

By: Huffman  
(Laubenberg)

S.B. No. 1666

Substitute the following for S.B. No. 1666:

By: Laubenberg

C.S.S.B. No. 1666

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the conduct of primary elections and certain other  
3 election practices; increasing a criminal penalty; creating  
4 criminal offenses.

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

6 SECTION 1. Sections 31.092(b), (d), and (e), Election Code,  
7 are transferred to Section 31.093, Election Code, redesignated as  
8 Sections 31.093(c), (d), and (e), Election Code, respectively, and  
9 amended to read as follows:

10 (c) [(b)] On request of the county chair of a political  
11 party holding a primary election in the county, the [The] county  
12 election officer shall [may] contract with the county executive  
13 committee of the [a political] party [holding a primary election in  
14 the county] to perform election services, as provided by this  
15 subchapter, in the party's general primary election and [or] runoff  
16 primary election in accordance with a cost schedule agreed on by the  
17 contracting parties[, or both].

18 (d) In a contract required [~~authorized~~] by Subsection (c)  
19 [(b)], the county election officer may not prevent the county chair  
20 or the chair's designee from supervising the conduct of the primary  
21 election, including the tabulation of results, as required by  
22 Chapter 172. A county election officer who violates this  
23 subsection commits an offense. An offense under this subsection is  
24 a Class B misdemeanor.

1 (e) A [~~If a~~] county election officer [~~enters into a contract~~  
2 ~~with a county executive committee under Subsection (b) to perform~~  
3 ~~election services, the officer~~] must offer to contract on the same  
4 terms with the county executive committee of each political party  
5 holding a primary election in the county.

6 SECTION 2. Section 31.093(a), Election Code, is amended to  
7 read as follows:

8 (a) If requested to do so by a political subdivision [~~or~~  
9 ~~political party~~], the county elections administrator shall enter  
10 into a contract to furnish the election services requested, in  
11 accordance with a cost schedule agreed on by the contracting  
12 parties.

13 SECTION 3. Section 61.003(b)(1), Election Code, is amended  
14 to read as follows:

15 (1) "Electioneering" includes the posting, use, or  
16 distribution of political signs or literature. The term does not  
17 include the distribution of a notice of a party convention  
18 authorized under Section 172.1114.

19 SECTION 4. Section 127.096, Election Code, is amended by  
20 adding Subsection (a-1) to read as follows:

21 (a-1) If the test is being conducted for a primary election,  
22 the custodian of the automatic tabulating equipment shall notify  
23 the county chair of the test at least 48 hours before the date of the  
24 test. The county chair shall confirm receipt of the notice.

25 SECTION 5. Section 129.023, Election Code, is amended by  
26 adding Subsection (b-1) to read as follows:

27 (b-1) If the test is being conducted for a primary election,

1 the general custodian of election records shall notify the county  
2 chair of the test at least 48 hours before the date of the test. The  
3 county chair shall confirm receipt of the notice.

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

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

8 (1) be in writing;

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

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

13 (4) include:

14 (A) the candidate's name;

15 (B) the candidate's occupation;

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

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

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

24 (F) a statement that the candidate has not been  
25 determined by a final judgment of a court exercising probate  
26 jurisdiction to be:

27 (i) totally mentally incapacitated; or

1 (ii) partially mentally incapacitated  
2 without the right to vote;

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

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

7 (I) the candidate's residence address or, if the  
8 residence has no address, the address at which the candidate  
9 receives mail and a concise description of the location of the  
10 candidate's residence;

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

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

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

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

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

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

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

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

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

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

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

18           (d) For the purpose of filling a vacancy, a majority of the  
19 committee's membership constitutes a quorum. To be nominated, a  
20 person must receive a favorable vote of a majority of the members  
21 voting [~~present~~].

22           SECTION 9. Section 162.004(c), Election Code, is amended to  
23 read as follows:

24           (c) If a voter is accepted to vote without presenting a  
25 registration certificate, the presiding judge shall issue the voter  
26 an affiliation certificate. The certificate is not required to be  
27 issued to a voter in a runoff primary unless the voter requests it.

1 The affiliation certificate may be combined with the notice  
2 provided under Section 172.1114. If the combined form is used, an  
3 election officer is not required to comply with Subsection (b).

4 SECTION 10. Section 162.014(b), Election Code, is amended  
5 to read as follows:

6 (b) An offense under this section is a felony of the second  
7 degree unless the person is convicted of an attempt. In that case,  
8 the offense is a state jail felony [~~Class C misdemeanor~~].

