

By: Goldman

H.B. No. 3118

Substitute the following for H.B. No. 3118:

By: Schofield

C.S.H.B. No. 3118

A BILL TO BE ENTITLED

AN ACT

relating to the canvassing of primary elections.

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

SECTION 1. Sections 172.116(a), (b), and (g), Election Code, are amended to read as follows:

(a) The county chair or at least one member of the county executive committee selected by the county executive committee shall canvass the precinct election returns for the county.

(b) The county chair or the selected county executive committee member shall convene to conduct the local canvass [~~at the county seat~~] on the second Thursday after election day at the hour specified by the county chair and posted on the county party website or the commissioners court bulletin board if the county organization of the political party does not maintain a website.

(g) The official result of the primary election, except for offices canvassed at the state level, is determined from the local canvass of precinct returns and shall be posted to the secretary of state's website.

SECTION 2. Section 172.117, Election Code, is amended by amending Subsection (a) and adding Subsections (a-1), (a-2), and (a-3) to read as follows:

(a) The county chair shall certify by posting on the secretary of state's website a notation next to [~~in writing for placement on the general election ballot~~] the name and address of

1 each primary candidate who is nominated for a county or precinct  
2 office for placement on the general election ballot. The chair  
3 shall execute and file with the county clerk an affidavit  
4 certifying that the returns posted on the secretary of state's  
5 website are the correct and complete returns. The secretary of  
6 state may adopt by rule a process to allow the chair to submit the  
7 affidavit digitally.

8 (a-1) The secretary of state shall develop appropriate  
9 notations to describe the status of each candidate. The notations  
10 shall include:

- 11 (1) "filed";
- 12 (2) "withdrew";
- 13 (3) "lost primary";
- 14 (4) "in runoff";
- 15 (5) "lost runoff";
- 16 (6) "deceased"; or
- 17 (7) "nominee for general election."

18 (a-2) The county chair shall update the notations after each  
19 general primary and runoff primary election. After any withdrawal  
20 or death of a candidate, and subsequent replacement of the  
21 candidate on the ballot, the chair shall update the notation on the  
22 website. All notations must be completed and accurate on the date  
23 prescribed by the secretary of state by rule to ensure that an  
24 authority printing general election ballots may rely on the  
25 information.

26 (a-3) After the notations have been placed on the website  
27 and the affidavit has been filed as required by Subsection (a), the

1 authority preparing the official general election ballot shall use  
2 the list of candidates named on the secretary of state's website as  
3 the nominees for general election in preparing the general election  
4 ballot.

5 SECTION 3. Section 172.119, Election Code, is amended by  
6 amending Subsection (a) and adding Subsection (a-1) to read as  
7 follows:

8 (a) The county chair shall prepare and post next to the name  
9 of each primary candidate listed on the secretary of state's  
10 website county election returns for the statewide and district  
11 offices voted on in a primary election [~~in the same manner as the~~  
12 ~~county returns for a general election are prepared by the county~~  
13 ~~clerk except that separate returns for the offices of governor and~~  
14 ~~lieutenant governor are not prepared].~~

15 (a-1) The secretary of state by rule may determine what data  
16 is required to be posted, including:

- 17 (1) votes cast by mail;  
18 (2) votes cast early;  
19 (3) votes cast on election day;  
20 (4) votes cast by federal postcard applicants or other  
21 military or overseas voters;  
22 (5) provisional ballots; or  
23 (6) total votes only.

24 SECTION 4. Sections 172.120(a), (b), (b-1), (f), and (h),  
25 Election Code, are amended to read as follows:

26 (a) The state chair [~~executive committee~~] shall canvass the  
27 county election returns.

1 (b) The state chair [~~executive committee~~] shall [~~convene~~  
2 ~~to~~] conduct the state canvass for the general primary election not  
3 later than:

4 (1) the second Sunday after general primary election  
5 day, for an election in which three or more candidates are seeking  
6 election to the same office; or

7 (2) the 22nd day after general primary election day,  
8 for an election not described by Subdivision (1).

9 (b-1) Not later than the third Saturday after runoff primary  
10 election day, the [~~committee shall convene at the call of the~~] state  
11 chair shall complete [~~to conduct~~] the state canvass of the runoff  
12 primary election.

13 (f) The [~~Not later than the 20th day after the date the state~~  
14 ~~canvass is completed, the state chair shall deliver the committee's~~  
15 ~~tabulation to the~~] secretary of state[, ~~who~~] shall preserve and  
16 archive on the secretary's website all of the information  
17 pertaining to candidates and the canvass results [~~it for the period~~  
18 ~~for preserving the precinct election records~~].

19 (h) The official result of the primary election for offices  
20 canvassed by the state chair [~~executive committee~~] is determined  
21 from its canvass of the county returns.

22 SECTION 5. Section [172.122](#)(a), Election Code, is amended to  
23 read as follows:

24 (a) The state chair shall certify by posting on the  
25 secretary of state's website [~~in writing as the party's nominee~~] the  
26 name and address of each primary candidate who is nominated for a  
27 statewide or district office. The state chair shall execute and

1 file with the secretary of state an affidavit certifying that the  
2 returns posted on the secretary of state's website are the correct  
3 and complete returns. The secretary of state may adopt by rule a  
4 process to allow the chair to submit the affidavit digitally.

5 SECTION 6. Section 172.124(a), Election Code, is amended to  
6 read as follows:

7 (a) For each primary election, the county clerk [~~chair~~]  
8 shall prepare a report of the number of votes, including early  
9 voting votes, received in each county election precinct by each  
10 candidate for a statewide office or the office of United States  
11 representative, state senator, or state representative, as  
12 provided by Section 67.017 for the report of precinct results for a  
13 general election.

14 SECTION 7. The following provisions of the Election Code  
15 are repealed:

- 16 (1) Sections 172.116(c), (d), and (e);
- 17 (2) Section 172.117(b);
- 18 (3) Section 172.119(b); and
- 19 (4) Sections 172.120(c), (d), and (e).

20 SECTION 8. This Act takes effect September 1, 2015.