

1-1 By: Morrison, et al. (Senate Sponsor - Duncan) H.B. No. 3103  
1-2 (In the Senate - Received from the House May 8, 2013;  
1-3 May 9, 2013, read first time and referred to Committee on State  
1-4 Affairs; May 14, 2013, reported adversely, with favorable  
1-5 Committee Substitute by the following vote: Yeas 8, Nays 0;  
1-6 May 14, 2013, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17			X	

1-18 COMMITTEE SUBSTITUTE FOR H.B. No. 3103 By: Duncan

1-19 A BILL TO BE ENTITLED  
1-20 AN ACT

1-21 relating to the administration of primary elections, the nomination  
1-22 of candidates by convention, and voting by certain military and  
1-23 overseas voters.

1-24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-25 SECTION 1. Section 172.022(b), Election Code, is amended to  
1-26 read as follows:

1-27 (b) Not later than the day before the last day of the filing  
1-28 period, the county chair shall post on the political party's  
1-29 Internet website or in the location where a candidate files for a  
1-30 place on the ballot [~~bulletin board used for posting notice of~~  
1-31 ~~meetings of the commissioners court a~~] notice of the address at  
1-32 which the county chair or secretary will be available to receive  
1-33 applications on the last day of the filing period. If both the  
1-34 county chair and the secretary will be available, the notice must  
1-35 contain the address at which each will be available. Section 1.006  
1-36 does not apply to this subsection.

1-37 SECTION 2. Sections 172.028(a) and (b), Election Code, are  
1-38 amended to read as follows:

1-39 (a) Except as provided by Subsection (c), the state chair  
1-40 shall certify to the secretary of state [~~in writing~~] for placement  
1-41 on the general primary election ballot the name of each candidate  
1-42 who files with the chair an application that complies with Section  
1-43 172.021(b). The secretary of state shall post on the secretary's  
1-44 Internet website that is viewable by the public the certified list.

1-45 (b) Not later than the 81st day before general primary  
1-46 election day, the state chair shall notify [~~deliver the~~  
1-47 ~~certification to~~] the county chair in each county in which the  
1-48 candidate's name is to appear on the ballot that the certification  
1-49 has been posted by the secretary of state.

1-50 SECTION 3. Section 172.029, Election Code, is amended to  
1-51 read as follows:

1-52 Sec. 172.029. SUBMISSION AND COMPILATION OF INFORMATION  
1-53 PERTAINING TO [~~LIST OF~~] CANDIDATES. (a) For each general primary  
1-54 election, the state chair and each county chair shall  
1-55 electronically submit the following information [~~prepare a list~~  
1-56 ~~containing~~]:

1-57 (1) the name of each candidate who files an  
1-58 application for a place on the ballot with the chair, including an  
1-59 application for the office of a political party;

1-60 (2) the name of each candidate whose application meets

2-1 the requirements of Section 172.021 and is accepted by the chair, as  
2-2 the name is to appear on the ballot;

2-3 (3) [~~(2)~~] the candidate's address as shown on the  
2-4 application; [~~and~~]

2-5 (4) [~~(3)~~] the date on which the candidate filed the  
2-6 application; and

2-7 (5) any additional information required by the  
2-8 secretary of state.

2-9 (b) The secretary of state shall continuously maintain an  
2-10 online database of information submitted under this section. The  
2-11 database must be accessible by the county and precinct chairs of the  
2-12 party that submitted the information. Any changes in the party's  
2-13 county or precinct chairs shall be reported to the secretary of  
2-14 state. The secretary of state shall adopt rules to implement this  
2-15 section, including rules regarding the public availability of  
2-16 information submitted under this section. [~~The candidates' names~~  
2-17 must be grouped on the list according to office.]

2-18 (c) The secretary of state may by rule prescribe a deadline  
2-19 by which [~~Not later than the 10th day after the date of the regular~~  
2-20 filing deadline for candidates' applications,] the state chair must  
2-21 [~~shall~~] deliver the chair's submission regarding a candidate [~~list~~]  
2-22 to the secretary of state, and each county chair shall deliver a  
2-23 copy of the chair's submission regarding a candidate [~~list~~] to the  
2-24 county clerk, the state chair, and the secretary of state when the  
2-25 chair accepts the application. The secretary of state may by rule  
2-26 prescribe a deadline for the delivery of a submission under this  
2-27 subsection.

2-28 (d) The secretary of state shall be notified if a [~~A~~  
2-29 candidate's name must be omitted from the list if, before delivery  
2-30 of the list, the] candidate withdraws, dies, or is declared  
2-31 ineligible, or if the candidate's application is determined not to  
2-32 comply with the applicable requirements. The secretary of state  
2-33 shall adopt rules implementing this subsection.

2-34 (e) The secretary of state shall:  
2-35 (1) archive and keep available for inspection a list  
2-36 of all candidates for whom information has been submitted under  
2-37 this section; and

2-38 (2) prescribe rules for submitting the list  
2-39 electronically and methodology for distribution to each county  
2-40 clerk and state chair [~~shall retain each list received until the day~~  
2-41 after general primary election day].

