

SENATE AMENDMENTS

2nd Printing

By: Taylor of Galveston

H.B. No. 2817

A BILL TO BE ENTITLED

AN ACT

relating to certain election practices and procedures; providing penalties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 1, Election Code, is amended by adding Section 1.016 to read as follows:

Sec. 1.016. RESIDENCE FOR CERTAIN REGISTERED VOTERS.

(a) 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 that has not expired or, if the person has notified the department of a change of address under Section 521.054, Transportation Code, the new address contained in the notification;

(3) the address stated on a personal identification card issued to the person by the Department of Public Safety that has not expired or, if the person has notified the department 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 the Department of Public

1 Safety that has not expired or, if the person has notified the
2 department of a change of address under Section 411.181, Government
3 Code, the new address contained in the notification; or

4 (5) an address corresponding to a residence at which
5 the person receives mail.

6 (b) The address described by Subsection (a)(5) may not be a
7 commercial post office box or similar location that does not
8 correspond to a residence.

9 (c) This section does not apply to:

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

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

14 (d) The secretary of state shall adopt rules as necessary to
15 implement this section.

16 SECTION 2. Section 4.004(a), Election Code, is amended to
17 read as follows:

18 (a) The notice of a general or special election must state:

19 (1) the nature and date of the election;

20 (2) except as provided by Subsection (c), the location
21 of each polling place [~~, including each early voting polling place~~];

22 (3) the hours that the polls will be open; and

23 (4) any other information required by other law.

24 SECTION 3. Subchapter A, Chapter 13, Election Code, is
25 amended by adding Section 13.008 to read as follows:

26 Sec. 13.008. PERFORMANCE-BASED COMPENSATION FOR
27 REGISTERING VOTERS PROHIBITED. (a) A person commits an offense if

1 the person:

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

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

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

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

14 (b) An offense under this section is a Class A misdemeanor.

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

18 SECTION 4. Subchapter A, Chapter 13, Election Code, is
19 amended by adding Section 13.009 to read as follows:

20 Sec. 13.009. ELECTRONIC VOTER REGISTRATION. (a) The
21 secretary of state shall implement a program to allow a person who
22 has a valid driver's license or personal identification card issued
23 in this state to complete a voter registration application over the
24 Internet from the official website of this state and either
25 directly or via links to the websites of the secretary of state, the
26 Department of Public Safety, and counties participating in the
27 program.

1 (b) An applicant for electronic voter registration must:

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

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

8 (c) For each application submitted, the program shall
9 require that a digital copy of the applicant's signature be
10 obtained from the Department of Public Safety.

11 (d) An application submitted under this section is
12 considered for all purposes as an application submitted by mail
13 under this title.

14 (e) The secretary of state shall adopt rules as necessary to
15 implement this section, including rules to provide for additional
16 security measures necessary to ensure the accuracy and integrity of
17 applications submitted electronically.

18 (f) The rules adopted under Subsection (e) must require that
19 each Internet website through which a person may complete a voter
20 registration application include a description of the offense
21 described by Section 13.007 in a conspicuous location on the
22 website near the place where the person begins or submits the
23 application.

24 SECTION 5. Section 13.031(d), Election Code, is amended to
25 read as follows:

26 (d) To be eligible for appointment as a volunteer deputy
27 registrar, a person must:

- 1 (1) be a registered voter [~~18 years of age or older~~];
2 [~~and~~]
3 (2) not have been finally convicted of a felony or, if
4 so convicted, must have:
5 (A) fully discharged the person's sentence,
6 including any term of incarceration, parole, or supervision, or
7 completed a period of probation ordered by any court; or
8 (B) been pardoned or otherwise released from the
9 resulting disability to vote; and
10 (3) not have been finally convicted of an offense
11 under Section 32.51, Penal Code.

12 SECTION 6. Section 13.033(b), Election Code, is amended to
13 read as follows:

14 (b) If a person is to be appointed, the registrar shall
15 prepare a certificate of appointment in duplicate containing:

- 16 (1) the date of appointment;
17 (2) the statement: "I, _____, Voter Registrar
18 for _____ County, do hereby appoint _____ as a
19 volunteer deputy registrar for _____ County."
20 (3) the person's residence address;
21 (4) the person's voter registration number, if any;
22 (5) a statement that the term of the appointment
23 expires December 31 of an even-numbered year; and
24 (6) a statement that the appointment:
25 (A) terminates on the person's final conviction
26 for an offense;
27 (i) for failure to deliver a registration

1 application; or

2 (ii) under Section 32.51, Penal Code; and

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

6 SECTION 7. Section 13.036(a), Election Code, is amended to
7 read as follows:

8 (a) An appointment as a volunteer deputy registrar is
9 terminated on:

10 (1) the expiration of the volunteer deputy's term of
11 appointment; or

12 (2) the final conviction of the volunteer deputy for
13 an offense prescribed by Section 13.008 or 13.043 of this code or
14 Section 32.51, Penal Code.

15 SECTION 8. Section 18.064, Election Code, is amended to
16 read as follows:

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

23 SECTION 9. Section 18.065(a), Election Code, is amended to
24 read as follows:

25 (a) The secretary of state shall monitor each registrar for
26 substantial compliance with Sections 15.083, 16.032, [~~18.042,~~] and
27 18.061 and with rules implementing the statewide computerized voter

1 registration list.

2 SECTION 10. Subchapter C, Chapter 18, Election Code, is
3 amended by adding Section 18.068 to read as follows:

4 Sec. 18.068. VOTING HISTORY. Not later than the 30th day
5 after the date of the primary, runoff primary, or general election
6 or any special election ordered by the governor, the registrar
7 shall electronically submit to the secretary of state the record of
8 each voter participating in the election.

9 SECTION 11. Section 19.002(d), Election Code, is amended to
10 read as follows:

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

17 SECTION 12. Section 31.006, Election Code, is amended to
18 read as follows:

19 Sec. 31.006. REFERRAL OF COMPLAINT TO ATTORNEY GENERAL.

20 (a) If, after receiving a complaint alleging criminal conduct in
21 connection with an election, the secretary of state determines that
22 there is reasonable cause to suspect that the alleged criminal
23 conduct occurred, the secretary shall promptly refer the complaint
24 to the attorney general. The secretary shall deliver to the
25 attorney general all pertinent documents in the secretary's
26 possession.

27 (b) The documents submitted to the attorney general under

1 Subsection (a) are not considered public information until the
2 attorney general has completed the investigation or has made a
3 determination that the complaint referred does not warrant an
4 investigation.

5 SECTION 13. Section 31.092(b), Election Code, is amended to
6 read as follows:

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

15 SECTION 14. Section 31.093(a), Election Code, is amended to
16 read as follows:

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

26 SECTION 15. Section 32.002(c), Election Code, is amended to
27 read as follows:

1 (c) The presiding judge and alternate presiding judge must
2 be affiliated or aligned with different political parties, subject
3 to this subsection. Before July of each year in a county to which
4 Subsection (a)(1) applies or before August of each year in a county
5 to which Subsection (a)(2) applies, the county chair of a political
6 party whose candidate for governor received the highest or second
7 highest number of votes in the county in the most recent
8 gubernatorial general election shall submit in writing to the
9 commissioners court a list of names of persons in order of
10 preference for each precinct who are eligible for appointment as an
11 election judge. The county chair may supplement the list of names
12 of persons until the 20th day before a general election or the 15th
13 day before a special election in case an appointed election judge
14 becomes unable to serve. The commissioners court shall appoint the
15 first person meeting the applicable eligibility requirements from
16 the list submitted in compliance with this subsection by the party
17 with the highest number of votes in the precinct as the presiding
18 judge and the first person meeting the applicable eligibility
19 requirements from the list submitted in compliance with this
20 subsection by the party with the second highest number of votes in
21 the precinct as the alternate presiding judge. If the candidates
22 for governor of two political parties received the same number of
23 votes in the precinct, the first person meeting the applicable
24 eligibility requirements from the list submitted by the party whose
25 candidate for governor received the highest number of votes in the
26 county shall be appointed as the presiding judge and the first
27 person meeting the applicable eligibility requirements from the

1 list submitted by the party whose candidate for governor received
2 the second highest number of votes in the county shall be appointed
3 as the alternate presiding judge. The commissioners court may
4 reject the list if the persons whose names are submitted on the list
5 are determined not to meet the applicable eligibility requirements.

