

1-1 By: Duncan S.B. No. 910  
1-2 (In the Senate - Filed February 27, 2013; March 5, 2013,  
1-3 read first time and referred to Committee on State Affairs;  
1-4 April 8, 2013, reported adversely, with favorable Committee  
1-5 Substitute by the following vote: Yeas 8, Nays 0; April 8, 2013,  
1-6 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 S.B. No. 910 By: Duncan

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

1-21 relating to certain election practices and procedures.  
1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:  
1-23 SECTION 1. Subsection (c), Section 1.007, Election Code, is  
1-24 amended to read as follows:  
1-25 (c) A delivery, submission, or filing of a document or paper  
1-26 under this code may be made by personal delivery, mail, telephonic  
1-27 facsimile machine, or any other method of transmission.  
1-28 SECTION 2. Subsection (a), Section 13.002, Election Code,  
1-29 is amended to read as follows:  
1-30 (a) A person desiring to register to vote must submit an  
1-31 application to the registrar of the county in which the person  
1-32 resides. Except as provided by Subsection (e), an application must  
1-33 be submitted by personal delivery, ~~or~~ by mail, or by telephonic  
1-34 facsimile machine in accordance with Sections 13.143(d) and (d-2).  
1-35 SECTION 3. Section 13.143, Election Code, is amended by  
1-36 amending Subsection (d) and adding Subsections (d-1) and (d-2) to  
1-37 read as follows:  
1-38 (d) For purposes of determining the effective date of a  
1-39 registration, an application submitted by:  
1-40 (1) mail is considered to be submitted to the  
1-41 registrar on the date it is placed with postage prepaid and properly  
1-42 addressed in the United States mail; or  
1-43 (2) telephonic facsimile machine is considered to be  
1-44 submitted to the registrar on the date the transmission is received  
1-45 by the registrar, subject to Subsection (d-2).  
1-46 (d-1) The date indicated by the post office cancellation  
1-47 mark is considered to be the date the application was placed in the  
1-48 mail unless proven otherwise.  
1-49 (d-2) For a registration application submitted by  
1-50 telephonic facsimile machine to be effective, a copy of the  
1-51 registration application must be submitted by mail and be received  
1-52 by the registrar not later than the fourth business day after the  
1-53 transmission by telephonic facsimile machine is received.  
1-54 SECTION 4. Section 16.001, Election Code, is amended by  
1-55 adding Subsection (e) to read as follows:  
1-56 (e) The information required to be filed with the secretary  
1-57 of state under this section must be filed electronically. The  
1-58 secretary of state may waive this requirement on application for a  
1-59 waiver submitted by the appropriate entity.  
1-60 SECTION 5. Subsection (b), Section 31.006, Election Code,

2-1 is amended to read as follows:

2-2 (b) The documents submitted [~~to the attorney general~~] under  
2-3 Subsection (a) are not considered public information until:

2-4 (1) the secretary of state makes a determination that  
2-5 the complaint received does not warrant an investigation; or

2-6 (2) if referred to the attorney general, the attorney  
2-7 general has completed the investigation or has made a determination  
2-8 that the complaint referred does not warrant an investigation.

2-9 SECTION 6. Section 32.054, Election Code, is amended by  
2-10 adding Subsection (d) to read as follows:

2-11 (d) Notwithstanding Subsection (b), a person employed by a  
2-12 county solely as an early voting clerk appointed under Chapter 83 is  
2-13 not employed by a candidate for purposes of this section.

2-14 SECTION 7. Subchapter C, Chapter 52, Election Code, is  
2-15 amended by adding Section 52.075 to read as follows:

2-16 Sec. 52.075. MODIFICATION OF BALLOT FORM FOR CERTAIN VOTING  
2-17 SYSTEMS. The secretary of state may prescribe the form and content  
2-18 of a ballot for an election using a voting system, including an  
2-19 electronic voting system or a voting system that uses direct  
2-20 recording electronic voting machines, to conform to the formatting  
2-21 requirements of the system.

2-22 SECTION 8. Section 63.0011, Election Code, is amended by  
2-23 adding Subsection (f) to read as follows:

2-24 (f) Information included on a statement of residence under  
2-25 Subsection (c)(2) is subject to Section 13.004(c).

2-26 SECTION 9. Subsection (c), Section 84.007, Election Code,  
2-27 is amended to read as follows:

2-28 (c) An application must be submitted on or after the 60th  
2-29 day before election day and before the close of regular business in  
2-30 the early voting clerk's office or 12 noon, whichever is later, on  
2-31 the ninth [~~seventh~~] day before election day unless that day is a  
2-32 Saturday, Sunday, or legal state or national holiday, in which case  
2-33 the last day is the first preceding regular business day.

2-34 SECTION 10. Section 85.034, Election Code, is amended to  
2-35 read as follows:

2-36 Sec. 85.034. VOTER UNABLE TO ENTER POLLING PLACE.  
2-37 [(a)] Early voting by personal appearance by a voter who is voting  
2-38 outside the early voting polling place [~~under Section 64.009~~] shall  
2-39 be conducted pursuant to Section 64.009 [~~in accordance with this~~  
2-40 section if voting at the early voting polling place is by voting  
2-41 machine].

