

House Bill 3103
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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

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

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

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

SECTION 3. 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.

SENATE VERSION (CS)

No equivalent provision.

No equivalent provision.

SECTION 1. Same as House version.

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

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

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

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

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

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

(4) [(3)] the date on which the candidate filed the application;

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SECTION 2. Same as House version.

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and

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

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

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

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

(e) The secretary of state shall:

(1) archive and keep available for inspection a list of all candidates for whom information has been submitted under

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~~this section; and~~

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

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

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

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

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

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

(b) An application for an office sought by a withdrawn, deceased, or ineligible candidate must be filed not later than 6 p.m. of the fifth day after the date of the regular filing deadline ~~[81st day before general primary election day]~~. An

No equivalent provision.

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application filed by mail with the state chair is not timely if received later than 5 p.m. of the fifth day after the date of the regular filing deadline [~~81st day before general primary election day~~].

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

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

- (1) who files an application that complies with the applicable requirements during the extended filing period; and
- (2) whose name is not submitted [~~on the list prepared~~] under Section 172.029.

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

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

Sec. 172.057. WITHDRAWN, DECEASED, OR INELIGIBLE CANDIDATE'S NAME OMITTED FROM GENERAL PRIMARY BALLOT. A candidate's name shall be omitted from the general primary election ballot if the

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candidate withdraws, dies, or is declared ineligible on or before the first [79th] day after the date of the regular filing deadline [~~before general primary election day~~].

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

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

SECTION 10. Section 172.082(e), Election Code, is amended to read as follows:

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

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

(e) The notice required by Subsection (d) shall be posted on

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No equivalent provision.

SECTION 5. Same as House version.

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the bulletin board used for posting notice of meetings of the commissioners court. If the party maintains an Internet website, the party shall post the notice on the party's website. All candidates who provide an e-mail address on their filing form shall be notified electronically.

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

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

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

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

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

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SECTION 7. Same as House version.

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

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

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

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

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

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

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

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

- (1) the political party is making nominations by primary election for the general election in which the vacancy is to be filled; and
- (2) the vacancy occurs on or before the fifth ~~[6th]~~ day

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SECTION 9. Same as House version.

SECTION 10. Same as House version.

SECTION 11. Same as House version.

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before the date of the regular deadline for candidates to file applications for a place on the general primary ballot [~~general primary election day~~].

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

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

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

(c) This section expires June 1, 2015.

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

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

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

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Legislature, Regular Session, 2011.
(c) This section takes effect December 31, 2016.

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

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SECTION 13. Same as House version.

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