

BILL ANALYSIS

C.S.S.B. 1666
By: Huffman
Elections
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties contend that, due to technological advances, the current procedures for administering primary elections in Texas are outdated. C.S.S.B. 1666 seeks to address this issue by updating these procedures.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill expressly does one or more of the following: creates a criminal offense, increases the punishment for an existing criminal offense or category of offenses, or changes the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the secretary of state in SECTIONS 16, 30, 32, and 43 of this bill.

ANALYSIS

C.S.S.B. 1666 amends the Election Code to replace the authorization for a county election officer to contract with the county executive committee of a political party holding a primary election in the county to perform election services in the party's general primary election, runoff primary election, or both with a requirement that a county election officer, on request of the county chair of a political party holding a primary election in the county, contract with the party's county executive committee to perform election services in the party's general primary election and runoff primary election in accordance with a cost schedule agreed on by the contracting parties. The bill creates a Class B misdemeanor offense for a county election officer who, in such a contract, prevents the county chair or the chair's designee from supervising the conduct of the primary election.

C.S.S.B. 1666 requires a custodian of automatic tabulating equipment to notify the county chair of a political party of the first test of the equipment conducted for a primary election at least 48 hours before the date of the test and to require a general custodian of election records to notify the county chair of a political party of a logic and accuracy test of a voting system conducted for a primary election at least 48 hours before the date of the test. The bill requires the county chair to confirm receipt of such notices.

C.S.S.B. 1666 specifies that the public mailing address that must be included on a candidate's application for a place on the ballot is a public mailing address at which the candidate receives correspondence relating to the candidate's campaign, if available. The bill clarifies that the space for a candidate's mailing address that must be included on an officially prescribed form for such an application is for the candidate's public mailing address. The bill specifies that the space on the form for the candidate's email address is for an email address at which the candidate receives correspondence relating to the candidate's campaign. The bill removes from the contents of the

form a statement that informs candidates that the furnishing of the email address is optional. The bill changes the vote requirement for filling a vacancy in a nomination for the general election for state and county officers from a majority of the members of the applicable executive committee who are present to a majority of such members voting.

C.S.S.B. 1666 increases the penalty for unlawful participation in party affairs from a Class C misdemeanor to a second degree felony except in the case of an attempt, in which case the penalty is increased to a state jail felony. The bill transfers from the county executive committee to the county chair the duty to conduct the drawing that determines the order of names on the general primary ballot for the county but maintains the county executive committee's ability to provide by resolution that the drawing be conducted by the primary committee. The bill removes the requirement that the drawing be conducted at the county seat. The bill conditions the requirement for notice of the date, hour, and place of the drawing to be posted on the bulletin board used for posting notice of meetings of the commissioners court on the party not maintaining a website. The bill requires the state chair to conduct the drawing if the county chair requests that the state chair do so or the county chair fails to conduct the drawing by the prescribed deadline. The bill conditions the requirement for the county chair to submit the format for the official ballot for a general primary election to the primary committee for its review and approval before having the official ballots printed on the establishment of a primary committee. The bill replaces the requirement for the order of the candidates' names on the runoff primary election ballot for each county to be determined by a drawing conducted in the same manner as the regular drawing for position on the general primary election ballot, subject to certain exceptions, with a requirement for the order of the candidates' names on the runoff primary election ballot for each county to be in the same order as on the general primary election ballot.

C.S.S.B. 1666 changes the contents of the written notice regarding conventions that is required to be posted by the presiding judge at each outside door through which a voter may enter the building in which a polling place for a primary election is located from the date, hour, and place for convening the precinct convention to the date, hour, and place for each precinct, county, senatorial, or state convention that a voter in the precinct may be eligible to attend during the election year. The bill authorizes such notice to include the website of the county party and state party and any other information deemed necessary by the state executive committee. The bill requires the state chair to develop a form for the notice that may be used statewide and expressly requires a presiding judge who does not use an officially prescribed form for the notice to include the required notice information. The bill requires a state chair, county chair, or precinct chair to provide the presiding judge with the necessary information respecting the chair's associated convention.

C.S.S.B. 1666 transfers from the county chair to the county clerk the duty to post a notice of a primary election and a notice of consolidated precincts, if applicable, in the manner prescribed for general and special elections. The bill requires the notice to be posted on the party's website if the party maintains a website and conditions the requirement for the notice to be posted on the bulletin board used for posting notice of meetings of the commissioners court on the party not maintaining a website.

