

By: Goldman

H.B. No. 3188

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. Section 172.118, Election Code, is amended by
7 adding Subsections (e), (f), (g), (h), (i), (j), and (k) to read as
8 follows:

9 (e) The county chair shall post on the secretary of state's
10 website a list of names of each person elected county chair and
11 precinct chair of each precinct in the county. The list shall be
12 maintained as the current and official list of party officers for
13 all purposes under this code.

14 (f) If a county or precinct chair dies or resigns, the
15 chair's name shall immediately be removed from the website and
16 marked as vacant until a replacement is selected.

17 (g) When a new county chair or precinct chair is selected to
18 fill a vacancy, the chair's name and address and any other relevant
19 public information shall be posted on the website. The appointment
20 of a new county chair or precinct chair is not effective until the
21 chair's name is posted on the website.

22 (h) When a district or county executive committee meets to
23 fill a vacancy on the ballot, the members of the committee are those
24 county and precinct chairs whose names are posted on the secretary
25 of state's website on the date the vacancy occurs. County or
26 precinct chairs appointed after the date of the vacancy may
27 participate in the discussions of those county and district

1 committees but are not eligible to vote.

2 (i) A state party chair or the chair's designee may assist a
3 county chair or county executive committee in posting information
4 on the secretary of state's website or making corrections to the
5 list if the county chair or county executive committee needs
6 technical assistance.

7 (j) A state executive committee member shall have access to
8 and be able to download the information posted for each precinct
9 chair, including each chair's name, address, telephone number, and
10 e-mail address.

11 (k) The secretary of state shall make publicly viewable on
12 the secretary's website only the name and precinct number of each
13 precinct chair.

14 SECTION 4. Section 172.119, Election Code, is amended by
15 amending Subsection (a) and adding Subsection (a-1) to read as
16 follows:

17 (a) The county chair shall prepare and post next to the name
18 of each primary candidate listed on the secretary of state's
19 website county election returns for the statewide and district
20 offices voted on in a primary election [~~in the same manner as the~~
21 ~~county returns for a general election are prepared by the county~~
22 ~~clerk except that separate returns for the offices of governor and~~
23 ~~lieutenant governor are not prepared]~~.

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

26 (1) votes cast by mail;

27 (2) votes cast early;

1 (3) votes cast on election day;

2 (4) votes cast by federal postcard applicants or other
3 military or overseas voters;

4 (5) provisional ballots; or

5 (6) total votes only.

6 SECTION 5. 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]~~.

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

SECTION 6. Section 172.122(a), Election Code, is amended to read as follows:

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

SECTION 7. Section 172.124(a), Election Code, is amended to read as follows:

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

SECTION 8. The following provisions of the Election Code are repealed:

- (1) Sections 172.116(c), (d), and (e);
- (2) Section 172.117(b);
- (3) Sections 172.118(a), (b), (c), and (d);

1 (4) Section 172.119(b); and

2 (5) Sections 172.120(c), (d), and (e).

3 SECTION 9. This Act takes effect September 1, 2015.