2-42 [(b)] The early voting clerk shall furnish each accepted voter  
2-43 with the early voting ballot used for voting by mail and the  
2-44 official ballot envelope.

2-45 [(c)] The voter must mark the ballot and seal it in the  
2-46 envelope.

2-47 [(d)] Immediately after sealing the ballot envelope, the  
2-48 voter must give it to the clerk. Before depositing the envelope in  
2-49 the ballot box, the clerk shall indicate on the envelope that the  
2-50 ballot was voted outside the polling place under this section.

2-51 [(e)] The secretary of state may provide for the use of  
2-52 envelopes or other containers instead of ballot boxes in which to  
2-53 deposit ballots voted under this section.]

2-54 SECTION 11. Subsection (a), Section 86.014, Election Code,  
2-55 is amended to read as follows:

2-56 (a) A copy of an application for a ballot to be voted by mail  
2-57 is not available for public inspection, except to the voter seeking  
2-58 to verify that the information pertaining to the voter is accurate,  
2-59 until the first business day after the election day of the latest  
2-60 occurring election for which the application is submitted.

2-61 SECTION 12. Section 141.031, Election Code, is amended by  
2-62 adding Subsection (d) to read as follows:

2-63 (d) The secretary of state may prescribe a different form  
2-64 for an application for a place on the ballot for each of the  
2-65 following:

2-66 (1) an office of the federal government;

2-67 (2) an office of the state government; or

2-68 (3) an office of a political party.

2-69 SECTION 13. Subsection (a), Section 144.005, Election Code,

3-1 is amended to read as follows:

3-2 (a) Except as provided by Subsection (d), an application for  
3-3 a place on the ballot must be filed not later than 5 p.m. of the 62nd  
3-4 day before election day. Notwithstanding any other law outside  
3-5 this code, an application may not be filed earlier than the 30th day  
3-6 before the date of the filing deadline.

3-7 SECTION 14. Subsection (a), Section 145.096, Election Code,  
3-8 is amended to read as follows:

3-9 (a) Except as provided by Subsection (b), a candidate's name  
3-10 shall be placed on the ballot if the candidate:

3-11 (1) dies on or after the second day before the deadline  
3-12 for filing the candidate's application for a place on the ballot;

3-13 (2) is declared ineligible after 5 p.m. of the third  
3-14 [second] day after the deadline for filing the candidate's  
3-15 application for a place on the ballot [before the beginning of early  
3-16 voting by personal appearance], in an election subject to Section  
3-17 145.092(a);

3-18 (3) is declared ineligible after 5 p.m. of the 53rd day  
3-19 before election day, in an election subject to Section 145.092(b);  
3-20 or

3-21 (4) is declared ineligible after 5 p.m. of the 71st day  
3-22 before election day, in an election subject to Section 145.092(f).

3-23 SECTION 15. Subsections (a) and (b), Section 172.054,  
3-24 Election Code, are amended to read as follows:

3-25 (a) The deadline for filing an application for a place on  
3-26 the general primary election ballot is extended as provided by this  
3-27 section if a candidate who has made an application that complies  
3-28 with the applicable requirements:

3-29 (1) dies on or after the fifth day before the date of  
3-30 the regular filing deadline and on or before the first [79th] day  
3-31 after the date of the regular filing deadline [before general  
3-32 primary election day];

3-33 (2) holds the office for which the application was  
3-34 made and withdraws or is declared ineligible on [~~or after~~] the date  
3-35 of the regular filing deadline [~~and on~~] or [~~before~~] the first [79th]  
3-36 day after the date of the regular filing deadline [before general  
3-37 primary election day]; or

3-38 (3) withdraws or is declared ineligible during the  
3-39 period prescribed by Subdivision (2), and at the time of the  
3-40 withdrawal or declaration of ineligibility no other candidate has  
3-41 made an application that complies with the applicable requirements  
3-42 for the office sought by the withdrawn or ineligible candidate.

3-43 (b) An application for an office sought by a withdrawn,  
3-44 deceased, or ineligible candidate must be filed not later than 6  
3-45 p.m. of the fifth day after the date of the regular filing deadline  
3-46 [81st day before general primary election day]. An application  
3-47 filed by mail with the state chair is not timely if received later  
3-48 than 5 p.m. of the fifth day after the date of the regular filing  
3-49 deadline [81st day before general primary election day].

3-50 SECTION 16. Section 172.057, Election Code, is amended to  
3-51 read as follows:

3-52 Sec. 172.057. WITHDRAWN, DECEASED, OR INELIGIBLE  
3-53 CANDIDATE'S NAME OMITTED FROM GENERAL PRIMARY BALLOT. A  
3-54 candidate's name shall be omitted from the general primary election  
3-55 ballot if the candidate withdraws, dies, or is declared ineligible  
3-56 on or before the first [79th] day after the date of the regular  
3-57 filing deadline [before general primary election day].