C.S.S.B. 1666 authorizes a political party to prepare a notice not larger than letter-sized for distribution to each voter participating in the party's primary election at the time the voter is accepted for voting and authorizes the notice to include information describing the party's convention process, information detailing the time and place of the party's first-level convention process, contact information for the county and state political parties, and website links for information and registration for party conventions. The bill requires the state chair of a political party to prescribe a form for a notice that may be used in any county, authorizes a county chair of a political party to prescribe a specific notice for the county chair's county, and requires the same notice to be used in all precincts within a county. The bill requires such a notice to be approved by the secretary of state. If a county chair of a political party uses the form of notice prescribed by the state chair, only the convention location and time may be added without the secretary of

state's approval. The bill requires a county chair of a political party to supply a notice prepared according to these provisions to the authority conducting the election not later than the 30th day before the date early voting by personal appearance begins. The bill requires the secretary of state to prescribe procedures and adopt rules as necessary to implement the bill's provisions relating to the distribution of such a notice. The bill exempts the distribution of the notice from application of an offense for electioneering and authorizes an affiliation certificate issued by a presiding judge to a voter that is accepted to vote without presenting a registration certificate to be combined with the notice. The bill establishes that if the combined form is used, an election officer at a primary election polling place is not required to comply with the requirement to stamp the party's name in the party affiliation space of the registration certificate of each voter who presents the voter's registration certificate and is accepted to vote.

C.S.S.B. 1666 removes the exception for a general primary election for the offices of county chair and precinct chair from the prohibition against write-in voting in a primary election. The bill transfers from the county chair to the authority establishing a central counting station the duties to prepare the unofficial tabulation of precinct results for a primary election, to make periodic announcements of the current state of the tabulation, and to deliver the tabulation to the general custodian of election records on completion. The bill requires the authority to post the periodic announcements on the county's website, if the county maintains a website, and gives the authority the option of posting the tabulation on the county's website or the secretary of state's website as an alternative to delivering the tabulation to the general custodian. The bill repeals the requirement for the custodian to deliver the precinct returns to the county chair for the purpose of preparing the unofficial tabulation and repeals certain requirements imposed on the county chair upon receiving those precinct returns. The bill changes the period for which a general custodian of election records is required to preserve the poll lists maintained for a primary election and for which a voter registrar is required to preserve each precinct list of registered voters that is used for a primary election from until the end of the voting year in which the primary election is held to 22 months. The bill authorizes a county chair, if the county records the acceptance of a voter electronically, to request an electronic document listing the persons who voted in the party primary.

C.S.S.B. 1666 requires a county clerk to prepare and submit to the secretary of state a report of the results of the canvass of precinct primary election returns for the county and requires the report to include the total number of votes cast in each precinct for each candidate or measure and the number of counted and uncounted provisional ballots cast in each precinct. The bill establishes that the final canvass is concluded when the county chair digitally certifies the canvass report on the secretary of state's website and that the posting on the site that the results are final completes the canvass report. The bill expressly does not require the county chair to file any additional notice or report with the county clerk.

C.S.S.B. 1666 replaces the requirement for a county chair to execute and file with the county clerk an affidavit certifying that the returns for county and precinct offices posted on the secretary of state's website are the correct and complete returns with a requirement for the chair to digitally execute the affidavit. The bill replaces the authority of the secretary of state to adopt by rule a process to allow the chair to submit the affidavit digitally with a requirement for the secretary of state to do so. The bill includes "declared ineligible" among the appropriate notations developed by the secretary of state to describe the status of each primary candidate nominated for a county or precinct office. The bill requires the county chair to notify the state chair after any withdrawal or death of such a candidate, and subsequent replacement of the candidate on the ballot, and transfers the duty to update the notation on the secretary of state's website from the county chair to the state chair.

C.S.S.B. 1666 revises the process by which notice of persons elected as party officers is given by replacing the requirement that the county chair deliver written notice to the state chair and to the county clerk of the names of the persons elected as county chair and precinct chairs for the county not later than the 20th day after the date the local canvass is completed with a

requirement for the county chair to post such names on the secretary of state's website by that deadline; by including among the required contents of the notice each precinct officer's phone number and email address, if supplied by the officer; and by requiring the secretary of state to make such phone numbers and email addresses and each party officer's address available to the state chair, but not available to the public. The bill requires any appointment to fill a vacancy in the office of precinct or county chair to be posted on the secretary of state's website.