6 SECTION 16. Section 32.075, Election Code, is amended by
7 adding Subsections (f) and (g) to read as follows:

8 (f) The presiding judge or a special peace officer appointed
9 under this section may not remove an alternate presiding judge from
10 the polling place without cause or:

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

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

16 (g) A person is eligible for appointment as a special peace
17 officer under Subsection (b) only if the person is licensed as a
18 peace officer by the Commission on Law Enforcement Officer
19 Standards and Education.

20 SECTION 17. Section 33.006(b), Election Code, is amended to
21 read as follows:

22 (b) A certificate of appointment must:

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

26 (2) indicate the capacity in which the appointing
27 authority is acting;

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

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

6 (5) in an election on a measure, identify the measure
7 if more than one is to be voted on and state which side of the
8 measure the appointee represents; and

9 (6) contain an affidavit executed by the appointee
10 stating that the appointee will not have possession of a device
11 capable [~~any mechanical or electronic means~~] of recording images or
12 sound or that the appointee will disable or deactivate the device
13 while serving as a watcher.

14 SECTION 18. Subchapter A, Chapter 33, Election Code, is
15 amended by adding Section 33.008 to read as follows:

16 Sec. 33.008. CONFIDENTIAL INFORMATION. (a) During the
17 administration of the election, any information provided by a
18 watcher under this chapter that may be used to identify the watcher
19 is confidential and may be used only for election administration
20 purposes. The information may be made available to the public
21 beginning on the day after election day.

22 (b) It is an offense to disclose information described by
23 Subsection (a) during the administration of the election without
24 the permission of the watcher.

25 (c) An offense under this section is a Class B misdemeanor.

26 SECTION 19. Section 33.051(c), Election Code, is amended to
27 read as follows:

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

7 SECTION 20. Section 43.007, Election Code, is amended by
8 adding Subsections (k) and (l) to read as follows:

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

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

14 (2) the secretary of state determines the county's
15 participation in the program was successful.

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

18 SECTION 21. Section 64.032, Election Code, is amended by
19 adding Subsection (c-1) and amending Subsection (d) to read as
20 follows:

21 (c-1) The person selected under Subsection (c) must also be
22 a registered voter of the county in which the election is being held
23 unless the person is related to the voter within the second degree
24 by consanguinity or affinity, as determined under Subchapter B,
25 Chapter 573, Government Code.

26 (d) If assistance is provided by a person of the voter's
27 choice, the person shall provide a photo identification to an

1 election officer and the officer shall enter the person's name and
2 address on the poll list beside the voter's name.

3 SECTION 22. Subchapter B, Chapter 64, Election Code, is
4 amended by adding Section 64.0325 to read as follows:

5 Sec. 64.0325. LIMITATION ON ASSISTANCE. (a) A person
6 chosen under Section 64.032(c) may not assist more than two voters
7 in a day, including assistance provided during the period for early
8 voting by personal appearance and assistance provided under Section
9 86.010.

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

14 (c) Subsection (a) does not apply to a person assisting a
15 voter if the person:

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

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

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

24 SECTION 23. Section 64.036(d), Election Code, is amended to
25 read as follows:

26 (d) An offense under this section is a state jail felony
27 [~~Class A misdemeanor~~].

1 SECTION 24. Section 84.007(b), Election Code, is amended to
2 read as follows:

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

5 (1) mail;

6 (2) common or contract carrier; or

7 (3) telephonic facsimile machine, [~~if the applicant is~~
8 ~~absent from the county and~~] if a machine is available in the clerk's
9 office.

10 SECTION 25. Section 85.004, Election Code, is amended to
11 read as follows:

12 Sec. 85.004. PUBLIC NOTICE OF MAIN POLLING PLACE LOCATION.
13 The election order and the election notice must state the location
14 of the main [~~each~~] early voting polling place.

15 SECTION 26. Sections 85.032(b), (d), and (f), Election
16 Code, are amended to read as follows:

17 (b) The ballot box in which voters deposit their marked
18 early voting ballots must have two locks, each with a different key,
19 and must be designed and constructed so that the box can be sealed
20 to detect any unauthorized opening of the box and that the ballot
21 slot can be sealed to prevent any unauthorized deposit in the box.
22 The seals for the boxes must be serially numbered for each election.
23 The procedures prescribed by Sections 127.064, 127.065, 127.066,
24 and 127.068 governing the use of sealed ballot boxes in electronic
25 voting system elections apply to the use of sealed ballot boxes
26 under this title to the extent those procedures can be made
27 applicable[~~, with references to the central counting station being~~

1 ~~applied to the early voting ballot board~~]. The secretary of state
2 shall prescribe any procedures necessary to implement the use of
3 sealed ballot boxes in early voting.

4 (d) Each custodian shall retain possession of the key
5 entrusted to the custodian until it is delivered to the presiding
6 judge of the central counting station [~~early voting ballot board~~
7 ~~under Subchapter B, Chapter 87~~].

8 (f) The secretary of state shall prescribe procedures
9 providing for the security of the voted early voting ballots from
10 the last day of voting by personal appearance at a polling place
11 until the day the ballots are counted. [~~The procedures must include~~
12 ~~security measures covering the transfer of the ballots between the~~
13 ~~early voting clerk and the early voting ballot board.~~]

14 SECTION 27. Subchapter C, Chapter 85, Election Code, is
15 amended by adding Section 85.073 to read as follows:

16 Sec. 85.073. MOBILE VOTING STATIONS IN CERTAIN COUNTIES IN
17 CERTAIN ELECTIONS. (a) This section applies to early voting in an
18 election that includes a bond proposition in a city or school
19 district located in a county with a population of more than one
20 million.

21 (b) If a mobile voting station is used, the mobile voting
22 station:

23 (1) may not change locations during the early voting
24 period; and

25 (2) shall be placed within the territory covered by
26 the election in a manner to allow all of the voters in the territory
27 the same access to the mobile voting station during the early voting

1 period.

2 SECTION 28. Section 86.0051, Election Code, is amended by
3 adding Subsection (b-1) and amending Subsections (c), (d), and (e)
4 to read as follows:

5 (b-1) A person may not deposit in the mail or with a common
6 or contract carrier more than two carrier envelopes containing
7 ballots voted by other persons in an election.

8 (c) A person commits an offense if the person knowingly
9 violates Subsection (b) or (b-1). It is not a defense to an offense
10 under this subsection that the voter voluntarily gave another
11 person possession of the voter's carrier envelope.

12 (d) An offense under this section is a state jail felony
13 [~~Class B misdemeanor~~], unless the person is convicted of an offense
14 under Section 64.036 for providing unlawful assistance to the same
15 voter in connection with the same ballot, in which event the offense
16 is a [~~state jail~~] felony of the third degree.

17 (e) Subsections (a) and (c) do not apply if the person is
18 related to the applicant within the second degree by affinity or the
19 third degree by consanguinity, as determined under Subchapter B,
20 Chapter 573, Government Code [~~, or is registered to vote at the same~~
21 ~~address as the applicant~~]. Subsection (c) does not apply to an
22 employee of a state licensed care facility where the voter resides
23 who is working in the normal course of the employee's authorized
24 duties.

25 SECTION 29. Section 86.006(f), Election Code, is amended to
26 read as follows:

27 (f) A person commits an offense if the person knowingly

1 possesses an official ballot or official carrier envelope provided
2 under this code to another. Unless the person possessed the ballot
3 or carrier envelope with intent to defraud the voter or the election
4 authority, this subsection does not apply to a person who, on the
5 date of the offense, was:

6 (1) related to the voter within the second degree by
7 affinity or the third degree by consanguinity, as determined under
8 Subchapter B, Chapter 573, Government Code;

9 (2) registered to vote at the same address as the
10 voter;

11 (3) an early voting clerk or a deputy early voting
12 clerk;

13 (4) a person who possesses the carrier envelope in
14 order to deposit the envelope in the mail or with a common or
15 contract carrier and who provides the information required by
16 Section 86.0051(b) in accordance with that section;

17 (5) an employee of the United States Postal Service
18 working in the normal course of the employee's authorized duties;
19 [~~or~~]

20 (6) a common or contract carrier working in the normal
21 course of the carrier's authorized duties if the official ballot is
22 sealed in an official carrier envelope that is accompanied by an
23 individual delivery receipt for that particular carrier envelope;
24 or

25 (7) an employee of a state licensed care facility
26 where the voter resides who is working in the normal course of the
27 employee's authorized duties.

