

By: Huffman

S.B. No. 1984

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 at 10 a.m. on the day preceding  
22 the day set by law for the convening of the regular session of the  
23 legislature following the general election for state and county  
24 officers is approved by the voters. If that proposed constitutional  
25 amendment is not approved by the voters, this Act has no effect.