C.S.S.B. 1666 repeals provisions relating to the requirements for a county chair to prepare and deliver county election returns for the statewide and district offices voted on in a primary election. The bill changes from in writing to on the secretary of state's website the method by which the state chair is required to certify for placement on the runoff primary election ballot the name of each general primary candidate for a statewide or district office who is to be a candidate in the runoff. The bill replaces the requirement for the state chair to deliver the certification to the county chair in each affected county as soon as practicable after the state canvass of the general primary election is completed with a requirement for the state chair to deliver the certification by posting next to the candidate's name on the secretary of state's website whether the person lost in the primary or is in a runoff for the position as soon as practicable after the state canvass of the general primary election is completed. The bill adds to the requirement for the state chair to execute and file with the secretary of state an affidavit certifying that the election returns for statewide and district offices posted on the secretary's website are the correct and complete returns the specification that the state chair do so digitally. The bill replaces the authorization for the secretary of state to adopt by rule a process to allow the state chair to submit the affidavit digitally with a requirement for the secretary of state to do so.

C.S.S.B. 1666 authorizes the requirements for a county clerk and the secretary of state to enter the precinct results for a primary election in the applicable election register to be met by entering the results on the secretary of state's website if the secretary of state maintains a website for that purpose. The bill transfers from the county chair to the county clerk the duty to deliver the report of the number of votes in a primary election, 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.

C.S.S.B. 1666 removes the requirement for a written certification of the candidates' names that are to appear on the ballot for a joint primary election to be delivered to the county clerk in accordance with rules prescribed by the secretary of state. The bill instead requires the county clerk to obtain the candidates' names that are to appear on the primary ballot, office sought, and candidate and office ballot order from the certified list on the secretary of state's website. The bill requires a voter to be allowed privacy to the extent possible when indicating the voter's choice as to which political party's primary the voter chooses to vote in. The bill authorizes a voter to indicate, without verbalizing, the voter's choice by pointing to which party's ballot the voter chooses, requires the secretary of state to prescribe a sign to inform voters of this option, and requires the co-judges of each polling place to post the sign beside the signature roster.

C.S.S.B. 1666 replaces certain content requirements for a sign used to identify the location of a polling place for a primary election or a primary runoff election with an authorization for the presiding judge or alternate presiding judge for a precinct to post signs at such a polling place that identify the names of, or symbols representing, any political parties holding an election at the polling place and do not refer to a candidate or measure on the ballot. The bill requires the secretary of state to adopt rules to provide that such signs posted in the same county have a similar size and format and repeals a provision limiting the applicability of provisions relating to the content of such signs to signs posted at a polling place used to hold an election for more than one political party.

C.S.S.B. 1666 includes a primary election that is required for the nomination of a political party to a multicounty district office in an applicable county among the elections required to be held in accordance with statutory provisions relating to the alternative primary procedure for counties

without county party leadership. The bill removes the authorization for such a county to designate the location of the polling place for a primary election held under those provisions at the main early voting polling place or to designate a location to serve as a polling place in the county seat of the county if the polling place is located so that it will adequately serve the voters. The bill instead authorizes the county clerk to combine voting precincts for such an election to the extent necessary to adequately serve the voters.

C.S.S.B. 1666 prohibits an election officer conducting a primary election at a polling place used to hold an election for more than one political party from suggesting a political party's ballot to a voter or discussing any race on the ballot with a voter. The bill authorizes the state chair, or the state chair's designee, to perform any administrative duty of a county chair or county executive committee related to the conduct of a primary election that has not been performed in the time required by law. The bill requires the state chair to notify the county chair or county executive committee in writing or electronically that a duty has been performed under such authority. The bill authorizes a county chair who has a reasonable impediment or lacks appropriate technology to perform any administrative duty of the county chair related to the conduct of a primary election within the time required by law to request that the state chair, or the state chair's designee, perform the duty instead of the county chair. The bill authorizes the state chair to act in the role of a county chair for the purposes of state financing of primary elections with the approval of the secretary of state. The bill requires the secretary of state to adopt rules to implement the bill's provisions relating to a state chair's performance of the duties of a county chair or county executive committee in accordance with the conduct of elections and with party rule.