1 SECTION 30. Sections 86.010(g) and (h), Election Code, are
2 amended to read as follows:

3 (g) An offense under this section is a state jail felony
4 [~~Class A misdemeanor~~] unless the person is convicted of an offense
5 under Section 64.036 for providing unlawful assistance to the same
6 voter, in which event the offense is a [~~state jail~~] felony of the
7 third degree.

8 (h) Subsection (f) does not apply if the person is related
9 to the applicant within the second degree by affinity or the third
10 degree by consanguinity, as determined under Subchapter B, Chapter
11 573, Government Code [~~, or is registered to vote at the same address~~
12 ~~as the applicant~~].

13 SECTION 31. Section 87.021, Election Code, is amended to
14 read as follows:

15 Sec. 87.021. BALLOTS AND OTHER MATERIALS DELIVERED TO
16 BOARD. The early voting clerk shall deliver to the early voting
17 ballot board:

18 (1) [~~each ballot box, in accordance with Section~~
19 ~~85.032(b), containing the early voting ballots voted by personal~~
20 ~~appearance and the clerk's key to each box,~~

21 [~~2~~] the jacket envelopes containing the early voting
22 ballots voted by mail;

23 (2) [~~3~~] the poll lists prepared in connection with
24 early voting by personal appearance;

25 (3) [~~4~~] the list of registered voters used in
26 conducting early voting; and

27 (4) [~~5~~] a ballot transmittal form that includes a

1 statement of the number of early voting ballots voted by mail that
2 are delivered to the early voting ballot board [~~and the number of~~
3 ~~names appearing on the poll lists prepared in connection with early~~
4 ~~voting by personal appearance~~].

5 SECTION 32. Subchapter B, Chapter 87, Election Code, is
6 amended by adding Section 87.0211 to read as follows:

7 Sec. 87.0211. ELECTRONIC DELIVERY OF MATERIALS RECORDED
8 ELECTRONICALLY. If ballot materials and ballot applications are
9 recorded electronically as provided by Section 87.126, the early
10 voting clerk may deliver those materials to the early voting ballot
11 board through electronic means.

12 SECTION 33. Section 87.022, Election Code, is amended to
13 read as follows:

14 Sec. 87.022. TIME OF DELIVERY: GENERAL RULE. Except as
15 provided by Section [~~87.0221,~~] 87.0222[~~, 87.023,~~] or 87.024, the
16 materials shall be delivered to the early voting ballot board under
17 this subchapter during the time the polls are open on election day,
18 or as soon after the polls close as practicable, at the time or
19 times specified by the presiding judge of the board.

20 SECTION 34. Section 87.0241, Election Code, is amended by
21 amending Subsection (b) and adding Subsection (d) to read as
22 follows:

23 (b) Except as provided by Subsection (d), the [~~The~~] board
24 may not count early voting ballots until:

25 (1) the polls open on election day; or

26 (2) in an election conducted by an authority of a
27 county with a population of 100,000 or more or conducted jointly

1 with such a county, the end of the period for early voting by
2 personal appearance.

3 (d) An early voting ballot board may establish a process for
4 removing data from voting machines used in early voting before the
5 polls open on election day if:

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

8 (2) the secretary of state approves the process.

9 SECTION 35. Section 87.027, Election Code, is amended by
10 adding Subsection (m) to read as follows:

11 (m) If ballot materials or ballot applications are recorded
12 electronically as provided by Section 87.126, the signature
13 verification committee may use an electronic copy of a carrier
14 envelope certificate or the voter's ballot application in making
15 the comparison under Subsection (i).

16 SECTION 36. Subchapter G, Chapter 87, Election Code, is
17 amended by adding Section 87.126 to read as follows:

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

22 (b) The secretary of state may adopt rules providing
23 requirements for the electronic image quality and storage of the
24 electronic images of the documents described by Subsection (a).

25 SECTION 37. Section 101.001, Election Code, is amended to
26 read as follows:

27 Sec. 101.001. ELIGIBILITY. (a) A person is eligible for

1 early voting by mail as provided by this chapter if:

2 (1) the person is qualified to vote in this state or,
3 if not registered to vote in this state, would be qualified if
4 registered; and

5 (2) the person is:

6 (A) a member of the armed forces of the United
7 States, or the spouse or a dependent of a member;

8 (B) a member of the merchant marine of the United
9 States, or the spouse or a dependent of a member; or

10 (C) domiciled in this state but temporarily
11 living outside the territorial limits of the United States and the
12 District of Columbia.

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

20 SECTION 38. Section 112.002(a), Election Code, is amended
21 to read as follows:

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

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

1 (2) the person is registered to vote in the county of
2 former residence at the time the person:

3 (A) offers to vote in the county of new
4 residence; or

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

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

9 SECTION 39. Subchapter A, Chapter 122, Election Code, is
10 amended by adding Section 122.006 to read as follows:

11 Sec. 122.006. EXEMPTION FROM USE OF VOTING SYSTEM FOR
12 CERTAIN POLITICAL SUBDIVISIONS. (a) This section applies only to:

13 (1) a city with a population of 40,000 or less; and

14 (2) a school district with a student population of
15 10,000 or less.

16 (b) A political subdivision is not required to use an
17 electronic voting system.

18 SECTION 40. Section 127.007, Election Code, is amended to
19 read as follows:

20 Sec. 127.007. PLAN FOR COUNTING STATION OPERATION. (a) The
21 manager shall establish and implement a written plan for the
22 orderly operation of the central counting station.

23 (b) The plan required under this section must address the
24 process for comparing the number of voters who signed the
25 combination form with the number of votes cast for the entire
26 election.

27 SECTION 41. Subchapter E, Chapter 127, Election Code, is

1 amended by adding Section 127.1311 to read as follows:

2 Sec. 127.1311. ANNOUNCING UNOFFICIAL RESULTS. (a) Except
3 as provided by Subsection (b), unofficial election results shall be
4 released as soon as they are available after the polls close.

5 (b) The presiding judge of the central counting station, in
6 cooperation with the county clerk, may withhold the release of
7 unofficial election results until the last voter has voted.

8 SECTION 42. Section 127.201, Election Code, is amended by
9 adding Subsection (g) to read as follows:

10 (g) This section does not apply to the tabulation of
11 electronic voting system results for a voting system that uses
12 direct recording electronic voting machines.

13 SECTION 43. Section 129.023(c), Election Code, is amended
14 to read as follows:

15 (c) The general custodian of election records shall adopt
16 procedures for testing that:

17 (1) direct the testing board to cast votes;

18 (2) verify that each contest position, as well as each
19 precinct and ballot style, on the ballot can be voted and is
20 accurately counted [~~for each precinct and ballot style~~];

21 (3) include overvotes and undervotes for each race, if
22 applicable to the system being tested;

23 (4) include straight-party votes and crossover votes;

24 (5) include write-in votes, when applicable to the
25 election;

26 (6) include provisional votes, if applicable to the
27 system being tested;

1 (7) calculate the expected results from the test
2 ballots;

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

6 (9) require that, for each feature of the system that
7 allows disabled voters to cast a ballot, at least one vote be cast
8 and verified by a two-person testing board team using that feature;
9 and

10 (10) require that, when all votes are cast, the
11 general custodian of election records and the testing board observe
12 the tabulation of all ballots and compare the actual results to the
13 expected results.

14 SECTION 44. Subchapter A, Chapter 141, Election Code, is
15 amended by adding Section 141.005 to read as follows:

16 Sec. 141.005. RESIDENCY REQUIREMENT IN CERTAIN POLITICAL
17 SUBDIVISIONS. (a) This section applies only to a political
18 subdivision that:

19 (1) is located in a county with territory greater than
20 4,600 square miles; and

21 (2) is either:

22 (A) an independent school district servicing
23 less than 1,500 students; or

24 (B) a municipality with a population of less than
25 8,000.

