the  
 5-41 combination form with the number of votes cast for the entire  
 5-42 election.

5-43 SECTION 25. Section 127.201, Election Code, is amended by  
 5-44 adding Subsection (g) to read as follows:

5-45 (g) This section does not apply to the tabulation of  
 5-46 electronic voting system results for a voting system that uses  
 5-47 direct recording electronic voting machines.

5-48 SECTION 26. Section 129.023(c), Election Code, is amended  
 5-49 to read as follows:

5-50 (c) The general custodian of election records shall adopt  
 5-51 procedures for testing that:

5-52 (1) direct the testing board to cast votes;

5-53 (2) verify that each contest position, as well as each  
 5-54 precinct and ballot style, on the ballot can be voted and is  
 5-55 accurately counted [~~for each precinct and ballot style~~];

5-56 (3) include overvotes and undervotes for each race, if  
 5-57 applicable to the system being tested;

5-58 (4) include straight-party votes and crossover votes;

5-59 (5) include write-in votes, when applicable to the  
 5-60 election;

5-61 (6) include provisional votes, if applicable to the  
 5-62 system being tested;

5-63 (7) calculate the expected results from the test  
 5-64 ballots;

5-65 (8) ensure that each voting machine has any public  
 5-66 counter reset to zero and presented to the testing board for  
 5-67 verification before testing;

5-68 (9) require that, for each feature of the system that  
 5-69 allows disabled voters to cast a ballot, at least one vote be cast

6-1 and verified by a two-person testing board team using that feature;  
6-2 and

6-3 (10) require that, when all votes are cast, the  
6-4 general custodian of election records and the testing board observe  
6-5 the tabulation of all ballots and compare the actual results to the  
6-6 expected results.

6-7 SECTION 27. Section 141.040, Election Code, is amended to  
6-8 read as follows:

6-9 Sec. 141.040. NOTICE OF DEADLINES. (a) The authority with  
6-10 whom [~~Not later than the 30th day before the first day on which a~~  
6-11 ~~candidate may file~~] an application for a place on the ballot under  
6-12 this subchapter[~~, the authority with whom the application~~] must be  
6-13 filed shall post notice of the dates of the filing period in a  
6-14 public place in a building in which the authority has an office not  
6-15 later than the 30th day before:

6-16 (1) the first day on which a candidate may file the  
6-17 application; or

6-18 (2) the last day on which a candidate may file the  
6-19 application, if this code does not designate a first day on which  
6-20 the candidate may file the application.

6-21 (b) This section does not apply to an office filled at the  
6-22 general election for state and county officers.

6-23 SECTION 28. Section 145.001, Election Code, is amended by  
6-24 amending Subsection (b) and adding Subsection (d-1) to read as  
6-25 follows:

6-26 (b) A [~~To be effective, a~~] withdrawal request must:

6-27 (1) be in writing and be signed and acknowledged by the  
6-28 candidate; and

6-29 (2) be timely filed with the appropriate authority or  
6-30 an agent of an authority only as expressly provided by this code.

6-31 (d-1) A withdrawal that is not filed in compliance with  
6-32 Subsection (b) has no legal effect and is not considered filed.

6-33 SECTION 29. Section 145.005, Election Code, is amended to  
6-34 read as follows:

6-35 Sec. 145.005. EFFECT OF VOTES CAST FOR DECEASED, WITHDRAWN,  
6-36 OR INELIGIBLE CANDIDATE. (a) If the name of a deceased, withdrawn,  
6-37 or ineligible candidate appears on the ballot under this chapter,  
6-38 the votes cast for the candidate shall be counted and entered on the  
6-39 official election returns in the same manner as for the other  
6-40 candidates.

6-41 (b) If the deceased, withdrawn, or ineligible candidate  
6-42 receives the vote required for election, the resulting vacancy  
6-43 shall be filled in the regular manner.

6-44 (c) If the deceased, withdrawn, or ineligible candidate and  
6-45 another candidate tie for the most votes in an election in which a  
6-46 plurality vote is sufficient for election, the other candidate is  
6-47 considered to be elected. If more than one other candidate is tied  
6-48 with the deceased, withdrawn, or ineligible candidate, the winner  
6-49 of the election shall be determined by resolving the tie between the  
6-50 other candidates in the regular manner for resolving a tie vote in  
6-51 the election.

6-52 (d) In a race in which a runoff is required, if the deceased,   
6-53 withdrawn, or ineligible candidate received the vote that would  
6-54 entitle the candidate to a place on the runoff election ballot or  
6-55 tied for that number of votes, the candidates in the runoff shall be  
6-56 determined in the regular manner but without regard to the votes  
6-57 received by the deceased, withdrawn, or ineligible candidate.

