

By: Schofield

H.B. No. 3180

A BILL TO BE ENTITLED

AN ACT

relating to the canvass of election returns for the offices of
governor and lieutenant governor.

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

SECTION 1. Section 67.008(c), Election Code, is amended to
read as follows:

(c) The secretary of state shall ~~[retain the returns in
their sealed condition until the first day of the next regular
legislative session, when the secretary shall]~~ deliver the returns
to the attorney general ~~[speaker of the house of representatives]~~.

SECTION 2. Section 67.011, Election Code, is amended to
read as follows:

Sec. 67.011. COUNTY RETURNS CANVASSED BY ATTORNEY GENERAL
~~[LEGISLATURE]~~. (a) The county election returns for an election for
the office of governor or lieutenant governor shall be canvassed by
the attorney general ~~[legislature and the official result declared
by the speaker of the house of representatives in accordance with
Article IV, Section 3, of the Texas Constitution]~~.

(b) If a county's election returns are incomplete or
missing, the attorney general ~~[legislature]~~ may substitute the
secretary of state's tabulation for that county or may obtain the
necessary information from the county. On request of the attorney
general ~~[legislature]~~, the secretary of state or the county shall
promptly transmit the information to the attorney general

1 ~~[legislature]~~ by the most expeditious means available.

2 (c) On completion of the canvass, the attorney general
3 ~~[speaker of the house of representatives]~~ shall deliver the county
4 returns to the secretary of state, who shall retain them for the
5 period for preserving the precinct election records.

6 SECTION 3. Section 67.014, Election Code, is amended to
7 read as follows:

8 Sec. 67.014. DETERMINING OFFICIAL RESULT OF ELECTION
9 CANVASSED AT STATE LEVEL. The official result of an election
10 canvassed by the governor or by the attorney general ~~[legislature]~~
11 is determined from the canvass of the county returns conducted by
12 that authority.

13 SECTION 4. Section 67.015(e), Election Code, is amended to
14 read as follows:

15 (e) If a discrepancy exists between the attorney general's
16 ~~[legislature's]~~ canvass of the election for governor or lieutenant
17 governor and the register entries pertaining to either of those
18 offices that are made from the secretary of state's tabulation, the
19 secretary shall make the entries in the register necessary to make
20 it correspond to the attorney general's ~~[legislature's]~~ canvass.

21 SECTION 5. Section 145.003(e), Election Code, is amended to
22 read as follows:

23 (e) In the case of a candidate for governor or lieutenant
24 governor, a declaration of ineligibility by the attorney general
25 ~~[final canvassing authority's presiding officer]~~ may not be made
26 after the final canvass for that office is completed.

27 SECTION 6. Section 213.059(c), Election Code, is amended to

1 read as follows:

2 (c) The recount supervisor shall deliver two copies of the
3 report prepared under Section 213.055 to the secretary of state.
4 The secretary shall use one copy for the tabulation of the votes
5 after the recount is completed. The secretary shall deliver the
6 other copy to the attorney general [~~speaker of the house of~~
7 ~~representatives~~].

8 SECTION 7. Section 242.003(d), Election Code, is amended to
9 read as follows:

10 (d) The committee to which the contest is referred may treat
11 the tabulation as correct until the attorney general [~~speaker of~~
12 ~~the house of representatives~~] opens and publishes the official
13 election returns. If a discrepancy exists between the tabulation
14 and the attorney general's [~~speaker's~~] official count that might be
15 material to a determination of the contest, the committee shall
16 investigate the discrepancy to ascertain, if possible, the correct
17 vote count.

18 SECTION 8. This Act takes effect January 1, 2018, but only
19 if the constitutional amendment proposed by the 84th Legislature,
20 Regular Session, 2015, providing for the governor's and lieutenant
21 governor's terms of office to begin on January 1 following the
22 general election for state and county officers is approved by the
23 voters. If that proposed constitutional amendment is not approved
24 by the voters, this Act has no effect.