26 (b) Notwithstanding Section 141.001, a municipal charter
27 provision, or any other law, a candidate for the governing body of

1 an independent school district or a municipality is eligible for
2 any position of the governing body if the candidate resides
3 anywhere in the territory from which any member of the governing
4 body is elected.

5 SECTION 45. Section 141.040, Election Code, is amended to
6 read as follows:

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

14 (1) the first day on which a candidate may file the
15 application; or

16 (2) the last day on which a candidate may file the
17 application, if this code does not designate a first day on which
18 the candidate may file the application.

19 (b) This section does not apply to an office filled at the
20 general election for state and county officers.

21 SECTION 46. Section 145.001, Election Code, is amended by
22 amending Subsection (b) and adding Subsection (d-1) to read as
23 follows:

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

25 (1) be in writing and be signed and acknowledged by the
26 candidate; and

27 (2) be timely filed with the appropriate authority or

1 an agent of an authority only as expressly provided by this code.

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

4 SECTION 47. Section 145.005, Election Code, is amended to
5 read as follows:

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

12 (b) If the deceased, withdrawn, or ineligible candidate
13 receives the vote required for election, the resulting vacancy
14 shall be filled in the regular manner.

15 (c) If the deceased, withdrawn, or ineligible candidate and
16 another candidate tie for the most votes in an election in which a
17 plurality vote is sufficient for election, the other candidate is
18 considered to be elected. If more than one other candidate is tied
19 with the deceased, withdrawn, or ineligible candidate, the winner
20 of the election shall be determined by resolving the tie between the
21 other candidates in the regular manner for resolving a tie vote in
22 the election.

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

1 received by the deceased, withdrawn, or ineligible candidate.

2 SECTION 48. Sections 145.092(a) and (d), Election Code, are
3 amended to read as follows:

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

9 (d) A candidate in a runoff election [~~following a main~~
10 ~~election subject to Subsection (b)~~] may not withdraw from the
11 election after 5 p.m. of the third day after the date of the main
12 election.

13 SECTION 49. Section 145.094(a), Election Code, is amended
14 to read as follows:

15 (a) The name of a candidate shall be omitted from the ballot
16 if the candidate:

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

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

24 (3) withdraws or is declared ineligible within the
25 time prescribed by Section 145.092(b) [~~before 5 p.m. of the 53rd day~~
26 ~~before election day~~], in an election subject to that section
27 [~~Section 145.092(b)~~]; or

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

5 SECTION 50. Subchapter B, Chapter 171, Election Code, is
6 amended by adding Section 171.029 to read as follows:

7 Sec. 171.029. REMOVAL OF COUNTY CHAIR. (a) In this
8 section:

9 (1) "Incompetency" means:

10 (A) gross ignorance of official duties;

11 (B) gross carelessness in the discharge of
12 official duties; or

13 (C) unfitness or inability to promptly and
14 properly discharge official duties because of a serious physical or
15 mental defect that did not exist at the time of the county chair's
16 election.

17 (2) "Official misconduct" means intentional, unlawful
18 behavior relating to a county chair's official duties. The term
19 includes an intentional or corrupt failure, refusal, or neglect of
20 a county chair to perform an official duty.

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

26 (c) The state executive committee shall give notice to the
27 county chair not later than the 14th day before the date of the

1 hearing, stating the allegations of incompetency or official
2 misconduct. At the hearing, evidence must be presented of the
3 chair's incompetency or official misconduct, and the county chair
4 shall have the opportunity to examine or question the evidence
5 against the chair.

6 (d) After conducting the hearing and reviewing the
7 evidence, the state executive committee shall vote on the question
8 of the removal of the county chair. If at least three-fifths of the
9 membership of the state executive committee finds that the county
10 chair has demonstrated incompetency or committed official
11 misconduct, the committee shall suspend any party rules to the
12 extent necessary to remove the chair.

13 (e) The county executive committee shall fill a vacancy
14 created by the removal of a county chair under this section as
15 provided by Sections 171.024 and 171.025, except that the
16 appointment must be approved by three-fifths of the membership of
17 the state executive committee.

18 SECTION 51. Section 172.052(a), Election Code, is amended
19 to read as follows:

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

25 SECTION 52. Section 172.057, Election Code, is amended to
26 read as follows:

27 Sec. 172.057. WITHDRAWN, DECEASED, OR INELIGIBLE

1 CANDIDATE'S NAME OMITTED FROM GENERAL PRIMARY BALLOT. A
2 candidate's name shall be omitted from the general primary election
3 ballot if the candidate withdraws, dies, or is declared ineligible
4 within the time prescribed by Section 172.052(a) [on or before the
5 62nd day before general primary election day].

6 SECTION 53. Sections 174.022(a), (b), and (c), Election
7 Code, are amended to read as follows:

8 (a) The precinct conventions may [~~shall~~] be held in the
9 regular county election precincts on:

- 10 (1) general primary election day; and
11 (2) a date determined by the county executive
12 committee that occurs not later than the fifth day after the date of
13 the general primary election [in the regular county election
14 precincts].

15 (b) Consistent with Subsection (c), not [~~Not~~] later than the
16 date of the regular drawing for position on the general primary
17 election ballot, the county executive committee shall set the hour
18 and place for convening each precinct convention for the precincts
19 served by the committee. If the county executive committee fails to
20 do so, the county chair shall set, consistent with Subsection (c),
21 the hour and place.

22 (c) If precinct conventions are held on general primary
23 election day, the [~~The~~] hour set for convening the conventions may
24 not be earlier than 7 p.m. or later than 9 p.m., but a
25 [~~Notwithstanding the hour set for convening, the~~] convention may
26 not convene until the last voter has voted at the precinct polling
27 place. If precinct conventions are held on a day other than general

1 primary election day, the county executive committee shall set the
2 hour for convening or a time frame in which the conventions must
3 convene.

4 SECTION 54. Section 174.023, Election Code, is amended to
5 read as follows:

6 Sec. 174.023. NOTICE OF DATE, HOOR, AND PLACE. (a) The
7 county chair shall post a notice of the date, hour, and place for
8 convening each precinct convention on the bulletin board used for
9 posting notice of meetings of the commissioners court. The notice
10 must remain posted continuously for the 10 days immediately
11 preceding the date of the convention.

12 (b) Not later than the 10th day before the date of the
13 precinct conventions, the county chair shall deliver to the county
14 clerk written notice of the date, hour, and place for convening each
15 precinct convention.

16 (c) If the county chair fails to post or deliver notice in
17 accordance with this section, another member of the county
18 executive committee may post or deliver the notice.

19 SECTION 55. Section 174.092(a), Election Code, is amended
20 to read as follows:

21 (a) The biennial state convention shall be convened on any
22 day in June or July.

23 SECTION 56. Section 213.013(i), Election Code, is amended
24 to read as follows:

25 (i) No device capable [~~mechanical or electronic means~~] of
26 recording images or sound is [~~are~~] allowed inside the room in which
27 the recount is conducted, or in any hallway or corridor in the

1 building in which the recount is conducted within 30 feet of the
2 entrance to the room, while the recount is in progress unless the
3 person entitled to be present at the recount agrees to disable or
4 deactivate the device. However, on request of a person entitled to
5 appoint watchers to serve at the recount, the recount committee
6 chair shall permit the person to photocopy under the chair's
7 supervision any ballot, including any supporting materials,
8 challenged by the person or person's watcher. The person must pay a
9 reasonable charge for making the copies and, if no photocopying
10 equipment is available, may supply that equipment at the person's
11 expense. The person shall provide a copy on request to another
12 person entitled to appoint watchers to serve at the recount.

13 SECTION 57. Section 216.002, Election Code, is amended to
14 read as follows:

15 Sec. 216.002. CONDUCT OF AUTOMATIC RECOUNT GENERALLY.
16 Except as otherwise provided by this chapter, this title, including
17 the notice requirement of Section 213.009, applies to a recount
18 conducted under this chapter with appropriate modifications as
19 prescribed by the secretary of state.

20 SECTION 58. Section 232.008(c), Election Code, is amended
21 to read as follows:

22 (c) A contestant must file the petition not later than the
23 10th day after the date the official result is determined in a
24 contest of:

- 25 (1) a primary or runoff primary election; or
26 (2) a general or special election for which a runoff is
27 necessary according to the official result or will be necessary if

1 the contestant prevails.

