

By: Morrison

H.B. No. 3104

A BILL TO BE ENTITLED

1 AN ACT

2 relating to certain election practices and procedures.

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

4 SECTION 1. Section 1.007(c), Election Code, is amended to  
5 read as follows:

6 (c) A delivery, submission, or filing of a document or paper  
7 under this code may be made by personal delivery, mail, telephonic  
8 facsimile machine, or any other method of transmission.

9 SECTION 2. Section 13.143, Election Code, is amended by  
10 amending Subsection (d) and adding Subsections (d-1) and (d-2) to  
11 read as follows:

12 (d) For purposes of determining the effective date of a  
13 registration, an application submitted by:

14 (1) mail is considered to be submitted to the  
15 registrar on the date it is placed with postage prepaid and properly  
16 addressed in the United States mail; or

17 (2) telephonic facsimile machine is considered to be  
18 submitted to the registrar on the date the transmission is received  
19 by the registrar, subject to Subsection (d-2).

20 (d-1) The date indicated by the post office cancellation  
21 mark is considered to be the date the application was placed in the  
22 mail unless proven otherwise.

23 (d-2) For a registration application submitted by  
24 telephonic facsimile machine to be effective, a copy of the

1 registration application must be submitted by mail and be received  
2 by the registrar not later than the fourth business day after the  
3 transmission by telephonic facsimile machine is received.

4 SECTION 3. Section 16.001, Election Code, is amended by  
5 adding Subsection (e) to read as follows:

6 (e) Each year, the secretary of state shall determine  
7 whether the information required to be filed with the secretary of  
8 state under this section must be filed electronically and inform  
9 the appropriate entities of the determination.

10 SECTION 4. Section 31.006(b), Election Code, is amended to  
11 read as follows:

12 (b) The documents submitted [~~to the attorney general~~] under  
13 Subsection (a) are not considered public information until:

14 (1) the secretary of state makes a determination that  
15 the complaint received does not warrant an investigation; or

16 (2) if referred to the attorney general, the attorney  
17 general has completed the investigation or has made a determination  
18 that the complaint referred does not warrant an investigation.

19 SECTION 5. Section 32.054, Election Code, is amended by  
20 adding Subsection (d) to read as follows:

21 (d) Notwithstanding Subsection (b), a person employed by a  
22 county solely as an early voting clerk appointed under Chapter 83 is  
23 not employed by a candidate for purposes of this section.

24 SECTION 6. Section 41.001(c), Election Code, is amended to  
25 read as follows:

26 (c) Except for an election under Subsection (a) or Section  
27 41.0011 or an election for an office for which candidates are not

1 nominated by primary election, an election may not be held within 30  
2 days before or after the date of the general election for state and  
3 county officers, general primary election, or runoff primary  
4 election.

5 SECTION 7. Subchapter C, Chapter 52, Election Code, is  
6 amended by adding Section 52.075 to read as follows:

7 Sec. 52.075. MODIFICATION OF BALLOT FORM FOR CERTAIN VOTING  
8 SYSTEMS. The secretary of state may prescribe the form and content  
9 of a ballot for an election using a voting system, including an  
10 electronic voting system or a voting system that uses direct  
11 recording electronic voting machines, to conform to the formatting  
12 requirements of the system.

13 SECTION 8. Section 63.0011, Election Code, is amended by  
14 adding Subsection (f) to read as follows:

15 (f) Information included on a statement of residence under  
16 Subsection (c)(2) is subject to Section 13.004(c).

17 SECTION 9. Section 84.007(c), Election Code, is amended to  
18 read as follows:

19 (c) An application must be submitted on or after the 60th  
20 day before election day and before the close of regular business in  
21 the early voting clerk's office or 12 noon, whichever is later, on  
22 the ninth [~~seventh~~] day before election day unless that day is a  
23 Saturday, Sunday, or legal state or national holiday, in which case  
24 the last day is the first preceding regular business day.

25 SECTION 10. Section 85.034, Election Code, is amended to  
26 read as follows:

27 Sec. 85.034. VOTER UNABLE TO ENTER POLLING PLACE. [~~a~~]

1 Early voting by personal appearance by a voter who is voting outside  
2 the early voting polling place [~~under Section 64.009~~] shall be  
3 conducted pursuant to Section 64.009 [~~in accordance with this~~  
4 ~~section if voting at the early voting polling place is by voting~~  
5 ~~machine~~].