9 SECTION 11. Section 172.082, Election Code, is amended by  
10 amending Subsections (b), (c), and (e) and adding Subsection (f) to  
11 read as follows:

12 (b) The county chair [~~executive committee~~] shall conduct  
13 the drawing unless the county executive committee [~~it~~] provides by  
14 resolution that the drawing be conducted by the primary committee.

15 (c) The drawing shall be conducted [~~at the county seat~~] not  
16 later than the 10th day after the date of the regular filing  
17 deadline for the general primary election.

18 (e) The county chair shall post notice of the date, hour,  
19 and place of the drawing for at least 24 consecutive hours  
20 immediately before the drawing begins. The notice shall be posted  
21 on the party's Internet website, if the party maintains a website.

22 If the party does not maintain a website, the notice shall be posted  
23 on the bulletin board used for posting notice of meetings of the  
24 commissioners court. [~~If the party maintains an Internet website,~~  
25 ~~the party shall post the notice on the party's website.~~] All  
26 candidates who provide an e-mail address on their filing form shall  
27 be notified electronically.

1        (f) The state chair shall conduct the drawing if the county  
2 chair:

3            (1) requests that the state chair conduct the drawing;  
4 or

5            (2) fails to conduct the drawing by the deadline set in  
6 this section.

7        SECTION 12. Section 172.083, Election Code, is amended to  
8 read as follows:

9        Sec. 172.083. REVIEW AND APPROVAL OF BALLOT BY PRIMARY  
10 COMMITTEE. If a primary committee was established, before ~~[Before]~~  
11 having the official ballots for a general primary election printed,  
12 the county chair shall submit the format for the official ballot to  
13 the primary committee for its review and approval.

14        SECTION 13. Section 172.084(a), Election Code, is amended  
15 to read as follows:

16        (a) The ~~[Except as provided by this section, the]~~ order of  
17 the candidates' names on the runoff primary election ballot for  
18 each county shall be ~~[determined by a drawing conducted]~~ in the same  
19 order as ~~[manner as the regular drawing for position]~~ on the general  
20 primary election ballot.

21        SECTION 14. Section 172.1111, Election Code, is amended to  
22 read as follows:

23        Sec. 172.1111. POSTING NOTICE OF CONVENTIONS ~~[PRECINCT~~  
24 ~~CONVENTION]~~ REQUIRED. (a) Before the opening of the polls, the  
25 presiding judge shall post at each outside door through which a  
26 voter may enter the building in which the polling place is located a  
27 written notice in bold print of the date, hour, and place for each

1 ~~[convening the]~~ precinct, county, senatorial, or state convention  
2 that a voter in the precinct may be eligible to attend during the  
3 election year.

4 (b) Notice posted under this section may include:

5 (1) the website of the county party and state party;  
6 and

7 (2) any other information deemed necessary by the  
8 state executive committee.

9 (b-1) The state chair shall develop a form for the notice  
10 that may be used statewide. The judge is not required to use an  
11 officially prescribed form for the notice, but must include any  
12 information required by this section.

13 (b-2) A state chair, county chair, or precinct chair shall  
14 provide the presiding judge with the necessary information  
15 respecting the chair's associated convention.

16 (c) The notice must remain posted continuously through  
17 election day.

18 SECTION 15. Section 172.1112(a), Election Code, is amended  
19 to read as follows:

20 (a) The county clerk ~~[chair]~~ shall post a notice of the  
21 election and a notice of consolidated precincts, if applicable, in  
22 the manner prescribed by Section 4.003(b) for general and special  
23 elections. The notice of the election shall be posted on the  
24 party's Internet website, if the party maintains a website. If the  
25 party does not maintain a website, the notice shall be posted on the  
26 bulletin board used for posting notice of meetings of the  
27 commissioners court.



1 SECTION 16. Subchapter E, Chapter 172, Election Code, is  
2 amended by adding Section 172.1114 to read as follows:

3 Sec. 172.1114. DISTRIBUTION OF NOTICE OF CONVENTIONS.

4 (a) A political party may prepare a notice not larger than  
5 letter-sized for distribution to each voter participating in the  
6 party's primary election at the time the voter is accepted for  
7 voting.

8 (b) The notice may include:

9 (1) information describing the party's convention  
10 process;

11 (2) information detailing the time and place of the  
12 party's first-level convention process;

13 (3) contact information for the county and state  
14 political parties; and

15 (4) website links for information and registration for  
16 party conventions.

