

By: Morrison, Rodriguez of Travis, Klick, Wu,  
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H.B. No. 3103

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the administration of primary elections, the nomination  
3 of candidates by convention, and voting by certain military and  
4 overseas voters.

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

6 SECTION 1. Section 101.007, Election Code, is amended by  
7 adding Subsection (d) to read as follows:

8 (d) The secretary of state shall make a checklist or similar  
9 guidelines available for optional use by early voting clerks in  
10 processing an application and providing balloting materials under  
11 this chapter.

12 SECTION 2. Section 101.107(b), Election Code, is amended to  
13 read as follows:

14 (b) A voter who receives a ballot under this subchapter must  
15 return the ballot in the same manner as required under Section  
16 101.057 except that a voter who completes a signature sheet is not  
17 required to complete a carrier envelope. Except [~~and, except~~] as  
18 provided by Chapter 105, the voter may not return the ballot by  
19 electronic transmission.

20 SECTION 3. Section 172.022(b), Election Code, is amended to  
21 read as follows:

22 (b) Not later than the day before the last day of the filing  
23 period, the county chair shall post on the political party's  
24 Internet website or in the location where a candidate files for a

1 place on the ballot [~~bulletin board used for posting notice of~~  
2 ~~meetings of the commissioners court a]~~ notice of the address at  
3 which the county chair or secretary will be available to receive  
4 applications on the last day of the filing period. If both the  
5 county chair and the secretary will be available, the notice must  
6 contain the address at which each will be available. Section 1.006  
7 does not apply to this subsection.

8 SECTION 4. Sections 172.028(a) and (b), Election Code, are  
9 amended to read as follows:

10 (a) Except as provided by Subsection (c), the state chair  
11 shall certify to the secretary of state [~~in writing~~] for placement  
12 on the general primary election ballot the name of each candidate  
13 who files with the chair an application that complies with Section  
14 172.021(b). The secretary of state shall post on the secretary's  
15 Internet website that is viewable by the public the certified list.

16 (b) Not later than the 81st day before general primary  
17 election day, the state chair shall notify [~~deliver the~~  
18 ~~certification to~~] the county chair in each county in which the  
19 candidate's name is to appear on the ballot that the certification  
20 has been posted by the secretary of state.

21 SECTION 5. Section 172.029, Election Code, is amended to  
22 read as follows:

23 Sec. 172.029. SUBMISSION AND COMPILATION OF INFORMATION  
24 PERTAINING TO [~~LIST OF~~] CANDIDATES. (a) For each general primary  
25 election, the state chair and each county chair shall  
26 electronically submit the following information [~~prepare a list~~  
27 ~~containing~~]:

1 (1) the name of each candidate who files an  
2 application for a place on the ballot with the chair, including an  
3 application for the office of a political party;

4 (2) the name of each candidate whose application meets  
5 the requirements of Section 172.021 and is accepted by the chair, as  
6 the name is to appear on the ballot;

7 (3) [~~(2)~~] the candidate's address as shown on the  
8 application; [~~and~~]

9 (4) [~~(3)~~] the date on which the candidate filed the  
10 application; and

11 (5) any additional information required by the  
12 secretary of state.

13 (b) The secretary of state shall continuously maintain an  
14 online database of information submitted under this section. The  
15 database must be accessible by the county and precinct chairs of the  
16 party that submitted the information. Any changes in the party's  
17 county or precinct chairs shall be reported to the secretary of  
18 state. The secretary of state shall adopt rules to implement this  
19 section, including rules regarding the public availability of  
20 information submitted under this section. [~~The candidates' names~~  
21 must be grouped on the list according to office.]

22 (c) The secretary of state may by rule prescribe a deadline  
23 by which [~~Not later than the 10th day after the date of the regular~~  
24 ~~filing deadline for candidates' applications,~~] the state chair must  
25 [~~shall~~] deliver the chair's submission regarding a candidate [~~list~~]  
26 to the secretary of state, and each county chair shall deliver a  
27 copy of the chair's submission regarding a candidate [~~list~~] to the

1 county clerk, the state chair, and the secretary of state when the  
2 chair accepts the application. The secretary of state may by rule  
3 prescribe a deadline for the delivery of a submission under this  
4 subsection.

5 (d) The secretary of state shall be notified if a [A  
6 ~~candidate's name must be omitted from the list if, before delivery~~  
7 ~~of the list, the~~] candidate withdraws, dies, or is declared  
8 ineligible, or if the candidate's application is determined not to  
9 comply with the applicable requirements. The secretary of state  
10 shall adopt rules implementing this subsection.