6 [~~(b) The early voting clerk shall furnish each accepted voter~~  
7 ~~with the early voting ballot used for voting by mail and the~~  
8 ~~official ballot envelope.~~

9 [~~(c) The voter must mark the ballot and seal it in the~~  
10 ~~envelope.~~

11 [~~(d) Immediately after sealing the ballot envelope, the~~  
12 ~~voter must give it to the clerk. Before depositing the envelope in~~  
13 ~~the ballot box, the clerk shall indicate on the envelope that the~~  
14 ~~ballot was voted outside the polling place under this section.~~

15 [~~(e) The secretary of state may provide for the use of~~  
16 ~~envelopes or other containers instead of ballot boxes in which to~~  
17 ~~deposit ballots voted under this section.]~~

18 SECTION 11. Section 86.003(c), Election Code, is amended to  
19 read as follows:

20 (c) The address to which the balloting materials must be  
21 addressed is:

22 (1) the address at which the voter is registered to  
23 vote, or the registered mailing address if different, unless the  
24 ground for voting by mail is:

25 (A) [~~(1)~~] absence from the county of residence,  
26 in which case the address must be an address outside the voter's  
27 county of residence;

1            (B) [~~(2)~~] confinement in jail, in which case the  
2 address must be the address of the jail or of a relative described  
3 by Section 84.002(a)(4); or

4            (C) [~~(3)~~] age or disability and the voter is  
5 living at a hospital, nursing home or other long-term care  
6 facility, or retirement center, or with a relative described by  
7 Section 84.002(a)(3), in which case the address must be the address  
8 of that facility or relative; or

9            (2) the residence address provided on the early voting  
10 ballot application, or the registered mailing address if different,  
11 if the early voting clerk provides a form for a statement of  
12 residence under Section 86.002(a).

13            SECTION 12. Section 86.014(a), Election Code, is amended to  
14 read as follows:

15            (a) A copy of an application for a ballot to be voted by mail  
16 is not available for public inspection, except to the voter seeking  
17 to verify that the information pertaining to the voter is accurate,  
18 until the first business day after the election day of the latest  
19 occurring election for which the application is submitted.

20            SECTION 13. Section 141.031, Election Code, is amended by  
21 adding Subsection (d) to read as follows:

22            (d) The secretary of state may prescribe a different form  
23 for an application for a place on the ballot for each of the  
24 following:

25            (1) an office of the federal government;

26            (2) an office of the state government; or

27            (3) an office of a political party.

1 SECTION 14. Section 144.005(a), Election Code, is amended  
2 to read as follows:

3 (a) Except as provided by Subsection (d), an application for  
4 a place on the ballot must be filed not later than 5 p.m. of the 62nd  
5 day before election day. Notwithstanding any other law outside this  
6 code, an application may not be filed earlier than the 30th day  
7 before the date of the filing deadline.

8 SECTION 15. Section 145.096(a), Election Code, is amended  
9 to read as follows:

10 (a) Except as provided by Subsection (b), a candidate's name  
11 shall be placed on the ballot if the candidate:

12 (1) dies on or after the second day before the deadline  
13 for filing the candidate's application for a place on the ballot;

14 (2) is declared ineligible after 5 p.m. of the third  
15 [second] day after the deadline for filing the candidate's  
16 application for a place on the ballot [before the beginning of early  
17 voting by personal appearance], in an election subject to Section  
18 145.092(a);

19 (3) is declared ineligible after 5 p.m. of the 53rd day  
20 before election day, in an election subject to Section 145.092(b);  
21 or

22 (4) is declared ineligible after 5 p.m. of the 71st day  
23 before election day, in an election subject to Section 145.092(f).

24 SECTION 16. Sections 172.054(a) and (b), Election Code, are  
25 amended to read as follows:

26 (a) The deadline for filing an application for a place on  
27 the general primary election ballot is extended as provided by this

1 section if a candidate who has made an application that complies  
2 with the applicable requirements:

3 (1) dies on or after the fifth day before the date of  
4 the regular filing deadline and on or before the first [~~79th~~] day  
5 after the date of the regular filing deadline [~~before general~~  
6 ~~primary election day~~];

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

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

17 (b) An application for an office sought by a withdrawn,  
18 deceased, or ineligible candidate must be filed not later than 6  
19 p.m. of the fifth day after the date of the regular filing deadline  
20 [~~81st day before general primary election day~~]. An application  
21 filed by mail with the state chair is not timely if received later  
22 than 5 p.m. of the fifth day after the date of the regular filing  
23 deadline [~~81st day before general primary election day~~].

