

1-1 By: Duncan S.B. No. 849
1-2 (In the Senate - Filed February 22, 2011; March 1, 2011,
1-3 read first time and referred to Committee on State Affairs;
1-4 May 4, 2011, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 8, Nays 0; May 4, 2011, sent
1-6 to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 849 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 18.064, Election Code, is amended to
1-13 read as follows:

1-14 Sec. 18.064. SANCTION FOR NONCOMPLIANCE. If a registrar
1-15 fails to substantially comply with Section 15.083, 16.032,
1-16 [~~18.042~~] or 18.061 or with rules adopted by the secretary of state
1-17 implementing the statewide computerized voter registration list,
1-18 the registrar is not entitled to receive state funds for financing
1-19 voter registration in the county.

1-20 SECTION 2. Subsection (a), Section 18.065, Election Code,
1-21 is amended to read as follows:

1-22 (a) The secretary of state shall monitor each registrar for
1-23 substantial compliance with Sections 15.083, 16.032, [~~18.042~~] and
1-24 18.061 and with rules implementing the statewide computerized voter
1-25 registration list.

1-26 SECTION 3. Subchapter C, Chapter 18, Election Code, is
1-27 amended by adding Section 18.068 to read as follows:

1-28 Sec. 18.068. VOTING HISTORY. Not later than the 30th day
1-29 after the date of the primary, runoff primary, or general election
1-30 or any special election ordered by the governor, the registrar
1-31 shall electronically submit to the secretary of state the record of
1-32 each voter participating in the election.

1-33 SECTION 4. Subsection (d), Section 19.002, Election Code,
1-34 is amended to read as follows:

1-35 (d) The comptroller may not issue a warrant if on June 1 of
1-36 the year in which the warrant is to be issued the most recent notice
1-37 received by the comptroller from the secretary of state under
1-38 Section 18.065 indicates that the registrar is not in substantial
1-39 compliance with Section 15.083, 16.032, [~~18.042~~] or 18.065 or with
1-40 rules implementing the registration service program.

1-41 SECTION 5. Section 31.006, Election Code, is amended to
1-42 read as follows:

1-43 Sec. 31.006. REFERRAL OF COMPLAINT TO ATTORNEY GENERAL.
1-44 (a) If, after receiving a complaint alleging criminal conduct in
1-45 connection with an election, the secretary of state determines that
1-46 there is reasonable cause to suspect that the alleged criminal
1-47 conduct occurred, the secretary shall promptly refer the complaint
1-48 to the attorney general. The secretary shall deliver to the
1-49 attorney general all pertinent documents in the secretary's
1-50 possession.

1-51 (b) The documents submitted to the attorney general under
1-52 Subsection (a) are not considered public information until the
1-53 attorney general has completed the investigation or has made a
1-54 determination that the complaint referred does not warrant an
1-55 investigation.

1-56 SECTION 6. Subsection (b), Section 31.092, Election Code,
1-57 is amended to read as follows:

1-58 (b) The county election officer may contract with the county
1-59 executive committee of a political party holding a primary election
1-60 in the county to perform election services, as provided by this
1-61 subchapter, in the party's general primary election or runoff
1-62 primary election, or both. [~~To be binding, a contract under this~~
1-63 ~~subsection must be approved in writing by the secretary of state,~~

2-1 ~~and the execution of a contract is not completed until written~~
 2-2 ~~approval is obtained.]~~

2-3 SECTION 7. Subsection (a), Section 31.093, Election Code,
 2-4 is amended to read as follows:

2-5 (a) If requested to do so by a political subdivision or
 2-6 political party, the county elections administrator shall enter
 2-7 into a contract to furnish the election services requested, in
 2-8 accordance with a cost schedule agreed on by the contracting
 2-9 parties. ~~[If the contracting parties are unable to reach an~~
 2-10 ~~agreement, on referral by either party, the secretary of state~~
 2-11 ~~shall either prescribe terms that the administrator must accept or~~
 2-12 ~~instruct the administrator to decline to enter into a contract with~~
 2-13 ~~the requesting party.]~~

2-14 SECTION 8. Subsection (c), Section 32.002, Election Code,
 2-15 is amended to read as follows:

2-16 (c) The presiding judge and alternate presiding judge must
 2-17 be affiliated or aligned with different political parties, subject
 2-18 to this subsection. Before July of each year in a county to which
 2-19 Subsection (a)(1) applies or before August of each year in a county
 2-20 to which Subsection (a)(2) applies, the county chair of a political
 2-21 party whose candidate for governor received the highest or second
 2-22 highest number of votes in the county in the most recent
 2-23 gubernatorial general election shall submit in writing to the
 2-24 commissioners court a list of names of persons in order of
 2-25 preference for each precinct who are eligible for appointment as an
 2-26 election judge. The county chair may supplement the list of names
 2-27 of persons until the 20th day before a general election or the 15th
 2-28 day before a special election in case an appointed election judge
 2-29 becomes unable to serve. The commissioners court shall appoint the
 2-30 first person meeting the applicable eligibility requirements from
 2-31 the list submitted in compliance with this subsection by the party
 2-32 with the highest number of votes in the precinct as the presiding
 2-33 judge and the first person meeting the applicable eligibility
 2-34 requirements from the list submitted in compliance with this
 2-35 subsection by the party with the second highest number of votes in
 2-36 the precinct as the alternate presiding judge. If the candidates
 2-37 for governor of two political parties received the same number of
 2-38 votes in the precinct, the first person meeting the applicable
 2-39 eligibility requirements from the list submitted by the party whose
 2-40 candidate for governor received the highest number of votes in the
 2-41 county shall be appointed as the presiding judge and the first
 2-42 person meeting the applicable eligibility requirements from the
 2-43 list submitted by the party whose candidate for governor received
 2-44 the second highest number of votes in the county shall be appointed
 2-45 as the alternate presiding judge. The commissioners court may
 2-46 reject the list if the persons whose names are submitted on the list
 2-47 are determined not to meet the applicable eligibility requirements.

2-48 SECTION 9. Subsection (b), Section 33.006, Election Code,
 2-49 is amended to read as follows:

2-50 (b) A certificate of appointment must:

2-51 (1) be in writing and signed by the appointing
 2-52 authority or, for an appointment for a write-in candidate under
 2-53 Section 33.004, by each of the voters making the appointment;

2-54 (2) indicate the capacity in which the appointing
 2-55 authority is acting;

2-56 (3) state the name, residence address, and voter
 2-57 registration number of the appointee and be signed by the
 2-58 appointee;

2-59 (4) identify the election and the precinct polling
 2-60 place or other location at which the appointee is to serve;

2-61 (5) in an election on a measure, identify the measure
 2-62 if more than one is to be voted on and state which side of the
 2-63 measure the appointee represents; and

2-64 (6) contain an affidavit executed by the appointee
 2-65 stating that the appointee will not have possession of a device
 2-66 capable [any mechanical or electronic means] of recording images or
 2-67 sound or that the appointee will disable or deactivate the device
 2-68 while serving as a watcher.

2-69 SECTION 10. Subsection (c), Section 33.051, Election Code,

3-1 is amended to read as follows:

3-2 (c) A watcher may not be accepted for service if the watcher
 3-3 has possession of a device capable [any mechanical or electronic
 3-4 ~~means]~~ of recording images or sound unless the watcher agrees to
 3-5 disable or deactivate the device. The presiding judge may inquire
 3-6 whether a watcher has possession of any prohibited recording device
 3-7 before accepting the watcher for service.

3-8 SECTION 11. Section 66.058, Election Code, is amended by
 3-9 amending Subsection (a) and adding Subsection (h) to read as
 3-10 follows:

3-11 (a) Except as otherwise provided by this code, the precinct
 3-12 election records shall be preserved by the authority to whom they
 3-13 are distributed:

3-14 (1) in an election involving a federal office, for at
 3-15 least 22 months after election day in accordance with federal law;
 3-16 or

3-17 (2) in an election not involving a federal office, for
 3-18 at least six months after election day.

3-19 (h) For the preservation of precinct election records in an
 3-20 election involving a federal office, the secretary of state shall
 3-21 instruct the affected authorities on the actions necessary to
 3-22 comply with federal law and otherwise implement this section.

3-23 SECTION 12. Subsections (b), (d), and (f), Section 85.032,
 3-24 Election Code, are amended to read as follows:

3-25 (b) The ballot box in which voters deposit their marked
 3-26 early voting ballots must have two locks, each with a different key,
 3-27 and must be designed and constructed so that the box can be sealed
 3-28 to detect any unauthorized opening of the box and that the ballot
 3-29 slot can be sealed to prevent any unauthorized deposit in the box.
 3-30 The seals for the boxes must be serially numbered for each election.
 3-31 The procedures prescribed by Sections 127.064, 127.065, 127.066,
 3-32 and 127.068 governing the use of sealed ballot boxes in electronic
 3-33 voting system elections apply to the use of sealed ballot boxes
 3-34 under this title to the extent those procedures can be made
 3-35 applicable~~[, with references to the central counting station being~~
 3-36 ~~applied to the early voting ballot board]~~. The secretary of state
 3-37 shall prescribe any procedures necessary to implement the use of
 3-38 sealed ballot boxes in early voting.