2 SECTION 59. Section 253.167, Election Code, is amended to
3 read as follows:

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

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

12 (2) deliver to the county clerk of each county a
13 written certification of the county's population, if the county:

14 (A) comprises an entire judicial district under
15 Chapter 26, Government Code; or

16 (B) has a statutory county court or statutory
17 probate court, other than a multicounty statutory county court
18 created under Subchapter D, Chapter 25, Government Code.

19 (b) Following [~~On receipt of the~~] certification of
20 population under Subsection (a), the commission or county clerk, as
21 appropriate, shall make available to each candidate for an office
22 covered by this subchapter written notice of the contribution and
23 expenditure limits applicable to the office the candidate seeks.

24 SECTION 60. Section 501.001, Election Code, is amended by
25 adding Subdivision (4) to read as follows:

26 (4) "Political subdivision" includes a justice
27 precinct.

1 SECTION 61. Section 501.023(a), Election Code, is amended
2 to read as follows:

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

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

16 (2) the type of local option liquor election;

17 (3) the name of the political subdivision in which the
18 petition will be circulated; and

19 (4) the name and title of the person with whom the
20 application will be filed.

21 SECTION 62. Section 501.108(a), Election Code, is amended
22 to read as follows:

23 (a) If a county is not required to pay the initial expense,
24 regardless of any authority to receive reimbursement, of a local
25 option election under Section 501.107, the county clerk shall
26 require the applicants for a petition for a local option election to
27 make a deposit before the issuance of the petition.

1 SECTION 63. Section 573.061, Government Code, is amended to
2 read as follows:

3 Sec. 573.061. GENERAL EXCEPTIONS. Section 573.041 does not
4 apply to:

5 (1) an appointment to the office of a notary public or
6 to the confirmation of that appointment;

7 (2) an appointment of a page, secretary, attendant, or
8 other employee by the legislature for attendance on any member of
9 the legislature who, because of physical infirmities, is required
10 to have a personal attendant;

11 (3) a confirmation of the appointment of an appointee
12 appointed to a first term on a date when no individual related to
13 the appointee within a degree described by Section 573.002 was a
14 member of or a candidate for the legislature, or confirmation on
15 reappointment of the appointee to any subsequent consecutive term;

16 (4) an appointment or employment of a bus driver by a
17 school district if:

18 (A) the district is located wholly in a county
19 with a population of less than 35,000; or

20 (B) the district is located in more than one
21 county and the county in which the largest part of the district is
22 located has a population of less than 35,000;

23 (5) an appointment or employment of a personal
24 attendant by an officer of the state or a political subdivision of
25 the state for attendance on the officer who, because of physical
26 infirmities, is required to have a personal attendant;

27 (6) an appointment or employment of a substitute

1 teacher by a school district; [~~or~~]

2 (7) an appointment or employment of a person by a
3 municipality that has a population of less than 200; or

4 (8) an appointment of an election clerk under Section
5 32.031, Election Code, who is not related in the first degree by
6 consanguinity or affinity to an elected official of the authority
7 that appoints the election judges for that election.

8 SECTION 64. (a) Section 15.022(a), Election Code, is
9 amended to read as follows:

10 (a) The registrar shall make the appropriate corrections in
11 the registration records, including, if necessary, deleting a
12 voter's name from the suspense list:

13 (1) after receipt of a notice of a change in
14 registration information under Section 15.021;

15 (2) after receipt of a voter's reply to a notice of
16 investigation given under Section 16.033;

17 (3) after receipt of [~~a registration omissions list~~
18 ~~and~~] any affidavits executed under Section 63.006 [~~63.007~~],
19 following an election;

20 (4) after receipt of a voter's statement of residence
21 executed under Section 63.0011;

22 (5) before the effective date of the abolishment of a
23 county election precinct or a change in its boundary;

24 (6) after receipt of United States Postal Service
25 information indicating an address reclassification;

26 (7) after receipt of a voter's response under Section
27 15.053; or

1 (8) after receipt of a registration application or
2 change of address under Chapter 20.

3 (b) Section 63.006, Election Code, is amended to read as
4 follows:

5 Sec. 63.006. VOTER WITH REQUIRED DOCUMENTATION [~~CORRECT~~
6 ~~CERTIFICATE~~] WHO IS NOT ON LIST. (a) A voter who, when offering to
7 vote, presents the documentation required under Section 63.001(b)
8 ~~[a voter registration certificate indicating that the voter is~~
9 ~~currently registered in the precinct in which the voter is offering~~
10 ~~to vote,~~] but whose name is not on the precinct list of registered
11 voters[~~7~~] shall be accepted for voting if the voter presents a voter
12 registration certificate indicating that the voter is currently
13 registered:

14 (1) in the precinct in which the voter is offering to
15 vote; or

16 (2) in a different precinct in the same county as the
17 precinct in which the voter is offering to vote and the voter
18 executes an affidavit stating that the voter:

19 (A) is a resident of the precinct in which the
20 voter is offering to vote or is otherwise entitled by law to vote in
21 that precinct;

22 (B) was a resident of the precinct in which the
23 voter is offering to vote at the time the information on the voter's
24 residence address was last provided to the voter registrar;

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

1 (D) is voting only once in the election.

2 (b) After the voter is accepted, an election officer shall:

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

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

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

10 (c) Section 63.009, Election Code, is amended to read as
11 follows:

12 Sec. 63.009. VOTER WITHOUT CERTIFICATE WHO IS NOT ON LIST.

13 A [~~(a) Except as provided by Subsection (b), a~~] voter who does not
14 present a voter registration certificate when offering to vote, and
15 whose name is not on the list of registered voters for the precinct
16 in which the voter is offering to vote, shall be accepted for
17 provisional voting if the voter executes an affidavit in accordance
18 with Section 63.011.

19 [~~(b) If an election officer can determine from the voter~~
20 ~~registrar that the person is a registered voter of the county and~~
21 ~~the person presents proof of identification, the affidavits~~
22 ~~required by Sections 63.007 and 63.008 are substituted for the~~
23 ~~affidavit required by Section 63.011 in complying with that~~
24 ~~section. After the voter is accepted under this subsection, an~~
25 ~~election officer shall also indicate beside the voter's name on the~~
26 ~~poll list that the voter was accepted under this section.]~~

27 (d) Section 63.011, Election Code, is amended by amending

1 Subsections (a) and (b) and adding Subsection (b-1) to read as
2 follows:

3 (a) A person to whom Section 63.001(g) [~~63.008(b)~~] or 63.009
4 [~~63.009(a)~~] applies may cast a provisional ballot if the person
5 executes an affidavit stating that the person:

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

8 (2) is eligible to vote in the election.

9 (b) A form for an affidavit required by this section must
10 [~~shall~~] be printed on an envelope in which the provisional ballot
11 voted by the person may be placed and must include:

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

14 (2) a space for an election officer to indicate
15 whether the person presented a form of identification described by
16 Section 63.0101.

17 (b-1) The affidavit form may include space for disclosure of
18 any necessary information to enable the person to register to vote
19 under Chapter 13. The secretary of state shall prescribe the form
20 of the affidavit under this section.

21 (e) Section 66.0241, Election Code, is amended to read as
22 follows:

23 Sec. 66.0241. CONTENTS OF ENVELOPE NO. 4. Envelope no. 4
24 must contain:

25 (1) the precinct list of registered voters;

26 (2) the registration correction list;

27 (3) [~~the registration omissions list;~~

1 ~~[(4)]~~ any statements of residence executed under
2 Section 63.0011; and

3 (4) ~~[(5)]~~ any affidavits executed under Section
4 63.006 ~~[63.007]~~ or 63.011.

5 (f) Section 85.031(b), Election Code, is amended to read as
6 follows:

7 (b) On accepting a voter, the clerk shall indicate beside
8 the voter's name on the list of registered voters ~~[or registration~~
9 ~~emissions list, as applicable,]~~ that the voter is accepted to vote
10 by personal appearance unless the form of the ~~[either]~~ list makes it
11 impracticable to do so, and the clerk shall enter the voter's name
12 on the poll list.

13 (g) Sections 63.005, 63.007, and 63.008, Election Code, are
14 repealed.

15 (h) Notwithstanding any other provision of this Act, this
16 section takes effect January 1, 2012.