6-58 SECTION 30. Sections 145.092(a) and (d), Election Code, are  
6-59 amended to read as follows:

6-60 (a) Except as otherwise provided by this section, a  
6-61 candidate may not withdraw from an election after 5 p.m. of the  
6-62 third day after the deadline for filing the candidate's application  
6-63 for a place on the ballot [~~second day before the beginning of early~~  
6-64 ~~voting by personal appearance~~].

6-65 (d) A candidate in a runoff election [~~following a main~~  
6-66 ~~election subject to Subsection (b)~~] may not withdraw from the  
6-67 election after 5 p.m. of the third day after the date of the main  
6-68 election.

6-69 SECTION 31. Section 145.094(a), Election Code, is amended

7-1 to read as follows:

7-2 (a) The name of a candidate shall be omitted from the ballot  
7-3 if the candidate:

7-4 (1) dies before the second day before the date of the  
7-5 deadline for filing the candidate's application for a place on the  
7-6 ballot;

7-7 (2) withdraws or is declared ineligible within the  
7-8 time prescribed by Section 145.092(a) [before 5 p.m. of the second  
7-9 day before the beginning of early voting by personal appearance],  
7-10 in an election subject to that section [Section 145.092(a)];

7-11 (3) withdraws or is declared ineligible within the  
7-12 time prescribed by Section 145.092(b) [before 5 p.m. of the 53rd day  
7-13 before election day], in an election subject to that section  
7-14 [Section 145.092(b)]; or

7-15 (4) withdraws or is declared ineligible within the  
7-16 time prescribed by Section 145.092(f) [before 5 p.m. of the 67th day  
7-17 before election day], in an election subject to that section  
7-18 [Section 145.092(f)].

7-19 SECTION 32. Section 172.052(a), Election Code, is amended  
7-20 to read as follows:

7-21 (a) A candidate for nomination may not withdraw from the  
7-22 general primary election after the first day after the deadline for  
7-23 filing the candidate's application for a place on the general  
7-24 primary election ballot [62nd day before general primary election  
7-25 day].

7-26 SECTION 33. Section 172.057, Election Code, is amended to  
7-27 read as follows:

7-28 Sec. 172.057. WITHDRAWN, DECEASED, OR INELIGIBLE  
7-29 CANDIDATE'S NAME OMITTED FROM GENERAL PRIMARY BALLOT. A  
7-30 candidate's name shall be omitted from the general primary election  
7-31 ballot if the candidate withdraws, dies, or is declared ineligible  
7-32 within the time prescribed by Section 172.052(a) [on or before the  
7-33 62nd day before general primary election day].

7-34 SECTION 34. Sections 174.022(a), (b), and (c), Election  
7-35 Code, are amended to read as follows:

7-36 (a) The precinct conventions may [shall] be held in the  
7-37 regular county election precincts on:

7-38 (1) general primary election day; and  
7-39 (2) a date determined by the county executive  
7-40 committee that occurs not later than the fifth day after the date of  
7-41 the general primary election [in the regular county election  
7-42 precincts].

7-43 (b) Consistent with Subsection (c), not [Not] later than the  
7-44 date of the regular drawing for position on the general primary  
7-45 election ballot, the county executive committee shall set the hour  
7-46 and place for convening each precinct convention for the precincts  
7-47 served by the committee. If the county executive committee fails to  
7-48 do so, the county chair shall set, consistent with Subsection (c),  
7-49 the hour and place.

7-50 (c) If precinct conventions are held on general primary  
7-51 election day, the [The] hour set for convening the conventions may  
7-52 not be earlier than 7 p.m. or later than 9 p.m., but a  
7-53 [Notwithstanding the hour set for convening, the] convention may  
7-54 not convene until the last voter has voted at the precinct polling  
7-55 place. If precinct conventions are held on a day other than general  
7-56 primary election day, the county executive committee shall set the  
7-57 hour for convening or a time frame in which the conventions must  
7-58 convene.

7-59 SECTION 35. Section 174.023, Election Code, is amended to  
7-60 read as follows:

7-61 Sec. 174.023. NOTICE OF DATE, HOUR, AND PLACE. (a) The  
7-62 county chair shall post a notice of the date, hour, and place for  
7-63 convening each precinct convention on the bulletin board used for  
7-64 posting notice of meetings of the commissioners court. The notice  
7-65 must remain posted continuously for the 10 days immediately  
7-66 preceding the date of the convention.

7-67 (b) Not later than the 10th day before the date of the  
7-68 precinct conventions, the county chair shall deliver to the county  
7-69 clerk written notice of the date, hour, and place for convening each

8-1 precinct convention.

8-2 (c) If the county chair fails to post or deliver notice in  
8-3 accordance with this section, another member of the county  
8-4 executive committee may post or deliver the notice.