11 (e) The secretary of state shall:

12 (1) archive and keep available for inspection a list  
13 of all candidates for whom information has been submitted under  
14 this section; and

15 (2) prescribe rules for submitting the list  
16 electronically and methodology for distribution to each county  
17 clerk and state chair [~~shall retain each list received until the day~~  
18 ~~after general primary election day~~].

19 SECTION 6. Sections 172.054(a) and (b), Election Code, are  
20 amended to read as follows:

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

25 (1) dies on or after the fifth day before the date of  
26 the regular filing deadline and on or before the first [~~79th~~] day  
27 after the date of the regular filing deadline [~~before general~~

1 ~~primary election day~~];

2 (2) holds the office for which the application was  
3 made and withdraws or is declared ineligible on ~~[or after]~~ the date  
4 of the regular filing deadline ~~[and on]~~ or ~~[before]~~ the first ~~[79th]~~  
5 day after the date of the regular filing deadline ~~[before general~~  
6 ~~primary election day]~~; or

7 (3) withdraws or is declared ineligible during the  
8 period prescribed by Subdivision (2), and at the time of the  
9 withdrawal or declaration of ineligibility no other candidate has  
10 made an application that complies with the applicable requirements  
11 for the office sought by the withdrawn or ineligible candidate.

12 (b) An application for an office sought by a withdrawn,  
13 deceased, or ineligible candidate must be filed not later than 6  
14 p.m. of the fifth day after the date of the regular filing deadline  
15 ~~[81st day before general primary election day]~~. An application  
16 filed by mail with the state chair is not timely if received later  
17 than 5 p.m. of the fifth day after the date of the regular filing  
18 deadline ~~[81st day before general primary election day]~~.

19 SECTION 7. Sections 172.056(a) and (b), Election Code, are  
20 amended to read as follows:

21 (a) If the deadline for filing applications is extended, an  
22 electronic submission shall be made ~~[a list shall be prepared, as~~  
23 ~~provided by Section 172.029 for a list of candidates who file during~~  
24 ~~the regular filing period,]~~ containing the name of each candidate:

25 (1) who files an application that complies with the  
26 applicable requirements during the extended filing period; and

27 (2) whose name is not submitted ~~[on the list prepared]~~

1 under Section 172.029.

2 (b) Notification shall be made as prescribed by Section  
3 172.029 that additional names have been added during the extended  
4 period. [~~The list prepared under this section is subject to the~~  
5 ~~requirements prescribed by Section 172.029 except that the list~~  
6 ~~must be delivered to the secretary of state, county clerk, and state~~  
7 ~~chair, as applicable, not later than the seventh day after the date~~  
8 ~~of the extended deadline.~~]

9 SECTION 8. Section 172.057, Election Code, is amended to  
10 read as follows:

11 Sec. 172.057. WITHDRAWN, DECEASED, OR INELIGIBLE  
12 CANDIDATE'S NAME OMITTED FROM GENERAL PRIMARY BALLOT. A  
13 candidate's name shall be omitted from the general primary election  
14 ballot if the candidate withdraws, dies, or is declared ineligible  
15 on or before the first [79th] day after the date of the regular  
16 filing deadline [~~before general primary election day~~].

17 SECTION 9. Section 172.058(a), Election Code, is amended to  
18 read as follows:

19 (a) If a candidate who has made an application for a place on  
20 the general primary election ballot that complies with the  
21 applicable requirements dies or is declared ineligible after the  
22 first [79th] day after the date of the regular filing deadline  
23 [~~before general primary election day~~], the candidate's name shall  
24 be placed on the ballot and the votes cast for the candidate shall  
25 be counted and entered on the official election returns in the same  
26 manner as for the other candidates.

27 SECTION 10. Section 172.082(e), Election Code, is amended

1 to read as follows:

2 (e) The county chair shall post notice of the date, hour,  
3 and place of the drawing for at least 24 consecutive hours  
4 immediately before the drawing begins. The notice shall be posted  
5 on the bulletin board used for posting notice of meetings of the  
6 commissioners court. If the party maintains an Internet website,  
7 the party shall post the notice on the party's website. All  
8 candidates who provide an e-mail address on their filing form shall  
9 be notified electronically.