3-39 (d) Each custodian shall retain possession of the key
 3-40 entrusted to the custodian until it is delivered to the presiding
 3-41 judge of the central counting station ~~[early voting ballot board~~
 3-42 ~~under Subchapter B, Chapter 87]~~.

3-43 (f) The secretary of state shall prescribe procedures
 3-44 providing for the security of the voted early voting ballots from
 3-45 the last day of voting by personal appearance at a polling place
 3-46 until the day the ballots are counted. ~~[The procedures must include~~
 3-47 ~~security measures covering the transfer of the ballots between the~~
 3-48 ~~early voting clerk and the early voting ballot board.]~~

3-49 SECTION 13. Section 87.021, Election Code, is amended to
 3-50 read as follows:

3-51 Sec. 87.021. BALLOTS AND OTHER MATERIALS DELIVERED TO
 3-52 BOARD. The early voting clerk shall deliver to the early voting
 3-53 ballot board:

3-54 (1) in an election in which regular paper ballots are
 3-55 used for early voting by personal appearance, each ballot box, in
 3-56 accordance with Section 85.032(b), containing the early voting
 3-57 ballots voted by personal appearance and the clerk's key to each
 3-58 box;

3-59 (2) the jacket envelopes containing the early voting
 3-60 ballots voted by mail, regardless of the ballot type or voting
 3-61 system used;

3-62 (3) the poll lists prepared in connection with early
 3-63 voting by personal appearance;

3-64 (4) the list of registered voters used in conducting
 3-65 early voting; and

3-66 (5) a ballot transmittal form that includes a
 3-67 statement of the number of early voting ballots voted by mail,
 3-68 regardless of the ballot type or voting system used, that are
 3-69 delivered to the early voting ballot board and, in an election in

4-1 which regular paper ballots are used for early voting by personal
 4-2 appearance, the number of names appearing on the poll lists
 4-3 prepared in connection with early voting by personal appearance.

4-4 SECTION 14. Subsection (a), Section 87.0221, Election Code,
 4-5 is amended to read as follows:

4-6 (a) In an election in which regular paper ballots are used
 4-7 for early voting by personal appearance or by mail, the materials
 4-8 may be delivered to the board between the end of the period for
 4-9 early voting by personal appearance and the closing of the polls on
 4-10 election day, or as soon after closing as practicable, at the time
 4-11 or times specified by the presiding judge of the board.

4-12 SECTION 15. Subsection (a), Section 87.023, Election Code,
 4-13 is amended to read as follows:

4-14 (a) In an election in which early voting ballots are to be
 4-15 counted by automatic tabulating equipment at a central counting
 4-16 station, the ballots voted by mail to be automatically counted may
 4-17 be delivered to the board between the end of the period for early
 4-18 voting by personal appearance and the closing of the polls on
 4-19 election day, or as soon after closing as practicable, at intervals
 4-20 specified by the presiding judge of the board.

4-21 SECTION 16. Section 101.013, Election Code, is amended to
 4-22 read as follows:

4-23 Sec. 101.013. DESIGNATION OF SECRETARY OF STATE. (a) The
 4-24 secretary of state is designated as the state office to provide
 4-25 information regarding voter registration procedures and absentee
 4-26 ballot procedures, including procedures related to the federal
 4-27 write-in absentee ballot, to be used by persons eligible to vote
 4-28 under the federal Uniformed and Overseas Citizens Absentee Voting
 4-29 Act (42 U.S.C. Section 1973ff et seq.), as amended.

4-30 (b) The secretary of state is designated as the state
 4-31 coordinator between military and overseas voters and county
 4-32 election officials. A county election official shall:

4-33 (1) cooperate with the secretary of state to ensure
 4-34 that military and overseas voters timely receive accurate balloting
 4-35 materials that a voter is able to cast in time for the election; and

4-36 (2) otherwise comply with the federal Military and
 4-37 Overseas Voter Empowerment Act (Pub. L. No. 111-84, Div. A, Title V,
 4-38 Subt. H).

4-39 (c) The secretary of state may adopt rules as necessary to
 4-40 implement this section.