17 SECTION 65. Sections 18.041, 18.042, 87.0221, 87.023, and
18 145.092(c), Election Code, are repealed.

19 SECTION 66. Sections 13.031(d), 13.033(b), and 13.036(a),
20 Election Code, as amended by this Act, apply only to the appointment
21 of a volunteer deputy voter registrar on or after the effective date
22 of this Act. The appointment of a volunteer deputy voter registrar
23 before the effective date of this Act is governed by the law in
24 effect when the registrar was appointed, and the former law is
25 continued in effect for that purpose.

26 SECTION 67. The changes in law made by this Act to Sections
27 64.036, 86.0051, 86.006, and 86.010, Election Code, apply only to

1 an offense committed on or after the effective date of this Act. An
2 offense committed before the effective date of this Act is governed
3 by the law in effect on the date the offense was committed, and the
4 former law is continued in effect for that purpose. For purposes of
5 this section, an offense was committed before the effective date of
6 this Act if any element of the offense occurred before that date.

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

10 SECTION 69. This Act takes effect September 1, 2011.

ADOPTED

MAY 20 2011

Atty. Gen.
Secretary of the Senate

By: Duncan

H.B. No. 2817

Substitute the following for ___B. No. _____:

By: Robert Duncan

C.S. ___B. No. _____

A BILL TO BE ENTITLED

AN ACT

relating to certain election practices and procedures.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

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

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

(1) the nature and date of the election;

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

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

(4) any other information required by other law.

SECTION 2. Section 18.064, Election Code, is amended to read as follows:

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

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

(a) The secretary of state shall monitor each registrar for substantial compliance with Sections 15.083, 16.032, [~~18.042,~~] and 18.061 and with rules implementing the statewide computerized voter

1 registration list.

2 SECTION 4. Subchapter C, Chapter 18, Election Code, is
3 amended by adding Section 18.068 to read as follows:

4 Sec. 18.068. VOTING HISTORY. Not later than the 30th day
5 after the date of the primary, runoff primary, or general election
6 or any special election ordered by the governor, the registrar
7 shall electronically submit to the secretary of state the record of
8 each voter participating in the election.

9 SECTION 5. Section 19.002(d), Election Code, is amended to
10 read as follows:

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

17 SECTION 6. Section 31.006, Election Code, is amended to
18 read as follows:

19 Sec. 31.006. REFERRAL OF COMPLAINT TO ATTORNEY GENERAL.
20 (a) If, after receiving a complaint alleging criminal conduct in
21 connection with an election, the secretary of state determines that
22 there is reasonable cause to suspect that the alleged criminal
23 conduct occurred, the secretary shall promptly refer the complaint
24 to the attorney general. The secretary shall deliver to the
25 attorney general all pertinent documents in the secretary's
26 possession.

27 (b) The documents submitted to the attorney general under

1 Subsection (a) are not considered public information until the
2 attorney general has completed the investigation or has made a
3 determination that the complaint referred does not warrant an
4 investigation.

5 SECTION 7. Section 31.092(b), Election Code, is amended to
6 read as follows:

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

15 SECTION 8. Section 31.093(a), Election Code, is amended to
16 read as follows:

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

26 SECTION 9. Section 32.002(c), Election Code, is amended to
27 read as follows:

1 (c) The presiding judge and alternate presiding judge must
2 be affiliated or aligned with different political parties, subject
3 to this subsection. Before July of each year in a county to which
4 Subsection (a)(1) applies or before August of each year in a county
5 to which Subsection (a)(2) applies, the county chair of a political
6 party whose candidate for governor received the highest or second
7 highest number of votes in the county in the most recent
8 gubernatorial general election shall submit in writing to the
9 commissioners court a list of names of persons in order of
10 preference for each precinct who are eligible for appointment as an
11 election judge. The county chair may supplement the list of names
12 of persons until the 20th day before a general election or the 15th
13 day before a special election in case an appointed election judge
14 becomes unable to serve. The commissioners court shall appoint the
15 first person meeting the applicable eligibility requirements from
16 the list submitted in compliance with this subsection by the party
17 with the highest number of votes in the precinct as the presiding
18 judge and the first person meeting the applicable eligibility
19 requirements from the list submitted in compliance with this
20 subsection by the party with the second highest number of votes in
21 the precinct as the alternate presiding judge. If the candidates
22 for governor of two political parties received the same number of
23 votes in the precinct, the first person meeting the applicable
24 eligibility requirements from the list submitted by the party whose
25 candidate for governor received the highest number of votes in the
26 county shall be appointed as the presiding judge and the first
27 person meeting the applicable eligibility requirements from the

1 list submitted by the party whose candidate for governor received
2 the second highest number of votes in the county shall be appointed
3 as the alternate presiding judge. The commissioners court may
4 reject the list if the persons whose names are submitted on the list
5 are determined not to meet the applicable eligibility requirements.

6 SECTION 10. Section 33.006(b), Election Code, is amended to
7 read as follows:

8 (b) A certificate of appointment must:

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

12 (2) indicate the capacity in which the appointing
13 authority is acting;

14 (3) state the name, residence address, and voter
15 registration number of the appointee and be signed by the
16 appointee;

17 (4) identify the election and the precinct polling
18 place or other location at which the appointee is to serve;

19 (5) in an election on a measure, identify the measure
20 if more than one is to be voted on and state which side of the
21 measure the appointee represents; and

22 (6) contain an affidavit executed by the appointee
23 stating that the appointee will not have possession of a device
24 capable [~~any mechanical or electronic means~~] of recording images or
25 sound or that the appointee will disable or deactivate the device
26 while serving as a watcher.

27 SECTION 11. Section 33.051(c), Election Code, is amended to

1 read as follows:

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

8 SECTION 12. Section 66.058, Election Code, is amended by
9 amending Subsection (a) and adding Subsection (h) to read as
10 follows:

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

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

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

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

23 SECTION 13. Section 84.007(b), Election Code, is amended to
24 read as follows:

25 (b) An application must be submitted to the early voting
26 clerk by:

27 (1) mail;

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

6 SECTION 14. Section 85.004, Election Code, is amended to
7 read as follows:

8 Sec. 85.004. PUBLIC NOTICE OF MAIN POLLING PLACE LOCATION.
9 The election order and the election notice must state the location
10 of the main [~~each~~] early voting polling place.

11 SECTION 15. Sections 85.032(b), (d), and (f), Election
12 Code, are amended to read as follows:

13 (b) The ballot box in which voters deposit their marked
14 early voting ballots must have two locks, each with a different key,
15 and must be designed and constructed so that the box can be sealed
16 to detect any unauthorized opening of the box and that the ballot
17 slot can be sealed to prevent any unauthorized deposit in the box.
18 The seals for the boxes must be serially numbered for each election.
19 The procedures prescribed by Sections 127.064, 127.065, 127.066,
20 and 127.068 governing the use of sealed ballot boxes in electronic
21 voting system elections apply to the use of sealed ballot boxes
22 under this title to the extent those procedures can be made
23 applicable[~~, with references to the central counting station being~~
24 ~~applied to the early voting ballot board~~]. The secretary of state
25 shall prescribe any procedures necessary to implement the use of
26 sealed ballot boxes in early voting.

27 (d) Each custodian shall retain possession of the key

1 entrusted to the custodian until it is delivered to the presiding
2 judge of the central counting station [~~early voting ballot board~~
3 ~~under Subchapter B, Chapter 87~~].

4 (f) The secretary of state shall prescribe procedures
5 providing for the security of the voted early voting ballots from
6 the last day of voting by personal appearance at a polling place
7 until the day the ballots are counted. [~~The procedures must include~~
8 ~~security measures covering the transfer of the ballots between the~~
9 ~~early voting clerk and the early voting ballot board.~~]

10 SECTION 16. Section 87.021, Election Code, is amended to
11 read as follows:

12 Sec. 87.021. BALLOTS AND OTHER MATERIALS DELIVERED TO
13 BOARD. The early voting clerk shall deliver to the early voting
14 ballot board:

15 (1) in an election in which regular paper ballots are
16 used for early voting by personal appearance, each ballot box, in
17 accordance with Section 85.032(b), containing the early voting
18 ballots voted by personal appearance and the clerk's key to each
19 box;

20 (2) the jacket envelopes containing the early voting
21 ballots voted by mail, regardless of the ballot type or voting
22 system used;

23 (3) the poll lists prepared in connection with early
24 voting by personal appearance;

25 (4) the list of registered voters used in conducting
26 early voting; and

27 (5) a ballot transmittal form that includes a

1 statement of the number of early voting ballots voted by mail,
2 regardless of the ballot type or voting system used, that are
3 delivered to the early voting ballot board, and in an election in
4 which regular paper ballots are used for early voting by personal
5 appearance, the number of names appearing on the poll lists
6 prepared in connection with early voting by personal appearance.