17 (c) The state chair of a political party shall prescribe a  
18 form for a notice that may be used in any county. A county chair of  
19 a political party may prescribe a specific notice for the county  
20 chair's county. The same notice must be used in all precincts  
21 within a county.

22 (d) A notice must be approved by the secretary of state. If  
23 a county chair of a political party uses the form of notice  
24 prescribed by the state chair, only the convention location and  
25 time may be added without the secretary of state's approval.

26 (e) A county chair of a political party shall supply a  
27 notice prepared according to this section to the authority

1 conducting the election not later than the 30th day before the date  
2 early voting by personal appearance begins.

3 (f) The secretary of state shall prescribe procedures and  
4 adopt rules as necessary to implement this section.

5 SECTION 17. Section 172.112, Election Code, is amended to  
6 read as follows:

7 Sec. 172.112. WRITE-IN VOTING. Write-in voting in a  
8 primary election is not permitted [~~except in the general primary~~  
9 ~~election for the offices of county chair and precinct chair~~].

10 SECTION 18. Sections 172.113(a), (d), and (e), Election  
11 Code, are amended to read as follows:

12 (a) The authority establishing a central counting station  
13 [~~county chair~~] shall prepare the unofficial tabulation of precinct  
14 results.

15 (d) The authority [~~county chair~~] shall make [~~the~~] periodic  
16 announcements of the current state of the tabulation, including by  
17 posting the announcements on the Internet website of the county, if  
18 the county maintains a website.

19 (e) On completing the tabulation, the authority [~~county~~  
20 ~~chair~~] shall deliver it to the general custodian or may post the  
21 tabulation on the county's website or the secretary of state's  
22 website.

23 SECTION 19. Section 172.114, Election Code, is amended to  
24 read as follows:

25 Sec. 172.114. DISPOSITION OF POLL LIST. The general  
26 custodian of election records shall preserve the poll lists  
27 maintained for a primary election for 22 months [~~until the end of~~

1 ~~the voting year in which the primary election is held~~].

2 SECTION 20. Section 172.1141, Election Code, is amended to  
3 read as follows:

4 Sec. 172.1141. LIST OF REGISTERED VOTERS FOR CONVENTION.

5 (a) At the same time the acceptance of each voter for voting in the  
6 general primary election is indicated on the precinct list of  
7 registered voters furnished for use in the election, the acceptance  
8 of the voter shall also be indicated on the list furnished for use  
9 in the party's conventions.

10 (b) If a county records the acceptance of a voter  
11 electronically, the county chair may request an electronic document  
12 listing the persons who voted in the party primary.

13 SECTION 21. Section 172.115(a), Election Code, is amended  
14 to read as follows:

15 (a) Subject to Subsection (b), the voter registrar shall  
16 preserve each precinct list of registered voters that is used for a  
17 primary election for 22 months [~~until the end of the voting year in~~  
18 ~~which the primary election is held~~].

19 SECTION 22. Section 172.116, Election Code, is amended by  
20 adding Subsections (c) and (d) to read as follows:

21 (c) The county clerk shall prepare and submit to the  
22 secretary of state a report of the results of the canvass, which  
23 must include:

24 (1) the total number of votes cast in each precinct for  
25 each candidate or measure; and

26 (2) the number of counted and uncounted provisional  
27 ballots cast in each precinct.

1        (d) The final canvass is concluded when the chair digitally  
2 certifies the canvass report on the secretary of state's website.  
3 The posting on the site that the results are final completes the  
4 canvass report. The chair is not required to file any additional  
5 notice or report with the county clerk.

6        SECTION 23. Sections 172.117(a), (a-1), and (a-2), Election  
7 Code, are amended to read as follows:

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

17        (a-1) The secretary of state shall develop appropriate  
18 notations to describe the status of each candidate. The notations  
19 shall include:

- 20            (1) "filed";
- 21            (2) "withdrew";
- 22            (3) "lost primary";
- 23            (4) "in runoff";
- 24            (5) "lost runoff";
- 25            (6) "deceased"; [~~or~~]
- 26            (7) "declared ineligible"; or
- 27            (8) "nominee for general election."