C.S.S.B. 1666 revises an entitlement relating to the distribution on a pro rata basis of state funds appropriated for the financing of primary elections. The bill revises the process by which the secretary of state furnishes rules and guidelines regarding primary election expenses by requiring the secretary of state, during October preceding each primary election year, to post on the secretary's website a current set of the rules and any available guidelines relating to primary election expenses generally and by requiring the secretary of state, if a rule or amendment of a rule is adopted after the set is posted, to update the posting with the new rule or amendment not later than the 10th day after the date of its adoption. The bill requires the secretary of state to email each state or county chair who has provided the secretary of state an email address when the rules and guidelines have been posted.

C.S.S.B. 1666 authorizes the state chair to accept money into the state primary fund on behalf of a county party with the consent of the secretary of state and the county executive committee, if one exists for the county. The bill requires the state chair to keep records to track the money that is attributable to a county. The bill removes from the required uses of a county primary fund payment of expenses incurred by the county executive committee in connection with a primary election and removes from the required uses of a state primary fund payment of expenses incurred by the state executive committee in connection with a primary election. The bill transfers the duty of managing a county primary fund from the county executive committee to the county chair and transfers the duty of managing a state primary fund from the state executive committee to the state chair. The bill authorizes the secretary of state to approve an expenditure of state funds for an audit of a county primary fund on request of the state chair.

C.S.S.B. 1666 replaces the requirement for the state chair to allocate the filing fee for a district office accompanying an application for a place on the ballot filed with the state chair during the regular filing period among the county executive committees serving the counties comprising the district with a requirement for such a fee to be remitted to the secretary of state and deposited in the state treasury for the financing of primary election expenses. The bill repeals the requirement for the state chair to prepare a report of the filing fees accompanying applications for a place on the ballot filed with the state chair. The bill removes the requirement for a written statement of estimated expenses of a county or state executive committee in connection with a primary election to be submitted to the secretary of state by the county or state chair, respectively. The

bill includes the amount of certain contributions to the county or state chair among the required contents of a statement of estimated primary expenses submitted to the secretary of state by the applicable chair. The bill authorizes the state chair of a party, or the state chair's designee, to submit such a statement of estimated primary expenses on behalf of a county chair if the county chair requests the state chair do so or the county chair fails to submit the statement by the prescribed deadline. The bill replaces the authorization for the secretary of state, on the request of a county election officer who conducts a primary election under an election services contract, to provide payment of primary expenses directly to the officer who incurs the expense rather than to the county chair with a requirement for the secretary of state to do so and removes language limiting the officers to which this provision applies to officers of a county with a population of 100,000 or more.

C.S.S.B. 1666 requires a vendor providing election services or materials for use in a primary election or primary runoff election to a county chair or a county election officer contracting with a county chair for such an election to directly bill the secretary of state for the cost of the services or materials used on election day for which state funding is available. The bill sets out additional provisions relating to the direct billing of such primary expenses and authorizes the secretary of state to adopt rules as necessary to implement the direct billing process.

C.S.S.B. 1666 revises the filing deadline for a county chair's party expense report and includes as a circumstance that constitutes good cause to extend the deadline failure of a vendor or a county election officer contracted to conduct the primary election to provide complete invoices in a timely fashion. The bill replaces the authorization for any state compensation claimed by a county chair or the secretary of a county executive committee to be forfeited on the failure of the county chair to file a timely report with a requirement for such compensation to be forfeited on such failure. The bill replaces the prescribed deadline for the required remittance to the secretary of state of any surplus remaining in a primary fund after the final payment from the fund of the necessary expenses for holding the primary elections for that year with a specification that such remittance occurs on request of the secretary of state.