7 SECTION 17. Subchapter B, Chapter 87, Election Code, is
8 amended by adding Section 87.0211 to read as follows:

9 Sec. 87.0211. ELECTRONIC DELIVERY OF MATERIALS RECORDED
10 ELECTRONICALLY. If ballot materials and ballot applications are
11 recorded electronically as provided by Section 87.126, the early
12 voting clerk may deliver those materials to the early voting ballot
13 board through electronic means.

14 SECTION 18. Section 87.0221(a), Election Code, is amended
15 to read as follows:

16 (a) In an election in which regular paper ballots are used
17 for early voting by personal appearance or by mail, the materials
18 may be delivered to the board between the end of the period for
19 early voting by personal appearance and the closing of the polls on
20 election day, or as soon after closing as practicable, at the time
21 or times specified by the presiding judge of the board.

22 SECTION 19. Section 87.023(a), Election Code, is amended to
23 read as follows:

24 (a) In an election in which early voting ballots are to be
25 counted by automatic tabulating equipment at a central counting
26 station, the ballots voted by mail to be automatically counted may
27 be delivered to the board between the end of the period for early

1 voting by personal appearance and the closing of the polls on
2 election day, or as soon after closing as practicable, at intervals
3 specified by the presiding judge of the board.

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

6 (m) If ballot materials or ballot applications are recorded
7 electronically as provided by Section 87.126, the signature
8 verification committee may use an electronic copy of a carrier
9 envelope certificate or the voter's ballot application in making
10 the comparison under Subsection (i).

11 SECTION 21. Subchapter G, Chapter 87, Election Code, is
12 amended by adding Section 87.126 to read as follows:

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

17 (b) The secretary of state may adopt rules providing
18 requirements for the electronic image quality and storage of the
19 electronic images of the documents described by Subsection (a).

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

22 Sec. 101.013. DESIGNATION OF SECRETARY OF STATE. (a) The
23 secretary of state is designated as the state office to provide
24 information regarding voter registration procedures and absentee
25 ballot procedures, including procedures related to the federal
26 write-in absentee ballot, to be used by persons eligible to vote
27 under the federal Uniformed and Overseas Citizens Absentee Voting

1 Act (42 U.S.C. Section 1973ff et seq.), as amended.

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

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

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

11 (c) The secretary of state may adopt rules as necessary to
12 implement this section.

13 SECTION 23. Section 112.002(a), Election Code, is amended
14 to read as follows:

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

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

21 (2) the person is registered to vote in the county of
22 former residence at the time the person:

23 (A) offers to vote in the county of new
24 residence; or

25 (B) submitted a voter registration application
26 in the county of new residence; and

27 (3) a voter registration for the person in the county

1 of new residence is not effective on or before election day.

2 SECTION 24. Section 127.007, Election Code, is amended to
3 read as follows:

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

7 (b) The plan required under this section must address the
8 process for comparing the number of voters who signed the
9 combination form with the number of votes cast for the entire
10 election.

11 SECTION 25. Section 127.201, Election Code, is amended by
12 adding Subsection (g) to read as follows:

13 (g) This section does not apply to the tabulation of
14 electronic voting system results for a voting system that uses
15 direct recording electronic voting machines.

16 SECTION 26. Section 129.023(c), Election Code, is amended
17 to read as follows:

18 (c) The general custodian of election records shall adopt
19 procedures for testing that:

20 (1) direct the testing board to cast votes;

21 (2) verify that each contest position, as well as each
22 precinct and ballot style, on the ballot can be voted and is
23 accurately counted [~~for each precinct and ballot style~~];

24 (3) include overvotes and undervotes for each race, if
25 applicable to the system being tested;

26 (4) include straight-party votes and crossover votes;

27 (5) include write-in votes, when applicable to the

1 election;

2 (6) include provisional votes, if applicable to the
3 system being tested;

4 (7) calculate the expected results from the test
5 ballots;

6 (8) ensure that each voting machine has any public
7 counter reset to zero and presented to the testing board for
8 verification before testing;

9 (9) require that, for each feature of the system that
10 allows disabled voters to cast a ballot, at least one vote be cast
11 and verified by a two-person testing board team using that feature;
12 and

13 (10) require that, when all votes are cast, the
14 general custodian of election records and the testing board observe
15 the tabulation of all ballots and compare the actual results to the
16 expected results.

17 SECTION 27. Section 141.040, Election Code, is amended to
18 read as follows:

19 Sec. 141.040. NOTICE OF DEADLINES. (a) The authority with
20 whom [~~Not later than the 30th day before the first day on which a~~
21 ~~candidate may file~~] an application for a place on the ballot under
22 this subchapter[~~, the authority with whom the application~~] must be
23 filed shall post notice of the dates of the filing period in a
24 public place in a building in which the authority has an office not
25 later than the 30th day before:

26 (1) the first day on which a candidate may file the
27 application; or

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

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

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

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

10 (1) be in writing and be signed and acknowledged by the
11 candidate; and

12 (2) be timely filed with the appropriate authority or
13 an agent of an authority only as expressly provided by this code.

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

16 SECTION 29. Section 145.005, Election Code, is amended to
17 read as follows:

18 Sec. 145.005. EFFECT OF VOTES CAST FOR DECEASED, WITHDRAWN,
19 OR INELIGIBLE CANDIDATE. (a) If the name of a deceased, withdrawn,
20 or ineligible candidate appears on the ballot under this chapter,
21 the votes cast for the candidate shall be counted and entered on the
22 official election returns in the same manner as for the other
23 candidates.

24 (b) If the deceased, withdrawn, or ineligible candidate
25 receives the vote required for election, the resulting vacancy
26 shall be filled in the regular manner.

27 (c) If the deceased, withdrawn, or ineligible candidate and

1 another candidate tie for the most votes in an election in which a
2 plurality vote is sufficient for election, the other candidate is
3 considered to be elected. If more than one other candidate is tied
4 with the deceased, withdrawn, or ineligible candidate, the winner
5 of the election shall be determined by resolving the tie between the
6 other candidates in the regular manner for resolving a tie vote in
7 the election.

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

14 SECTION 30. Sections 145.092(a) and (d), Election Code, are
15 amended to read as follows:

16 (a) Except as otherwise provided by this section, a
17 candidate may not withdraw from an election after 5 p.m. of the
18 third day after the deadline for filing the candidate's application
19 for a place on the ballot [~~second day before the beginning of early~~
20 ~~voting by personal appearance~~].

21 (d) A candidate in a runoff election [~~following a main~~
22 ~~election subject to Subsection (b)~~] may not withdraw from the
23 election after 5 p.m. of the third day after the date of the main
24 election.

25 SECTION 31. Section 145.094(a), Election Code, is amended
26 to read as follows:

27 (a) The name of a candidate shall be omitted from the ballot

1 if the candidate:

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

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

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

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

17 SECTION 32. Section 172.052(a), Election Code, is amended
18 to read as follows:

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

24 SECTION 33. Section 172.057, Election Code, is amended to
25 read as follows:

26 Sec. 172.057. WITHDRAWN, DECEASED, OR INELIGIBLE
27 CANDIDATE'S NAME OMITTED FROM GENERAL PRIMARY BALLOT. A

1 candidate's name shall be omitted from the general primary election
2 ballot if the candidate withdraws, dies, or is declared ineligible
3 within the time prescribed by Section 172.052(a) [~~on or before the~~
4 ~~62nd day before general primary election day~~].

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

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

9 (1) general primary election day; and

10 (2) a date determined by the county executive
11 committee that occurs not later than the fifth day after the date of
12 the general primary election [~~in the regular county election~~
13 ~~precincts~~].

