

By: Zaffirini
(Rodriguez of Travis)

S.B. No. 1073

Substitute the following for S.B. No. 1073:

By: Schofield

C.S.S.B. No. 1073

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the requirements for a candidate's application or
3 nomination for a place on the ballot and related procedures.

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

5 SECTION 1. Section 141.031(a), Election Code, is amended to
6 read as follows:

7 (a) A candidate's application for a place on the ballot that
8 is required by this code must:

9 (1) be in writing;

10 (2) be signed and sworn to by the candidate and
11 indicate the date that the candidate swears to the application;

12 (3) be timely filed with the appropriate authority;
13 and

14 (4) include:

15 (A) the candidate's name;

16 (B) the candidate's occupation;

17 (C) the office sought, including any place number
18 or other distinguishing number;

19 (D) an indication of whether the office sought is
20 to be filled for a full or unexpired term if the office sought and
21 another office to be voted on have the same title but do not have
22 place numbers or other distinguishing numbers;

23 (E) a statement that the candidate is a United
24 States citizen;

1 (F) a statement that the candidate has not been
2 determined by a final judgment of a court exercising probate
3 jurisdiction to be:

4 (i) totally mentally incapacitated; or
5 (ii) partially mentally incapacitated
6 without the right to vote;

7 (G) a statement that the candidate has not been
8 finally convicted of a felony from which the candidate has not been
9 pardoned or otherwise released from the resulting disabilities;

10 (H) the candidate's date of birth;

11 (I) the candidate's residence address or, if the
12 residence has no address, the address at which the candidate
13 receives mail and a concise description of the location of the
14 candidate's residence;

15 (J) the candidate's length of continuous
16 residence in the state and in the territory from which the office
17 sought is elected as of the date the candidate swears to the
18 application;

19 (K) the statement: "I, _____, of
20 _____ County, Texas, being a candidate for the office of
21 _____, swear that I will support and defend the constitution
22 and laws of the United States and of the State of Texas"; ~~and~~

23 (L) a statement that the candidate is aware of
24 the nepotism law, Chapter 573, Government Code; and

25 (M) a public mailing address and any available
26 electronic mail address at which the candidate receives
27 correspondence relating to the candidate's campaign.

1 SECTION 2. Section 172.021, Election Code, is amended by
2 adding Subsections (b-1) and (b-2) to read as follows:

3 (b-1) Except as provided by Subsection (b-2), the authority
4 receiving an application shall return it to the applicant as
5 incomplete if the applicant submits payment of a fee that is
6 returned for insufficient funds. The applicant may resubmit the
7 application before the end of the filing period, but payment of the
8 filing fee may not be made in the form of a check from the same
9 account as that of the payment previously returned for insufficient
10 funds.

11 (b-2) If a payment of a filing fee is returned for
12 insufficient funds after the end of the filing period, the
13 application is not considered to be timely filed, and the authority
14 receiving the application shall inform the applicant that the
15 application was not valid.

16 SECTION 3. Subchapter B, Chapter 172, Election Code, is
17 amended by adding Section 172.0221 to read as follows:

18 Sec. 172.0221. NOTICE TO CANDIDATE REGARDING POSTING OF
19 CERTAIN INFORMATION. The authority with whom an application is
20 filed must inform the candidate that the candidate's public mailing
21 address and, if provided on the application, the candidate's
22 electronic mail address will be posted by the secretary of state on
23 the secretary's publicly viewable website.

24 SECTION 4. Section 172.028(a), Election Code, is amended to
25 read as follows:

26 (a) Except as provided by Subsection (c), the state chair
27 shall certify to the secretary of state for placement on the general

1 primary election ballot the name of each candidate who files with
2 the chair an application that complies with Section 172.021(b).
3 The secretary of state shall post on the secretary's Internet
4 website that is viewable by the public:

- 5 (1) the certified list; and
6 (2) for each certified candidate, the public mailing
7 address and, if provided by the candidate, the electronic mail
8 address at which the candidate receives correspondence relating to
9 the candidate's campaign.

10 SECTION 5. The heading to Section 172.116, Election Code,
11 is amended to read as follows:

12 Sec. 172.116. LOCAL CANVASS RELATING TO CANDIDATES WHO
13 FILED AN APPLICATION FOR A PLACE ON THE BALLOT IN ACCORDANCE WITH
14 THE GENERAL REQUIREMENTS.

15 SECTION 6. Sections 172.116(a), (b), and (g), Election
16 Code, are amended to read as follows:

17 (a) The county chair and, if available, at least one member
18 of the county executive committee selected by the county executive
19 committee shall canvass the precinct election returns for the
20 county.