24 SECTION 17. 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 on or before the first [79th] day after the date of the regular  
4 filing deadline [~~before general primary election day~~].

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

7 (a) If a candidate who has made an application for a place on  
8 the general primary election ballot that complies with the  
9 applicable requirements dies or is declared ineligible after the  
10 first [79th] day after the date of the regular filing deadline  
11 [~~before general primary election day~~], the candidate's name shall  
12 be placed on the ballot and the votes cast for the candidate shall  
13 be counted and entered on the official election returns in the same  
14 manner as for the other candidates.

15 SECTION 19. Section 201.052, Election Code, is amended to  
16 read as follows:

17 Sec. 201.052. DATE OF ELECTION. (a) Except as otherwise  
18 provided by this code, a special election to fill a vacancy shall be  
19 held on the first authorized uniform election date occurring on or  
20 after the 45th [30th] day after the date the election is ordered.

21 (b) If a law outside this code authorizes the holding of the  
22 election on a date earlier than the 45th [30th] day after the date  
23 of the order, the election shall be held on the first authorized  
24 uniform election date occurring on or after the earliest date that  
25 the election could be held under that law.

26 SECTION 20. Section 201.054(a), Election Code, is amended  
27 to read as follows:



1 (a) Except as provided by Subsection (f), a candidate's  
2 application for a place on a special election ballot must be filed  
3 not later than:

4 (1) 5 p.m. of the 62nd day before election day, if  
5 election day is on or after the 70th day after the date the election  
6 is ordered; or

7 (2) 5 p.m. of the 45th [~~31st~~] day before election day,  
8 if election day is on or after the 57th [~~36th~~] day and before the  
9 70th day after the date the election is ordered[~~, or~~

10 [~~(3) 5 p.m. of a day fixed by the authority ordering~~  
11 ~~the election, which day must be not earlier than the fifth day after~~  
12 ~~the date the election is ordered and not later than the 20th day~~  
13 ~~before election day, if election day is before the 36th day after~~  
14 ~~the date the election is ordered].~~

15 SECTION 21. Sections 202.004(a), (b), and (c), Election  
16 Code, are amended to read as follows:

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

19 (1) the political party is making nominations by  
20 primary election for the general election in which the vacancy is to  
21 be filled; and

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

26 (b) If the vacancy occurs on or before the fifth [~~10th~~] day  
27 before the date of the regular deadline for candidates to file

1 applications for a place on the general primary ballot, an  
2 application for the unexpired term must be filed by the regular  
3 filing deadline.

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

10 SECTION 22. Section 215.002, Election Code, is amended to  
11 read as follows:

12 Sec. 215.002. ASSESSABLE COSTS. Only the following costs  
13 of a recount are assessable against a person:

14 (1) compensation of members of a recount committee as  
15 provided by Section 213.004;

16 (2) charges for use of automatic tabulating equipment  
17 as provided by Section 214.044;

18 (3) a service charge of \$15 for each recount  
19 supervisor involved in the recount as a reimbursement to the fund  
20 from which the telephone, postage, and other office expenses of the  
21 recount supervisor are paid; [~~and~~]

22 (4) in a recount of an election for which the final  
23 canvass is at the state level, a service charge of \$15 for each  
24 recount supervisor involved in the recount plus an additional \$50  
25 as a reimbursement to the fund from which the telephone, postage,  
26 and other office expenses of the recount coordinator are paid; and

27 (5) the actual expense incurred in producing a printed

1 ballot image from an electronic voting system record.

2 SECTION 23. Section 62.113, Government Code, is amended by  
3 adding Subsection (e) to read as follows:

4 (e) Each year, the secretary of state shall determine  
5 whether the information required to be filed with the secretary of  
6 state under this section must be filed electronically and inform  
7 the clerk of the determination.

8 SECTION 24. Section 86.001(f), Election Code, is repealed.

9 SECTION 25. This Act takes effect September 1, 2013.