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

9 SECTION 24. Section 172.118, Election Code, is amended to  
10 read as follows:

11 Sec. 172.118. NOTICE OF PERSONS ELECTED AS PARTY OFFICERS.

12 (a) Not later than the 20th day after the date the local canvass is  
13 completed, the county chair shall post on the secretary of state's  
14 website [~~deliver written notice to the state chair and to the county~~  
15 ~~clerk of~~] the names of the persons elected as county chair and  
16 precinct chairs for the county. [~~This notice may be given by~~  
17 ~~electronic means or through an electronic submission system adopted~~  
18 ~~by the state executive committee of the party.~~]

19 (b) The notice must include:

20 (1) each party officer's address;

21 (2) [~~and~~] each precinct chair's precinct number; and

22 (3) each precinct officer's phone number and e-mail  
23 address, if supplied by the officer.

24 (c) The secretary of state shall make information described  
25 by Subsections (b)(1) and (3) available to the state chair, but not  
26 available to the public. [~~The county clerk shall preserve the~~  
27 ~~notice until the county clerk receives notice of the party officers~~

1 ~~elected at the succeeding primary election.]~~

2 (d) Any appointment to fill a vacancy in the office of  
3 precinct or county chair shall be posted on the secretary of state's  
4 website. [~~On request of the secretary of state, the state chair~~  
5 ~~shall deliver to the secretary written notice of the names and~~  
6 ~~addresses of the party's county chairs. This notice may be given in~~  
7 ~~electronic format as set out in rules adopted by the secretary of~~  
8 ~~state.]~~

9 SECTION 25. Section 172.121, Election Code, is amended to  
10 read as follows:

11 Sec. 172.121. CERTIFICATION OF CANDIDATES FOR STATEWIDE AND  
12 DISTRICT OFFICES FOR PLACEMENT ON RUNOFF BALLOT. (a) The state  
13 chair shall certify on the secretary of state's website [~~in~~  
14 ~~writing~~] for placement on the runoff primary election ballot the  
15 name of each general primary candidate for a statewide or district  
16 office who is to be a candidate in the runoff.

17 (b) The state chair shall deliver the certification by  
18 posting next to the candidate's name on the secretary of state's  
19 website whether the person lost in the primary or is in a runoff for  
20 the position [~~to the county chair in each affected county~~] as soon  
21 as practicable after the state canvass of the general primary  
22 election is completed.

23 SECTION 26. Section 172.122(a), Election Code, is amended  
24 to read as follows:

25 (a) The state chair shall certify by posting on the  
26 secretary of state's website the name and address of each primary  
27 candidate who is nominated for a statewide or district office. The

1 state chair shall execute and file digitally with the secretary of  
2 state an affidavit certifying that the returns posted on the  
3 secretary of state's website are the correct and complete returns.  
4 The secretary of state shall ~~may~~ adopt by rule a process to allow  
5 the chair to submit the affidavit digitally.

6 SECTION 27. Section 172.123, Election Code, is amended by  
7 adding Subsection (c) to read as follows:

8 (c) The requirements of this section may be met by entering  
9 the results on the secretary of state's website if the secretary of  
10 state maintains a website for that purpose.

11 SECTION 28. Section 172.124(b), Election Code, is amended  
12 to read as follows:

13 (b) The county clerk ~~chair~~ shall deliver the report to the  
14 secretary of state not later than the 30th day after primary  
15 election day.

16 SECTION 29. Section 172.126, Election Code, is amended by  
17 amending Subsection (e) and adding Subsection (g-1) to read as  
18 follows:

19 (e) The county clerk shall obtain the candidates' names that  
20 are to appear on the primary ballot, office sought, and candidate  
21 and office ballot order from the certified list on the secretary of  
22 state's website [~~A written certification of the candidates' names~~  
23 ~~that are to appear on the primary ballot shall be delivered to the~~  
24 ~~county clerk in accordance with rules prescribed by the secretary~~  
25 ~~of state]~~.

26 (g-1) A voter shall be allowed privacy to the extent  
27 possible when indicating the voter's choice as to which political

1 party's primary the voter chooses to vote in. A voter may indicate,  
2 without verbalizing, the voter's choice by pointing to which  
3 party's ballot the voter chooses. The secretary of state shall  
4 prescribe a sign to inform voters of this option, and the co-judges  
5 of each polling place shall post the sign beside the signature  
6 roster.

7 SECTION 30. Section 172.127, Election Code, is amended by  
8 amending Subsection (b) and adding Subsection (c) to read as  
9 follows:

10 (b) The presiding judge or alternate presiding judge for the  
11 precinct may post signs at [~~A sign used to indicate the location of~~]  
12 a polling place for a primary election or a primary runoff election  
13 that [~~must either~~]:

14 (1) identify [~~not contain~~] the names [~~name~~] of, or  
15 symbols [~~symbol~~] representing, any political parties [~~party that~~  
16 ~~is~~] holding an election at the polling place; and [~~or~~]

17 (2) do not refer to a candidate or measure on the  
18 ballot [~~contain each name of, or each symbol representing, a~~  
19 ~~political party that is holding an election at the polling place~~].

