

By: Morrison

H.B. No. 3103

Substitute the following for H.B. No. 3103:

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C.S.H.B. No. 3103

A BILL TO BE ENTITLED

AN ACT

relating to the administration of primary elections.

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

SECTION 1. Section 172.022(b), Election Code, is amended to read as follows:

(b) Not later than the day before the last day of the filing period, the county chair shall post on the political party's Internet website or in the location where a candidate files for a place on the ballot [~~bulletin board used for posting notice of meetings of the commissioners court a~~] notice of the address at which the county chair or secretary will be available to receive applications on the last day of the filing period. If both the county chair and the secretary will be available, the notice must contain the address at which each will be available. Section 1.006 does not apply to this subsection.

SECTION 2. Sections 172.028(a) and (b), Election Code, are amended to read as follows:

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

(b) Not later than the 81st day before general primary

1 election day, the state chair shall notify [~~deliver the~~
2 ~~certification to~~] the county chair in each county in which the
3 candidate's name is to appear on the ballot that the certification
4 has been posted by the secretary of state.

5 SECTION 3. Section 172.029, Election Code, is amended to
6 read as follows:

7 Sec. 172.029. SUBMISSION AND COMPILATION OF INFORMATION
8 PERTAINING TO [LIST OF] CANDIDATES. (a) For each general primary
9 election, the state chair and each county chair shall
10 electronically submit the following information [~~prepare a list~~
11 ~~containing~~]:

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

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

18 (3) [~~(2)~~] the candidate's address as shown on the
19 application; [~~and~~]

20 (4) [~~(3)~~] the date on which the candidate filed the
21 application; and

22 (5) any additional information required by the
23 secretary of state.

24 (b) The secretary of state shall continuously maintain an
25 online database of information submitted under this section. The
26 database must be accessible by the county and precinct chairs of the
27 party that submitted the information. Any changes in the party's

1 county or precinct chairs shall be reported to the secretary of
2 state. The secretary of state shall adopt rules to implement this
3 section, including rules regarding the public availability of
4 information submitted under this section. [~~The candidates' names~~
5 ~~must be grouped on the list according to office.~~]

6 (c) The secretary of state may by rule prescribe a deadline
7 by which [~~Not later than the 10th day after the date of the regular~~
8 ~~filing deadline for candidates' applications,~~] the state chair must
9 [~~shall~~] deliver the chair's submission regarding a candidate [~~list~~]
10 to the secretary of state, and each county chair shall deliver a
11 copy of the chair's submission regarding a candidate [~~list~~] to the
12 county clerk, the state chair, and the secretary of state when the
13 chair accepts the application. The secretary of state may by rule
14 prescribe a deadline for the delivery of a submission under this
15 subsection.

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

22 (e) The secretary of state shall:

23 (1) archive and keep available for inspection a list
24 of all candidates for whom information has been submitted under
25 this section; and

26 (2) prescribe rules for submitting the list
27 electronically and methodology for distribution to each county

1 clerk and state chair [~~shall retain each list received until the day~~
2 ~~after general primary election day~~].

3 SECTION 4. Sections 172.056(a) and (b), Election Code, are
4 amended to read as follows:

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

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

11 (2) whose name is not submitted [~~on the list prepared~~]
12 under Section 172.029.

13 (b) Notification shall be made as prescribed by Section
14 172.029 that additional names have been added during the extended
15 period. [~~The list prepared under this section is subject to the~~
16 ~~requirements prescribed by Section 172.029 except that the list~~
17 ~~must be delivered to the secretary of state, county clerk, and state~~
18 ~~chair, as applicable, not later than the seventh day after the date~~
19 ~~of the extended deadline.~~]

20 SECTION 5. Section 172.082(e), Election Code, is amended to
21 read as follows:

22 (e) The county chair shall post notice of the date, hour,
23 and place of the drawing for at least 24 consecutive hours
24 immediately before the drawing begins. The notice shall be posted
25 on the bulletin board used for posting notice of meetings of the
26 commissioners court. If the party maintains an Internet website,
27 the party shall post the notice on the party's website. All

1 candidates who provide an e-mail address on their filing form shall
2 be notified electronically.

3 SECTION 6. Section 172.084(e), Election Code, is amended to
4 read as follows:

5 (e) The notice required by Subsection (d) shall be posted on
6 the bulletin board used for posting notice of meetings of the
7 commissioners court. If the party maintains an Internet website,
8 the party shall post the notice on the party's website. All
9 candidates who provide an e-mail address on their filing form shall
10 be notified electronically.

11 SECTION 7. Sections 172.118(a) and (d), Election Code, are
12 amended to read as follows:

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

20 (d) On request of the secretary of state, the state chair
21 shall deliver to the secretary written notice of the names and
22 addresses of the party's county chairs. This notice may be given in
23 electronic format as set out in rules adopted by the secretary of
24 state.

25 SECTION 8. Section 172.119(b), Election Code, is amended to
26 read as follows:

27 (b) The county chair shall deliver the county returns and

1 retain a copy in the same manner as the county returns for a general
2 election are delivered and retained by the county clerk except that
3 the delivery shall be made to the state chair. The state executive
4 committee may adopt by rule an electronic submission system for
5 delivery of the county returns.

6 SECTION 9. Section 172.124, Election Code, is amended by
7 adding Subsection (d) to read as follows:

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

10 SECTION 10. Section 172.125(a), Election Code, is amended
11 to read as follows:

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

17 SECTION 11. Section 172.028(d), Election Code, is repealed.

18 SECTION 12. This Act takes effect immediately if it
19 receives a vote of two-thirds of all the members elected to each
20 house, as provided by Section 39, Article III, Texas Constitution.
21 If this Act does not receive the vote necessary for immediate
22 effect, this Act takes effect September 1, 2013.