2-42 SECTION 4. Sections 172.056(a) and (b), Election Code, are  
2-43 amended to read as follows:

2-44 (a) If the deadline for filing applications is extended, an  
2-45 electronic submission shall be made [~~a list shall be prepared, as~~  
2-46 provided by Section 172.029 for a list of candidates who file during  
2-47 the regular filing period,] containing the name of each candidate:

2-48 (1) who files an application that complies with the  
2-49 applicable requirements during the extended filing period; and

2-50 (2) whose name is not submitted [~~on the list prepared~~]  
2-51 under Section 172.029.

2-52 (b) Notification shall be made as prescribed by Section  
2-53 172.029 that additional names have been added during the extended  
2-54 period. [~~The list prepared under this section is subject to the~~  
2-55 requirements prescribed by Section 172.029 except that the list  
2-56 must be delivered to the secretary of state, county clerk, and state  
2-57 chair, as applicable, not later than the seventh day after the date  
2-58 of the extended deadline.]

2-59 SECTION 5. Section 172.082(e), Election Code, is amended to  
2-60 read as follows:

2-61 (e) The county chair shall post notice of the date, hour,  
2-62 and place of the drawing for at least 24 consecutive hours  
2-63 immediately before the drawing begins. The notice shall be posted  
2-64 on the bulletin board used for posting notice of meetings of the  
2-65 commissioners court. If the party maintains an Internet website,  
2-66 the party shall post the notice on the party's website. All  
2-67 candidates who provide an e-mail address on their filing form shall  
2-68 be notified electronically.

2-69 SECTION 6. Section 172.084(e), Election Code, is amended to

3-1 read as follows:

3-2 (e) The notice required by Subsection (d) shall be posted on  
3-3 the bulletin board used for posting notice of meetings of the  
3-4 commissioners court. If the party maintains an Internet website,  
3-5 the party shall post the notice on the party's website. All  
3-6 candidates who provide an e-mail address on their filing form shall  
3-7 be notified electronically.

3-8 SECTION 7. Sections 172.118(a) and (d), Election Code, are  
3-9 amended to read as follows:

3-10 (a) Not later than the 20th day after the date the local  
3-11 canvass is completed, the county chair shall deliver written notice  
3-12 to the state chair and to the county clerk of the names of the  
3-13 persons elected as county chair and precinct chairs for the county.  
3-14 This notice may be given by electronic means or through an  
3-15 electronic submission system adopted by the state executive  
3-16 committee of the party.

3-17 (d) On request of the secretary of state, the state chair  
3-18 shall deliver to the secretary written notice of the names and  
3-19 addresses of the party's county chairs. This notice may be given in  
3-20 electronic format as set out in rules adopted by the secretary of  
3-21 state.

3-22 SECTION 8. Section 172.119(b), Election Code, is amended to  
3-23 read as follows:

3-24 (b) The county chair shall deliver the county returns and  
3-25 retain a copy in the same manner as the county returns for a general  
3-26 election are delivered and retained by the county clerk except that  
3-27 the delivery shall be made to the state chair. The state executive  
3-28 committee may adopt by rule an electronic submission system for  
3-29 delivery of the county returns.

3-30 SECTION 9. Section 172.124, Election Code, is amended by  
3-31 adding Subsection (d) to read as follows:

3-32 (d) The secretary of state shall create and maintain an  
3-33 electronic system for submission of the report.

3-34 SECTION 10. Section 172.125(a), Election Code, is amended  
3-35 to read as follows:

3-36 (a) For a runoff primary election, the voter registrar shall  
3-37 make appropriate notations to indicate [~~enter on the list of~~  
3-38 ~~registered voters a notation beside each voter's name indicating~~]  
3-39 the preceding party primary for which the voter was accepted for  
3-40 voting, if any.

3-41 SECTION 11. Section 181.033(a), Election Code, is amended  
3-42 to read as follows:

3-43 (a) Except as provided by Subsection (b), an application for  
3-44 nomination by a convention must be filed not later than the regular  
3-45 deadline for candidates to file applications for a place on the  
3-46 general primary ballot [~~5 p.m. on January 2 preceding the~~  
3-47 ~~convention~~].

3-48 SECTION 12. (a) The secretary of state shall conduct a  
3-49 study on the effects of changing the presidential primary election  
3-50 date. In conducting the study, the secretary shall consult with all  
3-51 political parties in this state that hold presidential primary  
3-52 elections.

3-53 (b) The secretary of state shall report the results of this  
3-54 study and make recommendations for any legislation to the 84th  
3-55 Legislature.

3-56 (c) This section expires June 1, 2015.

3-57 SECTION 13. Except as otherwise provided by this Act, this  
3-58 Act takes effect immediately if it receives a vote of two-thirds of  
3-59 all the members elected to each house, as provided by Section 39,  
3-60 Article III, Texas Constitution. If this Act does not receive the  
3-61 vote necessary for immediate effect, this Act takes effect  
3-62 September 1, 2013.

3-63 \* \* \* \* \*