10 SECTION 11. Section 172.084(e), Election Code, is amended  
11 to read as follows:

12 (e) The notice required by Subsection (d) shall be posted on  
13 the bulletin board used for posting notice of meetings of the  
14 commissioners court. If the party maintains an Internet website,  
15 the party shall post the notice on the party's website. All  
16 candidates who provide an e-mail address on their filing form shall  
17 be notified electronically.

18 SECTION 12. Sections 172.118(a) and (d), Election Code, are  
19 amended to read as follows:

20 (a) Not later than the 20th day after the date the local  
21 canvass is completed, the county chair shall deliver written notice  
22 to the state chair and to the county clerk of the names of the  
23 persons elected as county chair and precinct chairs for the county.  
24 This notice may be given by electronic means or through an  
25 electronic submission system adopted by the state executive  
26 committee of the party.

27 (d) On request of the secretary of state, the state chair

1 shall deliver to the secretary written notice of the names and  
2 addresses of the party's county chairs. This notice may be given in  
3 electronic format as set out in rules adopted by the secretary of  
4 state.

5 SECTION 13. Section 172.119(b), Election Code, is amended  
6 to read as follows:

7 (b) The county chair shall deliver the county returns and  
8 retain a copy in the same manner as the county returns for a general  
9 election are delivered and retained by the county clerk except that  
10 the delivery shall be made to the state chair. The state executive  
11 committee may adopt by rule an electronic submission system for  
12 delivery of the county returns.

13 SECTION 14. Section 172.124, Election Code, is amended by  
14 adding Subsection (d) to read as follows:

15 (d) The secretary of state shall create and maintain an  
16 electronic system for submission of the report.

17 SECTION 15. Section 172.125(a), Election Code, is amended  
18 to read as follows:

19 (a) For a runoff primary election, the voter registrar shall  
20 make appropriate notations to indicate [~~enter on the list of~~  
21 ~~registered voters a notation beside each voter's name indicating~~]  
22 the preceding party primary for which the voter was accepted for  
23 voting, if any.

24 SECTION 16. Section 181.033(a), Election Code, is amended  
25 to read as follows:

26 (a) Except as provided by Subsection (b), an application for  
27 nomination by a convention must be filed not later than the regular



1 deadline for candidates to file applications for a place on the  
2 general primary ballot [~~5 p.m. on January 2 preceding the~~  
3 ~~convention~~].

4 SECTION 17. Sections 202.004(a) and (c), Election Code, are  
5 amended to read as follows:

6 (a) A political party's nominee for an unexpired term must  
7 be nominated by primary election if:

8 (1) the political party is making nominations by  
9 primary election for the general election in which the vacancy is to  
10 be filled; and

11 (2) the vacancy occurs on or before the fifth [~~62nd~~]  
12 day before the date of the regular deadline for candidates to file  
13 applications for a place on the general primary ballot [~~general~~  
14 ~~primary election day~~].

15 (c) If the vacancy occurs after the 10th day before the date  
16 of the regular filing deadline, an application for the unexpired  
17 term must be filed not later than 6 [~~5~~] p.m. of the fifth day after  
18 the date of the regular filing deadline [~~15th day after the date the~~  
19 ~~vacancy occurs or 5 p.m. of the 60th day before general primary~~  
20 ~~election day, whichever is earlier~~].

21 SECTION 18. (a) The secretary of state shall conduct a  
22 study on the effects of changing the presidential primary election  
23 date. In conducting the study, the secretary shall consult with all  
24 political parties in this state that hold presidential primary  
25 elections.

26 (b) The secretary of state shall report the results of this  
27 study and make recommendations for any legislation to the 84th

1 Legislature.

2 (c) This section expires June 1, 2015.

3 SECTION 19. Section 172.028(d), Election Code, is repealed.

4 SECTION 20. (a) Section 50, Chapter 1318 (S.B. 100), Acts  
5 of the 82nd Legislature, Regular Session, 2011, is repealed.

6 (b) The secretary of state may not adjust or modify affected  
7 election dates, deadlines, or procedures to implement the federal  
8 Military and Overseas Voter Empowerment Act under Section 50,  
9 Chapter 1318 (S.B. 100), Acts of the 82nd Legislature, Regular  
10 Session, 2011.

11 (c) This section takes effect December 31, 2016.

12 SECTION 21. Except as otherwise provided by this Act, this  
13 Act takes effect immediately if it receives a vote of two-thirds of  
14 all the members elected to each house, as provided by Section 39,  
15 Article III, Texas Constitution. If this Act does not receive the  
16 vote necessary for immediate effect, this Act takes effect  
17 September 1, 2013.