

By: Goldman

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 and, if available, 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 and any 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~~

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

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

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

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

27 (a-3) After the notations have been placed on the website

1 and the affidavit has been filed as required by Subsection (a), the  
2 authority preparing the official general election ballot shall use  
3 the list of candidates named on the secretary of state's website as  
4 the nominees for general election in preparing the general election  
5 ballot.

6 SECTION 3. Sections 172.120(a), (b), (b-1), (f), and (h),  
7 Election Code, are amended to read as follows:

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

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

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

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

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

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

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

4 SECTION 4. Section 172.122(a), Election Code, is amended to  
5 read as follows:

6 (a) The state chair shall certify by posting on the  
7 secretary of state's website [~~in writing as the party's nominee~~] the  
8 name and address of each primary candidate who is nominated for a  
9 statewide or district office. The state chair shall execute and  
10 file with the secretary of state an affidavit certifying that the  
11 returns posted on the secretary of state's website are the correct  
12 and complete returns. The secretary of state may adopt by rule a  
13 process to allow the chair to submit the affidavit digitally.

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

16 (a) For each primary election, the county clerk [~~chair~~]  
17 shall prepare a report of the number of votes, including early  
18 voting votes, received in each county election precinct by each  
19 candidate for a statewide office or the office of United States  
20 representative, state senator, or state representative, as  
21 provided by Section 67.017 for the report of precinct results for a  
22 general election.

23 SECTION 6. The following provisions of the Election Code  
24 are repealed:

- 25 (1) Sections 172.116(c), (d), and (e);
- 26 (2) Section 172.117(b); and
- 27 (3) Sections 172.120(c), (d), and (e).

1 SECTION 7. This Act takes effect September 1, 2015.