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

27 (g) The official result of the primary election, except for

1 offices canvassed at the state level, is determined from the local
2 canvass of precinct returns and shall be posted to the secretary of
3 state's website.

4 SECTION 7. The heading to Section 172.117, Election Code,
5 is amended to read as follows:

6 Sec. 172.117. CERTIFICATION OF NOMINEES WHO FILED AN
7 APPLICATION FOR A PLACE ON THE BALLOT IN ACCORDANCE WITH THE GENERAL
8 REQUIREMENTS FOR COUNTY AND PRECINCT OFFICES FOR PLACEMENT ON
9 GENERAL ELECTION BALLOT.

10 SECTION 8. Section 172.117, Election Code, is amended by
11 amending Subsection (a) and adding Subsections (a-1), (a-2), and
12 (a-3) to read as follows:

13 (a) The county chair shall certify by posting on the
14 secretary of state's website a notation next to [~~in writing for~~
15 ~~placement on the general election ballot~~] the name and address of
16 each primary candidate who is nominated for a county or precinct
17 office for placement on the general election ballot. The chair
18 shall execute and file with the county clerk an affidavit
19 certifying that the returns posted on the secretary of state's
20 website are the correct and complete returns. The secretary of
21 state may adopt by rule a process to allow the chair to submit the
22 affidavit digitally.

23 (a-1) The secretary of state shall develop appropriate
24 notations to describe the status of each candidate. The notations
25 shall include:

26 (1) "filed";

27 (2) "withdrew";

- 1 (3) "lost primary";
- 2 (4) "in runoff";
- 3 (5) "lost runoff";
- 4 (6) "deceased"; or
- 5 (7) "nominee for general election."

6 (a-2) The county chair shall update the notations after each
7 general primary and runoff primary election. After any withdrawal
8 or death of a candidate, and subsequent replacement of the
9 candidate on the ballot, the chair shall update the notation on the
10 website. All notations must be completed and accurate on the date
11 prescribed by the secretary of state by rule to ensure that an
12 authority printing general election ballots may rely on the
13 information.

14 (a-3) After the notations have been placed on the website
15 and the affidavit has been filed as required by Subsection (a), the
16 authority preparing the official general election ballot shall use
17 the list of candidates named on the secretary of state's website as
18 the nominees for general election in preparing the general election
19 ballot.

20 SECTION 9. The heading to Section [172.120](#), Election Code,
21 is amended to read as follows:

22 Sec. 172.120. STATE CANVASS RELATING TO CANDIDATES WHO
23 FILED AN APPLICATION FOR A PLACE ON THE BALLOT IN ACCORDANCE WITH
24 THE GENERAL REQUIREMENTS.

25 SECTION 10. Sections [172.120](#)(a), (b), (b-1), (f), and (h),
26 Election Code, are amended to read as follows:

27 (a) The state chair [~~executive committee~~] shall canvass the

1 county election returns.

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

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

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

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

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

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

23 SECTION 11. The heading to Section [172.122](#), Election Code,
24 is amended to read as follows:

25 Sec. 172.122. CERTIFICATION OF NOMINEES WHO FILED AN
26 APPLICATION FOR A PLACE ON THE BALLOT IN ACCORDANCE WITH THE GENERAL
27 REQUIREMENTS FOR STATEWIDE AND DISTRICT OFFICES TO SECRETARY OF

1 STATE.

2 SECTION 12. Section 172.122(a), Election Code, is amended
3 to read as follows:

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

12 SECTION 13. The heading to Section 172.124, Election Code,
13 is amended to read as follows:

14 Sec. 172.124. REPORTING PRECINCT RESULTS TO SECRETARY OF
15 STATE RELATING TO CANDIDATES WHO FILED AN APPLICATION FOR A PLACE ON
16 THE BALLOT IN ACCORDANCE WITH THE GENERAL REQUIREMENTS.

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

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

26 SECTION 15. The following provisions of the Election Code
27 are repealed:

- 1 (1) Sections 172.021(e) and (g);
- 2 (2) Sections 172.116(c), (d), and (e);
- 3 (3) Section 172.117(b); and
- 4 (4) Sections 172.120(c), (d), and (e).

5 SECTION 16. As soon as practicable, but not later than
6 December 31, 2016, the secretary of state shall complete the
7 modifications to the secretary of state's website as necessary to
8 enable compliance with the changes in law made by this Act. This
9 section expires January 1, 2017.

10 SECTION 17. This Act takes effect September 1, 2015.