4-41 SECTION 17. Subsection (a), Section 112.002, Election Code,
 4-42 is amended to read as follows:

4-43 (a) After changing residence to another county, a person is
 4-44 eligible to vote a limited ballot by personal appearance during the
 4-45 early voting period or by mail if:

4-46 (1) the person would have been eligible to vote in the
 4-47 county of former residence on election day if still residing in that
 4-48 county;

4-49 (2) the person is registered to vote in the county of
 4-50 former residence at the time the person:

4-51 (A) offers to vote in the county of new
 4-52 residence; or

4-53 (B) submitted a voter registration application
 4-54 in the county of new residence; and

4-55 (3) a voter registration for the person in the county
 4-56 of new residence is not effective on or before election day.

4-57 SECTION 18. Section 127.007, Election Code, is amended to
 4-58 read as follows:

4-59 Sec. 127.007. PLAN FOR COUNTING STATION OPERATION.
 4-60 (a) The manager shall establish and implement a written plan for
 4-61 the orderly operation of the central counting station.

4-62 (b) The plan required under this section must address the
 4-63 process for comparing the number of voters who signed the
 4-64 combination form with the number of votes cast for the entire
 4-65 election.

4-66 SECTION 19. Subsection (c), Section 129.023, Election Code,
 4-67 is amended to read as follows:

4-68 (c) The general custodian of election records shall adopt
 4-69 procedures for testing that:

- 5-1 (1) direct the testing board to cast votes;
- 5-2 (2) verify that each contest position, as well as each
- 5-3 precinct and ballot style, on the ballot can be voted and is
- 5-4 accurately counted [for each precinct and ballot style];
- 5-5 (3) include overvotes and undervotes for each race, if
- 5-6 applicable to the system being tested;
- 5-7 (4) include straight-party votes and crossover votes;
- 5-8 (5) include write-in votes, when applicable to the
- 5-9 election;
- 5-10 (6) include provisional votes, if applicable to the
- 5-11 system being tested;
- 5-12 (7) calculate the expected results from the test
- 5-13 ballots;
- 5-14 (8) ensure that each voting machine has any public
- 5-15 counter reset to zero and presented to the testing board for
- 5-16 verification before testing;
- 5-17 (9) require that, for each feature of the system that
- 5-18 allows disabled voters to cast a ballot, at least one vote be cast
- 5-19 and verified by a two-person testing board team using that feature;
- 5-20 and
- 5-21 (10) require that, when all votes are cast, the
- 5-22 general custodian of election records and the testing board observe
- 5-23 the tabulation of all ballots and compare the actual results to the
- 5-24 expected results.

5-25 SECTION 20. Section 141.040, Election Code, is amended to
5-26 read as follows:

5-27 Sec. 141.040. NOTICE OF DEADLINES. (a) The authority with
5-28 whom [Not later than the 30th day before the first day on which a
5-29 candidate may file] an application for a place on the ballot under
5-30 this subchapter[, the authority with whom the application] must be
5-31 filed shall post notice of the dates of the filing period in a
5-32 public place in a building in which the authority has an office not
5-33 later than the 30th day before:

- 5-34 (1) the first day on which a candidate may file the
- 5-35 application; or
- 5-36 (2) the last day on which a candidate may file the
- 5-37 application, if this code does not designate a first day on which
- 5-38 the candidate may file the application.

5-39 (b) This section does not apply to an office filled at the
5-40 general election for state and county officers.

5-41 SECTION 21. Section 145.001, Election Code, is amended by
5-42 amending Subsection (b) and by adding Subsection (d-1) to read as
5-43 follows:

- 5-44 (b) A [To be effective, a] withdrawal request must:
- 5-45 (1) be in writing and be signed and acknowledged by the
- 5-46 candidate; and
- 5-47 (2) be timely filed with the appropriate authority or
- 5-48 an agent of an authority only as expressly provided by this code.
- 5-49 (d-1) A withdrawal that is not filed in compliance with
- 5-50 Subsection (b) has no legal effect and is not considered filed.

5-51 SECTION 22. Section 145.005, Election Code, is amended to
5-52 read as follows:

5-53 Sec. 145.005. EFFECT OF VOTES CAST FOR DECEASED, WITHDRAWN,
5-54 OR INELIGIBLE CANDIDATE. (a) If the name of a deceased,
5-55 withdrawn, or ineligible candidate appears on the ballot under this
5-56 chapter, the votes cast for the candidate shall be counted and
5-57 entered on the official election returns in the same manner as for
5-58 the other candidates.