C.S.S.B. 1666 creates the offense of engaging in organized election fraud activity for a person who, with the intent to establish, maintain, or participate in a vote harvesting organization, commits or conspires to commit one or more offenses under Titles 1 through 7 of the Election Code. The bill establishes that the penalty for that offense is one category higher than the most serious offense that is committed under those Election Code provisions and that, if the most serious offense is a Class A misdemeanor, the offense is a state jail felony. The bill defines "vote harvesting organization" as three or more persons who collaborate in committing offenses under those provisions, although participants may not know each other's identity, membership in the organization may change from time to time, and participants may stand in a candidate-consultant, donor-consultant, consultant-field operative, or other arm's length relationship in the organization's operations. The bill defines "conspires to commit" as a person agreeing with one or more persons that they or one or more of them engage in conduct that would constitute the offense and that person and one or more of them perform an overt act in pursuance of the agreement. An agreement constituting conspiring to commit may be inferred from the acts of the parties. The bill authorizes a defendant, at the punishment stage of a trial, to raise the issue as to whether in voluntary and complete renunciation of the offense the defendant withdrew from the vote harvesting organization before commission of an applicable offense and made substantial effort to prevent the commission of the offense. The bill establishes that the offense is the same category of offense as the most serious applicable offense that is committed if the defendant proves the issue in the affirmative by a preponderance of the evidence.

C.S.S.B. 1666 repeals the following provisions of the Election Code:

- Sections 172.084(b), (c), (d), and (e)
- Sections 172.113(b) and (c)

- Section 172.119
- Sections 172.127(a)
- Sections 173.062(b), (c), and (d)
- Section 173.064
- Section 173.088

EFFECTIVE DATE

September 1, 2017.

COMPARISON OF SENATE ENGROSSED AND SUBSTITUTE

While C.S.S.B. 1666 may differ from the engrossed in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the engrossed and committee substitute versions of the bill.

SENATE ENGROSSED	HOUSE COMMITTEE SUBSTITUTE
<p>SECTION 1. Sections 31.092(b), (d), and (e), Election Code, are transferred to Section 31.093, Election Code, redesignated as Sections 31.093(c), (d), and (e), Election Code, respectively, and amended to read as follows:</p> <p>(c) [(b)] <u>On request of the county chair of a political party holding a primary election in the county, the</u> [The] county election officer shall [may] contract with the county executive committee of the [a political] party [holding a primary election in the county] to perform election services, as provided by this subchapter, in the party's general primary election <u>and</u> [or] runoff primary election <u>in accordance with a cost schedule agreed on by the contracting parties[, or both].</u></p> <p>(d) In a contract <u>required</u> [authorized] by Subsection (c) [(b)], the county election officer may not prevent the county chair or the chair's designee from supervising the conduct of the primary election, including the tabulation of results, as required by Chapter 172.</p> <p>(e) <u>A</u> [If a] county election officer [enters into a contract with a county executive committee under Subsection (b) to perform election services, the officer] must offer to contract on the same terms with the county executive committee of each political party holding a primary election in the county.</p>	<p>SECTION 1. Sections 31.092(b), (d), and (e), Election Code, are transferred to Section 31.093, Election Code, redesignated as Sections 31.093(c), (d), and (e), Election Code, respectively, and amended to read as follows:</p> <p>(c) [(b)] <u>On request of the county chair of a political party holding a primary election in the county, the</u> [The] county election officer shall [may] contract with the county executive committee of the [a political] party [holding a primary election in the county] to perform election services, as provided by this subchapter, in the party's general primary election <u>and</u> [or] runoff primary election <u>in accordance with a cost schedule agreed on by the contracting parties[, or both].</u></p> <p>(d) In a contract <u>required</u> [authorized] by Subsection (c) [(b)], the county election officer may not prevent the county chair or the chair's designee from supervising the conduct of the primary election, including the tabulation of results, as required by Chapter 172. <u>A county election officer who violates this subsection commits an offense. An offense under this subsection is a Class B misdemeanor.</u></p> <p>(e) <u>A</u> [If a] county election officer [enters into a contract with a county executive committee under Subsection (b) to perform election services, the officer] must offer to contract on the same terms with the county executive committee of each political party holding a primary election in the county.</p>

SECTION 2. Section 31.093(a), Election Code, is amended.

SECTION 2. Same as engrossed version.

SECTION 3. Section 61.003(b)(1), Election Code, is amended.

SECTION 3. Same as engrossed version.

SECTION 4. Section 127.096, Election Code, is amended.

SECTION 4. Same as engrossed version.

SECTION 5. Section 129.023, Election Code, is amended.

SECTION 5. Same as engrossed version.

No equivalent provision.

