

1-1 By: Huffman S.B. No. 1984
 1-2 (In the Senate - Filed March 13, 2015; March 25, 2015, read
 1-3 first time and referred to Committee on State Affairs;
 1-4 April 15, 2015, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 7, Nays 2; April 15, 2015,
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8 Huffman	X			
1-9 Ellis	X			
1-10 Birdwell	X			
1-11 Creighton	X			
1-12 Estes		X		
1-13 Fraser		X		
1-14 Nelson	X			
1-15 Schwertner	X			
1-16 Zaffirini	X			

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 1984 By: Huffman

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to the canvass of election returns for the offices of
 1-22 governor and lieutenant governor.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Section 67.008(c), Election Code, is amended to
 1-25 read as follows:

1-26 (c) The secretary of state shall ~~[retain the returns in~~
 1-27 ~~their sealed condition until the first day of the next regular~~
 1-28 ~~legislative session, when the secretary shall]~~ deliver the returns
 1-29 to the attorney general ~~[speaker of the house of representatives]~~.

1-30 SECTION 2. Section 67.011, Election Code, is amended to
 1-31 read as follows:

1-32 Sec. 67.011. COUNTY RETURNS CANVASSED BY ATTORNEY GENERAL
 1-33 ~~[LEGISLATURE]~~. (a) The county election returns for an election
 1-34 for the office of governor or lieutenant governor shall be
 1-35 canvassed by the attorney general ~~[legislature and the official~~
 1-36 ~~result declared by the speaker of the house of representatives in~~
 1-37 ~~accordance with Article IV, Section 3, of the Texas Constitution]~~.

1-38 (b) If a county's election returns are incomplete or
 1-39 missing, the attorney general ~~[legislature]~~ may substitute the
 1-40 secretary of state's tabulation for that county or may obtain the
 1-41 necessary information from the county. On request of the attorney
 1-42 general ~~[legislature]~~, the secretary of state or the county shall
 1-43 promptly transmit the information to the attorney general
 1-44 ~~[legislature]~~ by the most expeditious means available.

1-45 (c) On completion of the canvass, the attorney general
 1-46 ~~[speaker of the house of representatives]~~ shall deliver the county
 1-47 returns to the secretary of state, who shall retain them for the
 1-48 period for preserving the precinct election records.

1-49 SECTION 3. Section 67.014, Election Code, is amended to
 1-50 read as follows:

1-51 Sec. 67.014. DETERMINING OFFICIAL RESULT OF ELECTION
 1-52 CANVASSED AT STATE LEVEL. The official result of an election
 1-53 canvassed by the governor or by the attorney general ~~[legislature]~~
 1-54 is determined from the canvass of the county returns conducted by
 1-55 that authority.

1-56 SECTION 4. Section 67.015(e), Election Code, is amended to
 1-57 read as follows:

1-58 (e) If a discrepancy exists between the attorney general's
 1-59 ~~[legislature's]~~ canvass of the election for governor or lieutenant
 1-60 governor and the register entries pertaining to either of those

2-1 offices that are made from the secretary of state's tabulation, the
2-2 secretary shall make the entries in the register necessary to make
2-3 it correspond to the attorney general's [~~legislature's~~] canvass.

2-4 SECTION 5. Section 145.003(e), Election Code, is amended to
2-5 read as follows:

2-6 (e) In the case of a candidate for governor or lieutenant
2-7 governor, a declaration of ineligibility by the attorney general
2-8 [~~final canvassing authority's presiding officer~~] may not be made
2-9 after the final canvass for that office is completed.

2-10 SECTION 6. Section 213.059(c), Election Code, is amended to
2-11 read as follows:

2-12 (c) The recount supervisor shall deliver two copies of the
2-13 report prepared under Section 213.055 to the secretary of state.
2-14 The secretary shall use one copy for the tabulation of the votes
2-15 after the recount is completed. The secretary shall deliver the
2-16 other copy to the attorney general [~~speaker of the house of~~
2-17 ~~representatives~~].

2-18 SECTION 7. Section 242.003(d), Election Code, is amended to
2-19 read as follows:

2-20 (d) The committee to which the contest is referred may treat
2-21 the tabulation as correct until the attorney general [~~speaker of~~
2-22 ~~the house of representatives~~] opens and publishes the official
2-23 election returns. If a discrepancy exists between the tabulation
2-24 and the attorney general's [~~speaker's~~] official count that might be
2-25 material to a determination of the contest, the committee shall
2-26 investigate the discrepancy to ascertain, if possible, the correct
2-27 vote count.

2-28 SECTION 8. This Act takes effect January 1, 2018, but only
2-29 if the constitutional amendment proposed by the 84th Legislature,
2-30 Regular Session, 2015, providing for the governor's and lieutenant
2-31 governor's terms of office to begin at 10 a.m. on the day preceding
2-32 the day the regular legislative session convenes is approved by the
2-33 voters. If that proposed constitutional amendment is not approved
2-34 by the voters, this Act has no effect.

2-35 * * * * *