5-59 (b) If the deceased, withdrawn, or ineligible candidate
5-60 receives the vote required for election, the resulting vacancy
5-61 shall be filled in the regular manner.

5-62 (c) If the deceased, withdrawn, or ineligible candidate and
5-63 another candidate tie for the most votes in an election in which a
5-64 plurality vote is sufficient for election, the other candidate is
5-65 considered to be elected. If more than one other candidate is tied
5-66 with the deceased, withdrawn, or ineligible candidate, the winner
5-67 of the election shall be determined by resolving the tie between the
5-68 other candidates in the regular manner for resolving a tie vote in
5-69 the election.

6-1 (d) In a race in which a runoff is required, if the deceased,
 6-2 withdrawn, or ineligible candidate received the vote that would
 6-3 entitle the candidate to a place on the runoff election ballot or
 6-4 tied for that number of votes, the candidates in the runoff shall be
 6-5 determined in the regular manner but without regard to the votes
 6-6 received by the deceased, withdrawn, or ineligible candidate.

6-7 SECTION 23. Subsections (a) and (d), Section 145.092,
 6-8 Election Code, are amended to read as follows:

6-9 (a) Except as otherwise provided by this section, a
 6-10 candidate may not withdraw from an election after 5 p.m. of the
 6-11 third day after the deadline for filing the candidate's application
 6-12 for a place on the ballot [~~second day before the beginning of early~~
 6-13 ~~voting by personal appearance~~].

6-14 (d) A candidate in a runoff election [~~following a main~~
 6-15 ~~election subject to Subsection (b)~~] may not withdraw from the
 6-16 election after 5 p.m. of the third day after the date of the main
 6-17 election.

6-18 SECTION 24. Subsection (a), Section 145.094, Election Code,
 6-19 is amended to read as follows:

6-20 (a) The name of a candidate shall be omitted from the ballot
 6-21 if the candidate:

6-22 (1) dies before the second day before the date of the
 6-23 deadline for filing the candidate's application for a place on the
 6-24 ballot;

6-25 (2) withdraws or is declared ineligible within the
 6-26 time prescribed by Section 145.092(a) [~~before 5 p.m. of the second~~
 6-27 ~~day before the beginning of early voting by personal appearance~~],
 6-28 in an election subject to that section [~~Section 145.092(a)~~];

6-29 (3) withdraws or is declared ineligible within the
 6-30 time prescribed by Section 145.092(b) [~~before 5 p.m. of the 53rd day~~
 6-31 ~~before election day~~], in an election subject to that section
 6-32 [~~Section 145.092(b)~~]; or

6-33 (4) withdraws or is declared ineligible within the
 6-34 time prescribed by Section 145.092(f) [~~before 5 p.m. of the 67th day~~
 6-35 ~~before election day~~], in an election subject to that section
 6-36 [~~Section 145.092(f)~~].

6-37 SECTION 25. Subsection (a), Section 172.052, Election Code,
 6-38 is amended to read as follows:

6-39 (a) A candidate for nomination may not withdraw from the
 6-40 general primary election after the first day after the deadline for
 6-41 filing the candidate's application for a place on the general
 6-42 primary election ballot [~~62nd day before general primary election~~
 6-43 ~~day~~].

6-44 SECTION 26. Section 172.057, Election Code, is amended to
 6-45 read as follows:

6-46 Sec. 172.057. WITHDRAWN, DECEASED, OR INELIGIBLE
 6-47 CANDIDATE'S NAME OMITTED FROM GENERAL PRIMARY BALLOT. A
 6-48 candidate's name shall be omitted from the general primary election
 6-49 ballot if the candidate withdraws, dies, or is declared ineligible
 6-50 within the time prescribed by Section 172.052(a) [~~on or before the~~
 6-51 ~~62nd day before general primary election day~~].

6-52 SECTION 27. Subsection (i), Section 213.013, Election Code,
 6-53 is amended to read as follows:

6-54 (i) No device capable [~~mechanical or electronic means~~] of
 6-55 recording images or sound is [~~are~~] allowed inside the room in which
 6-56 the recount is conducted, or in any hallway or corridor in the
 6-57 building in which the recount is conducted within 30 feet of the
 6-58 entrance to the room, while the recount is in progress unless the
 6-59 person entitled to be present at the recount agrees to disable or
 6-60 deactivate the device. However, on request of a person entitled to
 6-61 appoint watchers to serve at the recount, the recount committee
 6-62 chair shall permit the person to photocopy under the chair's
 6-63 supervision any ballot, including any supporting materials,
 6-64 challenged by the person or person's watcher. The person must pay a
 6-65 reasonable charge for making the copies and, if no photocopying
 6-66 equipment is available, may supply that equipment at the person's
 6-67 expense. The person shall provide a copy on request to another
 6-68 person entitled to appoint watchers to serve at the recount.