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

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

- (1) be in writing;
- (2) be signed and sworn to by the candidate and indicate the date that the candidate swears to the application;
- (3) be timely filed with the appropriate authority; and
- (4) include:
 - (A) the candidate's name;
 - (B) the candidate's occupation;
 - (C) the office sought, including any place number or other distinguishing number;
 - (D) an indication of whether the office sought is to be filled for a full or unexpired term if the office sought and another office to be voted on have the same title but do not have place numbers or other distinguishing numbers;
 - (E) a statement that the candidate is a United States citizen;
 - (F) a statement that the candidate has not been determined by a final judgment of a court exercising probate jurisdiction to be:
 - (i) totally mentally incapacitated; or
 - (ii) partially mentally incapacitated without the right to vote;
 - (G) a statement that the candidate has not been finally convicted of a felony from which the candidate has not been pardoned or otherwise released from the resulting disabilities;
 - (H) the candidate's date of birth;
 - (I) the candidate's residence address or, if the residence has no address, the address at

which the candidate receives mail and a concise description of the location of the candidate's residence;

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

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

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

(M) a public mailing address at which the candidate receives correspondence relating to the candidate's campaign, if available, and an [any available] electronic mail address at which the candidate receives correspondence relating to the candidate's campaign, if available.

No equivalent provision.

SECTION 7. Section 141.039, Election Code, is amended to read as follows:

Sec. 141.039. OFFICIAL APPLICATION FORM. In addition to the other statements and spaces for entering information that appear on an officially prescribed form for an application for a place on the ballot, each official form for an application that a candidate is required to file under this code must include:

(1) a space for indicating the form in which the candidate's name is to appear on the ballot;

(2) a space for the candidate's public mailing address;

(3) spaces for the candidate's home and office telephone numbers and e-mail address at which the candidate receives correspondence relating to the candidate's campaign; and

(4) a statement informing candidates that the furnishing of the telephone numbers [~~or e-mail address~~] is optional.

No equivalent provision.

SECTION 8. Section 145.036(d), Election Code, is amended to read as follows:

(d) For the purpose of filling a vacancy, a majority of the committee's membership

constitutes a quorum. To be nominated, a person must receive a favorable vote of a majority of the members voting [~~present~~].

SECTION 6. Section 162.004(c), Election Code, is amended.

SECTION 9. Same as engrossed version.

SECTION 7. Section 162.014(b), Election Code, is amended.

SECTION 10. Same as engrossed version.

SECTION 8. Section 172.082, Election Code, is amended.

SECTION 11. Same as engrossed version.

SECTION 9. Section 172.083, Election Code, is amended.

SECTION 12. Same as engrossed version.

SECTION 10. Section 172.084(a), Election Code, is amended.

SECTION 13. Same as engrossed version.

SECTION 11. Section 172.1111, Election Code, is amended.

SECTION 14. Same as engrossed version.

SECTION 12. Section 172.1112(a), Election Code, is amended.

SECTION 15. Same as engrossed version.

SECTION 13. Subchapter E, Chapter 172, Election Code, is amended.

SECTION 16. Same as engrossed version.

SECTION 14. Section 172.112, Election Code, is amended.

SECTION 17. Same as engrossed version.

SECTION 15. Sections 172.113(a), (d), and (e), Election Code, are amended.

SECTION 18. Same as engrossed version.

SECTION 16. Section 172.114, Election Code, is amended.

SECTION 19. Same as engrossed version.

SECTION 17. Section 172.1141, Election Code, is amended.

SECTION 20. Same as engrossed version.

SECTION 18. Section 172.115(a), Election

SECTION 21. Same as engrossed version.

Code, is amended.

SECTION 19. Section 172.116, Election Code, is amended.

SECTION 22. Same as engrossed version.

SECTION 20. Sections 172.117(a), (a-1), and (a-2), Election Code, are amended.

SECTION 23. Same as engrossed version.

SECTION 21. Section 172.118, Election Code, is amended.

SECTION 24. Same as engrossed version.

SECTION 22. Section 172.121, Election Code, is amended.

SECTION 25. Same as engrossed version.

SECTION 23. Section 172.122(a), Election Code, is amended.

SECTION 26. Same as engrossed version.

SECTION 24. Section 172.123, Election Code, is amended.

SECTION 27. Same as engrossed version.

SECTION 25. Section 172.124(b), Election Code, is amended.

SECTION 28. Same as engrossed version.

SECTION 26. Section 172.126, Election Code, is amended.

SECTION 29. Same as engrossed version.

SECTION 27. Section 172.127, Election Code, is amended.

SECTION 30. Same as engrossed version.

SECTION 28. Sections 172.128(a) and (c), Election Code, are amended.