3-58 SECTION 17. Subsection (a), Section 172.058, Election Code,  
3-59 is amended to read as follows:

3-60 (a) If a candidate who has made an application for a place on  
3-61 the general primary election ballot that complies with the  
3-62 applicable requirements dies or is declared ineligible after the  
3-63 first [79th] day after the date of the regular filing deadline  
3-64 [before general primary election day], the candidate's name shall  
3-65 be placed on the ballot and the votes cast for the candidate shall  
3-66 be counted and entered on the official election returns in the same  
3-67 manner as for the other candidates.

3-68 SECTION 18. Section 201.052, Election Code, is amended to  
3-69 read as follows:

4-1 Sec. 201.052. DATE OF ELECTION. (a) Except as otherwise  
 4-2 provided by this code, a special election to fill a vacancy shall be  
 4-3 held on the first authorized uniform election date occurring on or  
 4-4 after the 45th [~~30th~~] day after the date the election is ordered.

4-5 (b) If a law outside this code authorizes the holding of the  
 4-6 election on a date earlier than the 45th [~~30th~~] day after the date  
 4-7 of the order, the election shall be held on the first authorized  
 4-8 uniform election date occurring on or after the earliest date that  
 4-9 the election could be held under that law.

4-10 SECTION 19. Subsection (a), Section 201.054, Election Code,  
 4-11 is amended to read as follows:

4-12 (a) Except as provided by Subsection (f), a candidate's  
 4-13 application for a place on a special election ballot must be filed  
 4-14 not later than:

4-15 (1) 5 p.m. of the 62nd day before election day, if  
 4-16 election day is on or after the 70th day after the date the election  
 4-17 is ordered; or

4-18 (2) 5 p.m. of the 45th [~~31st~~] day before election day,  
 4-19 if election day is on or after the 57th [~~36th~~] day and before the  
 4-20 70th day after the date the election is ordered [~~, or~~

4-21 [~~(3) 5 p.m. of a day fixed by the authority ordering~~  
 4-22 ~~the election, which day must be not earlier than the fifth day after~~  
 4-23 ~~the date the election is ordered and not later than the 20th day~~  
 4-24 ~~before election day, if election day is before the 36th day after~~  
 4-25 ~~the date the election is ordered].~~

4-26 SECTION 20. Subsections (a) and (c), Section 202.004,  
 4-27 Election Code, are amended to read as follows:

4-28 (a) A political party's nominee for an unexpired term must  
 4-29 be nominated by primary election if:

4-30 (1) the political party is making nominations by  
 4-31 primary election for the general election in which the vacancy is to  
 4-32 be filled; and

4-33 (2) the vacancy occurs on or before the fifth [~~62nd~~]  
 4-34 day before the date of the regular deadline for candidates to file  
 4-35 applications for a place on the general primary ballot [~~general~~  
 4-36 ~~primary election day].~~

4-37 (c) If the vacancy occurs after the 10th day before the date  
 4-38 of the regular filing deadline, an application for the unexpired  
 4-39 term must be filed not later than 6 [~~5~~] p.m. of the fifth day after  
 4-40 the date of the regular filing deadline [~~15th day after the date the~~  
 4-41 ~~vacancy occurs or 5 p.m. of the 60th day before general primary~~  
 4-42 ~~election day, whichever is earlier].~~

4-43 SECTION 21. Section 215.002, Election Code, is amended to  
 4-44 read as follows:

4-45 Sec. 215.002. ASSESSABLE COSTS. Only the following costs  
 4-46 of a recount are assessable against a person:

4-47 (1) compensation of members of a recount committee as  
 4-48 provided by Section 213.004;

4-49 (2) charges for use of automatic tabulating equipment  
 4-50 as provided by Section 214.044;

4-51 (3) a service charge of \$15 for each recount  
 4-52 supervisor involved in the recount as a reimbursement to the fund  
 4-53 from which the telephone, postage, and other office expenses of the  
 4-54 recount supervisor are paid; [~~and~~]

4-55 (4) in a recount of an election for which the final  
 4-56 canvass is at the state level, a service charge of \$15 for each  
 4-57 recount supervisor involved in the recount plus an additional \$50  
 4-58 as a reimbursement to the fund from which the telephone, postage,  
 4-59 and other office expenses of the recount coordinator are paid; and

4-60 (5) the actual expense incurred in producing a printed  
 4-61 ballot image from an electronic voting system record.

4-62 SECTION 22. Section 62.113, Government Code, is amended by  
 4-63 adding Subsection (e) to read as follows:

4-64 (e) The information required to be filed with the secretary  
 4-65 of state under this section must be filed electronically. The  
 4-66 secretary of state may waive this requirement on application for a  
 4-67 waiver submitted by the clerk.

4-68 SECTION 23. Subsection (f), Section 86.001, Election Code,  
 4-69 is repealed.

5-1 SECTION 24. This Act takes effect September 1, 2013.

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