6-69 SECTION 28. Section 216.002, Election Code, is amended to

7-1 read as follows:

7-2 Sec. 216.002. CONDUCT OF AUTOMATIC RECOUNT GENERALLY.
 7-3 Except as otherwise provided by this chapter, this title, including
 7-4 the notice requirement of Section 213.009, applies to a recount
 7-5 conducted under this chapter with appropriate modifications as
 7-6 prescribed by the secretary of state.

7-7 SECTION 29. Subsection (c), Section 232.008, Election Code,
 7-8 is amended to read as follows:

7-9 (c) A contestant must file the petition not later than the
 7-10 10th day after the date the official result is determined in a
 7-11 contest of:

- 7-12 (1) a primary or runoff primary election; or
 7-13 (2) a general or special election for which a runoff is
 7-14 necessary according to the official result or will be necessary if
 7-15 the contestant prevails.

7-16 SECTION 30. Section 253.167, Election Code, is amended to
 7-17 read as follows:

7-18 Sec. 253.167. CERTIFICATION OF POPULATION; NOTICE OF
 7-19 CONTRIBUTION AND EXPENDITURE LIMITS. (a) For purposes of this
 7-20 subchapter only, not later than June 1 of each odd-numbered year,
 7-21 the commission [~~secretary of state~~] shall:

7-22 (1) make [~~deliver to the commission~~] a written
 7-23 certification of the population of each judicial district for which
 7-24 a candidate for judge or justice must file a campaign treasurer
 7-25 appointment with the commission; and

7-26 (2) deliver to the county clerk of each county a
 7-27 written certification of the county's population, if the county:

7-28 (A) comprises an entire judicial district under
 7-29 Chapter 26, Government Code; or

7-30 (B) has a statutory county court or statutory
 7-31 probate court, other than a multicounty statutory county court
 7-32 created under Subchapter D, Chapter 25, Government Code.

7-33 (b) Following [~~On receipt of the~~] certification of
 7-34 population under Subsection (a), the commission or county clerk, as
 7-35 appropriate, shall make available to each candidate for an office
 7-36 covered by this subchapter written notice of the contribution and
 7-37 expenditure limits applicable to the office the candidate seeks.

7-38 SECTION 31. Section 501.001, Election Code, is amended by
 7-39 adding Subdivision (4) to read as follows:

7-40 (4) "Political subdivision" includes a justice
 7-41 precinct.

7-42 SECTION 32. Subsection (a), Section 501.023, Election Code,
 7-43 is amended to read as follows:

7-44 (a) If 10 or more qualified voters of any county, justice
 7-45 precinct, or municipality file a written application and provide
 7-46 proof of publication of notice in a newspaper of general
 7-47 circulation in that political subdivision, the county clerk of the
 7-48 county shall issue to the applicants a petition to be circulated
 7-49 among the qualified voters of the political subdivision for the
 7-50 signatures of those qualified voters who desire that a local option
 7-51 election be called for the purpose of determining whether the sale
 7-52 of alcoholic beverages of one or more of the various types and
 7-53 alcoholic contents shall be prohibited or legalized in the
 7-54 political subdivision. The notice must include:

7-55 (1) the individual or entity that is applying for the
 7-56 petition to gather signatures for a local option liquor election;

7-57 (2) the type of local option liquor election;

7-58 (3) the name of the political subdivision in which the
 7-59 petition will be circulated; and

7-60 (4) the name and title of the person with whom the
 7-61 application will be filed.

7-62 SECTION 33. Subsection (a), Section 501.108, Election Code,
 7-63 is amended to read as follows:

7-64 (a) If a county is not required to pay the initial expense,
 7-65 regardless of any authority to receive reimbursement, of a local
 7-66 option election under Section 501.107, the county clerk shall
 7-67 require the applicants for a petition for a local option election to
 7-68 make a deposit before the issuance of the petition.

7-69 SECTION 34. Sections 18.041 and 18.042 and Subsection (c),

8-1 Section 145.092, Election Code, are repealed.

8-2 SECTION 35. This Act takes effect September 1, 2011.

8-3 * * * * *