14 (b) Consistent with Subsection (c), not [~~Not~~] later than the
15 date of the regular drawing for position on the general primary
16 election ballot, the county executive committee shall set the hour
17 and place for convening each precinct convention for the precincts
18 served by the committee. If the county executive committee fails to
19 do so, the county chair shall set, consistent with Subsection (c),
20 the hour and place.

21 (c) If precinct conventions are held on general primary
22 election day, the [~~The~~] hour set for convening the conventions may
23 not be earlier than 7 p.m. or later than 9 p.m., but a
24 [~~Notwithstanding the hour set for convening, the~~] convention may
25 not convene until the last voter has voted at the precinct polling
26 place. If precinct conventions are held on a day other than general
27 primary election day, the county executive committee shall set the

1 hour for convening or a time frame in which the conventions must
2 convene.

3 SECTION 35. Section 174.023, Election Code, is amended to
4 read as follows:

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

11 (b) Not later than the 10th day before the date of the
12 precinct conventions, the county chair shall deliver to the county
13 clerk written notice of the date, hour, and place for convening each
14 precinct convention.

15 (c) If the county chair fails to post or deliver notice in
16 accordance with this section, another member of the county
17 executive committee may post or deliver the notice.

18 SECTION 36. Section 213.013(i), Election Code, is amended
19 to read as follows:

20 (i) No device capable [~~mechanical or electronic means~~] of
21 recording images or sound is [~~are~~] allowed inside the room in which
22 the recount is conducted, or in any hallway or corridor in the
23 building in which the recount is conducted within 30 feet of the
24 entrance to the room, while the recount is in progress unless the
25 person entitled to be present at the recount agrees to disable or
26 deactivate the device. However, on request of a person entitled to
27 appoint watchers to serve at the recount, the recount committee

1 chair shall permit the person to photocopy under the chair's
2 supervision any ballot, including any supporting materials,
3 challenged by the person or person's watcher. The person must pay a
4 reasonable charge for making the copies and, if no photocopying
5 equipment is available, may supply that equipment at the person's
6 expense. The person shall provide a copy on request to another
7 person entitled to appoint watchers to serve at the recount.

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

10 Sec. 216.002. CONDUCT OF AUTOMATIC RECOUNT GENERALLY.
11 Except as otherwise provided by this chapter, this title, including
12 the notice requirement of Section 213.009, applies to a recount
13 conducted under this chapter with appropriate modifications as
14 prescribed by the secretary of state.

15 SECTION 38. Section 232.008(c), Election Code, is amended
16 to read as follows:

17 (c) A contestant must file the petition not later than the
18 10th day after the date the official result is determined in a
19 contest of:

- 20 (1) a primary or runoff primary election; or
21 (2) a general or special election for which a runoff is
22 necessary according to the official result or will be necessary if
23 the contestant prevails.

24 SECTION 39. Section 253.167, Election Code, is amended to
25 read as follows:

26 Sec. 253.167. CERTIFICATION OF POPULATION; NOTICE OF
27 CONTRIBUTION AND EXPENDITURE LIMITS. (a) For purposes of this

1 subchapter only, not later than June 1 of each odd-numbered year,
2 the commission [~~secretary of state~~] shall:

3 (1) make [~~deliver to the commission~~] a written
4 certification of the population of each judicial district for which
5 a candidate for judge or justice must file a campaign treasurer
6 appointment with the commission; and

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

9 (A) comprises an entire judicial district under
10 Chapter 26, Government Code; or

11 (B) has a statutory county court or statutory
12 probate court, other than a multicounty statutory county court
13 created under Subchapter D, Chapter 25, Government Code.

14 (b) Following [~~On receipt of the~~] certification of
15 population under Subsection (a), the commission or county clerk, as
16 appropriate, shall make available to each candidate for an office
17 covered by this subchapter written notice of the contribution and
18 expenditure limits applicable to the office the candidate seeks.

19 SECTION 40. Section 501.001, Election Code, is amended by
20 adding Subdivision (4) to read as follows:

21 (4) "Political subdivision" includes a justice
22 precinct.

23 SECTION 41. Section 501.023(a), Election Code, is amended
24 to read as follows:

25 (a) If 10 or more qualified voters of any county, justice
26 precinct, or municipality file a written application and provide
27 proof of publication of notice in a newspaper of general

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

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

11 (2) the type of local option liquor election;

12 (3) the name of the political subdivision in which the
13 petition will be circulated; and

14 (4) the name and title of the person with whom the
15 application will be filed.

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

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

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

25 SECTION 44. This Act takes effect September 1, 2011.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

May 21, 2011

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB2817 by Taylor, Larry (Relating to certain election practices and procedures.), **As Passed
2nd House**

No significant fiscal implication to the State is anticipated.

The bill would amend the Election Code relating to certain election practices and procedures. The bill would also repeal certain sections of the Election Code. It is anticipated that any costs associated with implementation of the legislation could be absorbed within existing resources. The bill would take effect on September 1, 2011.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 307 Secretary of State

LBB Staff: JOB, SD, KJG, BTA

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

May 18, 2011

TO: Honorable Robert Duncan, Chair, Senate Committee on State Affairs

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB2817 by Taylor, Larry (Relating to certain election practices and procedures.),
Committee Report 2nd House, Substituted

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The bill would amend the Election Code relating to certain election practices and procedures. The bill would also repeal certain sections of the Election Code. It is anticipated that any costs associated with implementation of the legislation could be absorbed within existing resources. The bill would take effect on September 1, 2011.

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Source Agencies: 307 Secretary of State

LBB Staff: JOB, KJG, BTA

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

May 15, 2011

TO: Honorable Robert Duncan, Chair, Senate Committee on State Affairs

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB2817 by Taylor, Larry (Relating to certain election practices and procedures; providing penalties.), **As Engrossed**

Estimated Two-year Net Impact to General Revenue Related Funds for HB2817, As Engrossed: a negative impact of (\$140,000) through the biennium ending August 31, 2013.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2012	(\$140,000)
2013	\$0
2014	\$0
2015	\$0
2016	\$0

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from <i>General Revenue Fund</i> 1
2012	(\$140,000)
2013	\$0
2014	\$0
2015	\$0
2016	\$0

Fiscal Analysis

The bill would amend the Election Code relating to certain election practices and procedures. The bill would also require the Secretary of State (SOS) to implement a program to allow a person who has a valid driver's license or state personal identification card to complete a voter registration application over the Internet from certain websites. The program would also be required to obtain a digital copy of the applicant's signature from the Department of Public Safety. SOS would be required to adopt rules including rules to provide for additional security measures and a description of the offense on the website. The bill would also repeal certain sections of the Election Code.

Methodology

It is assumed that the fiscal impact of the bill would be approximately \$140,000 for contracted programming costs (see Technology section). It is also assumed that there would be postage savings of approximately \$0.80 each from people who choose to register online instead of mailing a prepaid postage voter registration application but it is not known how many people who would otherwise utilize prepaid postage applications would choose to register online instead. Therefore savings from reduced postage reimbursements to counties cannot be determined. It is anticipated that any additional costs associated with implementation of the legislation could be absorbed within existing resources.

Technology

SOS estimates a cost of \$20,000 to develop an Internet voter registration application and \$120,000 to import, verify, secure, and store the applicant's digital signature. In addition, it is assumed that the Department of Public Safety would need to create an interface that would allow for the electronic signatures to be transmitted to SOS but it is assumed this cost could be absorbed within existing resources.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 307 Secretary of State, 405 Department of Public Safety

LBB Staff: JOB, KJG, BTA

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

March 28, 2011

TO: Honorable Larry Taylor, Chair, House Committee on Elections

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB2817 by Taylor, Larry (Relating to certain election practices and procedures.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Election Code relating to certain election practices and procedures. The bill would also repeal certain sections of the Election Code related to annual registration reports, pre-election registration statements, time delivery of paper ballots, time delivery of automatically counted ballots, and deadlines for withdrawal. It is anticipated that any costs associated with implementation of the legislation could be absorbed within existing resources. The bill would take effect on September 1, 2011.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 302 Office of the Attorney General, 304 Comptroller of Public Accounts, 307 Secretary of State, 356 Texas Ethics Commission

LBB Staff: JOB, JT, BTA, KKR, TP