8-5 SECTION 36. Section 213.013(i), Election Code, is amended  
8-6 to read as follows:

8-7 (i) No device capable [~~mechanical or electronic means~~] of  
8-8 recording images or sound is [~~are~~] allowed inside the room in which  
8-9 the recount is conducted, or in any hallway or corridor in the  
8-10 building in which the recount is conducted within 30 feet of the  
8-11 entrance to the room, while the recount is in progress unless the  
8-12 person entitled to be present at the recount agrees to disable or  
8-13 deactivate the device. However, on request of a person entitled to  
8-14 appoint watchers to serve at the recount, the recount committee  
8-15 chair shall permit the person to photocopy under the chair's  
8-16 supervision any ballot, including any supporting materials,  
8-17 challenged by the person or person's watcher. The person must pay a  
8-18 reasonable charge for making the copies and, if no photocopying  
8-19 equipment is available, may supply that equipment at the person's  
8-20 expense. The person shall provide a copy on request to another  
8-21 person entitled to appoint watchers to serve at the recount.

8-22 SECTION 37. Section 216.002, Election Code, is amended to  
8-23 read as follows:

8-24 Sec. 216.002. CONDUCT OF AUTOMATIC RECOUNT GENERALLY.  
8-25 Except as otherwise provided by this chapter, this title, including  
8-26 the notice requirement of Section 213.009, applies to a recount  
8-27 conducted under this chapter with appropriate modifications as  
8-28 prescribed by the secretary of state.

8-29 SECTION 38. Section 232.008(c), Election Code, is amended  
8-30 to read as follows:

8-31 (c) A contestant must file the petition not later than the  
8-32 10th day after the date the official result is determined in a  
8-33 contest of:

8-34 (1) a primary or runoff primary election; or  
8-35 (2) a general or special election for which a runoff is  
8-36 necessary according to the official result or will be necessary if  
8-37 the contestant prevails.

8-38 SECTION 39. Section 253.167, Election Code, is amended to  
8-39 read as follows:

8-40 Sec. 253.167. CERTIFICATION OF POPULATION; NOTICE OF  
8-41 CONTRIBUTION AND EXPENDITURE LIMITS. (a) For purposes of this  
8-42 subchapter only, not later than June 1 of each odd-numbered year,  
8-43 the commission [~~secretary of state~~] shall:

8-44 (1) make [~~deliver to the commission~~] a written  
8-45 certification of the population of each judicial district for which  
8-46 a candidate for judge or justice must file a campaign treasurer  
8-47 appointment with the commission; and

8-48 (2) deliver to the county clerk of each county a  
8-49 written certification of the county's population, if the county:

8-50 (A) comprises an entire judicial district under  
8-51 Chapter 26, Government Code; or

8-52 (B) has a statutory county court or statutory  
8-53 probate court, other than a multicounty statutory county court  
8-54 created under Subchapter D, Chapter 25, Government Code.

8-55 (b) Following [~~On receipt of the~~] certification of  
8-56 population under Subsection (a), the commission or county clerk, as  
8-57 appropriate, shall make available to each candidate for an office  
8-58 covered by this subchapter written notice of the contribution and  
8-59 expenditure limits applicable to the office the candidate seeks.

8-60 SECTION 40. Section 501.001, Election Code, is amended by  
8-61 adding Subdivision (4) to read as follows:

8-62 (4) "Political subdivision" includes a justice  
8-63 precinct.

8-64 SECTION 41. Section 501.023(a), Election Code, is amended  
8-65 to read as follows:

8-66 (a) If 10 or more qualified voters of any county, justice  
8-67 precinct, or municipality file a written application and provide  
8-68 proof of publication of notice in a newspaper of general  
8-69 circulation in that political subdivision, the county clerk of the

9-1 county shall issue to the applicants a petition to be circulated  
9-2 among the qualified voters of the political subdivision for the  
9-3 signatures of those qualified voters who desire that a local option  
9-4 election be called for the purpose of determining whether the sale  
9-5 of alcoholic beverages of one or more of the various types and  
9-6 alcoholic contents shall be prohibited or legalized in the  
9-7 political subdivision. The notice must include:

- 9-8 (1) the individual or entity that is applying for the
- 9-9 petition to gather signatures for a local option liquor election;
- 9-10 (2) the type of local option liquor election;
- 9-11 (3) the name of the political subdivision in which the
- 9-12 petition will be circulated; and
- 9-13 (4) the name and title of the person with whom the
- 9-14 application will be filed.

9-15 SECTION 42. Section 501.108(a), Election Code, is amended  
9-16 to read as follows:

9-17 (a) If a county is not required to pay the initial expense,  
9-18 regardless of any authority to receive reimbursement, of a local  
9-19 option election under Section 501.107, the county clerk shall  
9-20 require the applicants for a petition for a local option election to  
9-21 make a deposit before the issuance of the petition.

9-22 SECTION 43. Sections 18.041, 18.042, and 145.092(c),  
9-23 Election Code, are repealed.

9-24 SECTION 44. This Act takes effect September 1, 2011.

9-25 \* \* \* \* \*