SECTION 31. Same as engrossed version.

SECTION 29. Subchapter E, Chapter 172, Election Code, is amended.

SECTION 32. Same as engrossed version.

SECTION 30. Section 173.001(d), Election Code, is amended.

SECTION 33. Same as engrossed version.

SECTION 31. Section 173.010, Election Code, is amended.

SECTION 34. Same as engrossed version.

SECTION 32. Section 173.032, Election Code, is amended.

SECTION 33. Section 173.033, Election Code, is amended.

SECTION 34. Section 173.034, Election Code, is amended.

SECTION 35. Section 173.036(a), Election Code, is amended.

SECTION 36. The heading to Section 173.062, Election Code, is amended.

SECTION 37. Section 173.062(a), Election Code, is amended.

SECTION 38. Section 173.081, Election Code, is amended.

SECTION 39. Section 173.0832, Election Code, is amended.

SECTION 40. Subchapter D, Chapter 173, Election Code, is amended.

SECTION 41. Section 173.084, Election Code, is amended.

SECTION 42. Section 173.0851(a), Election Code, is amended.

No equivalent provision.

SECTION 35. Same as engrossed version.

SECTION 36. Same as engrossed version.

SECTION 37. Same as engrossed version.

SECTION 38. Same as engrossed version.

SECTION 39. Same as engrossed version.

SECTION 40. Same as engrossed version.

SECTION 41. Same as engrossed version.

SECTION 42. Same as engrossed version.

SECTION 43. Same as engrossed version.

SECTION 44. Same as engrossed version.

SECTION 45. Same as engrossed version.

SECTION 46. Chapter 276, Election Code, is amended by adding Section 276.011 to read as follows:
Sec. 276.011. ENGAGING IN ORGANIZED ELECTION FRAUD ACTIVITY. (a) A person commits an offense if, with the intent to establish, maintain, or participate in a vote harvesting organization, the person commits or conspires to commit one or more offenses

under Titles 1 through 7.

(b) Except as provided by Subsection (c), an offense under this section is one category higher than the most serious offense listed in Subsection (a) that is committed, and if the most serious offense is a Class A misdemeanor, the offense is a state jail felony.

(c) At the punishment stage of a trial, the defendant may raise the issue as to whether in voluntary and complete renunciation of the offense the defendant withdrew from the vote harvesting organization before commission of an offense listed in Subsection (a) and made substantial effort to prevent the commission of the offense. If the defendant proves the issue in the affirmative by a preponderance of the evidence, the offense is the same category of offense as the most serious offense listed in Subsection (a) that is committed.

(d) In this section, "vote harvesting organization" means three or more persons who collaborate in committing offenses under Titles 1 through 7, although participants may not know each other's identity, membership in the organization may change from time to time, and participants may stand in a candidate-consultant, donor-consultant, consultant-field operative, or other arm's length relationship in the organization's operations.

(e) For purposes of this section, "conspires to commit" means that a person agrees with one or more persons that they or one or more of them engage in conduct that would constitute the offense and that person and one or more of them perform an overt act in pursuance of the agreement. An agreement constituting conspiring to commit may be inferred from the acts of the parties.

SECTION 43. The following provisions of the Election Code are repealed:

- (1) Sections 172.084(b), (c), (d), and (e);
- (2) Sections 172.113(b) and (c);
- (3) Section 172.119;
- (4) Section 172.127(a);
- (5) Sections 173.062(b), (c), and (d);
- (6) Section 173.064; and
- (7) Section 173.088.

SECTION 44. The change in law made by

SECTION 47. Same as engrossed version.

SECTION 48. (a) The changes in law

this Act in amending

Section 162.014(b), Election Code, applies only to an offense committed on or after the effective date of this Act.

An offense committed before the effective date of this Act is governed by the law in effect when the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 45. This Act takes effect September 1, 2017.

made by this Act in amending Section 31.093(d), Election Code, as redesignated by this Act, and Section 162.014(b), Election Code, and adding Section 276.011, Election Code, apply only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect when the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

(b) The change in law made by this Act to Section 141.031(a), Election Code, applies to an application for a place on the ballot made on or after the effective date of this Act. An application for a place on the ballot made before the effective date of this Act is governed by the law in effect on the date the application is made, and the former law is continued in effect for that purpose.

SECTION 49. Same as engrossed version.