20 (c) The secretary of state shall adopt rules to provide that  
21 signs posted as authorized by Subsection (b) in the same county have  
22 a similar size and format.

23 SECTION 31. Sections 172.128(a) and (c), Election Code, are  
24 amended to read as follows:

25 (a) Notwithstanding a conflicting provision of this code, a  
26 primary election that is required for the nomination of a political  
27 party to a statewide office, a multicounty district office, or a



1 presidential primary election shall be held in accordance with this  
2 section in a county in which:

3 (1) the office of county chair is vacant and there is  
4 an insufficient number of members serving on the county executive  
5 committee to fill a vacancy on the committee; and

6 (2) the party is unable to establish a temporary  
7 executive committee under Section 171.027.

8 (c) The county clerk may combine voting precincts  
9 ~~[designate the location of the polling place]~~ for an election held  
10 under this section to the extent necessary to ~~[at the main early~~  
11 ~~voting polling place or designate a location to serve as a polling~~  
12 ~~place in the county seat of the county if the polling place is~~  
13 ~~located so that it will]~~ adequately serve the voters.

14 SECTION 32. Subchapter E, Chapter 172, Election Code, is  
15 amended by adding Sections 172.129 and 172.130 to read as follows:

16 Sec. 172.129. STATEMENTS MADE BY ELECTION OFFICER WHEN  
17 PRIMARIES CONDUCTED AT SAME LOCATION. (a) This section applies  
18 only to a polling place used to hold an election for more than one  
19 political party.

20 (b) An election officer conducting a primary election may  
21 not:

22 (1) suggest a political party's ballot to a voter; or

23 (2) discuss any race on the ballot with a voter.

24 Sec. 172.130. ACTION BY STATE CHAIR TO MEET DEADLINES FOR  
25 CONDUCT OF PRIMARY. (a) Notwithstanding a conflicting provision  
26 of this code, the state chair, or the state chair's designee, may  
27 perform any administrative duty of the county chair or county

1 executive committee related to the conduct of a primary election  
2 that has not been performed in the time required by law, including  
3 the submission of candidate information under Section 172.029,  
4 drawing for ballot order under Sections 172.082 and 172.084, and  
5 canvassing returns under Section 172.116.

6 (b) The state chair must notify the county chair or county  
7 executive committee in writing or electronically that a duty has  
8 been performed under the authority of this section.

9 (c) If a county chair has a reasonable impediment or lacks  
10 appropriate technology to perform any administrative duty of the  
11 county chair related to the conduct of a primary election within the  
12 time required by law, the county chair may request that the state  
13 chair, or the state chair's designee, perform the duty instead of  
14 the county chair.

15 (d) The state chair may act in the role of the county chair  
16 for the purposes of Subchapter D, Chapter 173, with the approval of  
17 the secretary of state.

18 (e) The secretary of state shall adopt rules to implement  
19 this section in accordance with the conduct of elections and with  
20 party rule.

21 SECTION 33. Section 173.001(d), Election Code, is amended  
22 to read as follows:

23 (d) If the amount of the funds appropriated for the  
24 financing of primary elections is insufficient to satisfy the  
25 requests for those funds made under this code, the secretary of  
26 state may distribute the amount of the appropriation on a pro rata  
27 basis. Each party chair or executive committee is entitled to a

1 proportionate share of that amount according to that committee's  
2 percentage of the total amount requested.

3 SECTION 34. Section 173.010, Election Code, is amended to  
4 read as follows:

5 Sec. 173.010. FURNISHING RULES AND GUIDELINES. During  
6 October [~~November~~] preceding each primary election year, the  
7 secretary of state shall post on the secretary's website [~~deliver~~  
8 ~~to the state chair and each county chair of each political party~~  
9 ~~holding a primary election~~] a current set of the rules and any  
10 available guidelines adopted under this subchapter. The secretary  
11 of state shall e-mail each state or county chair who has provided  
12 the secretary of state an e-mail address when the rules and  
13 guidelines have been posted. If a rule or amendment of a rule is  
14 adopted after the set is posted [~~delivery of the set~~], the secretary  
15 shall update the posting with the new rule or amendment [~~deliver a~~  
16 ~~copy of the rule or amendment~~] not later than the 10th day after the  
17 date of its adoption.

18 SECTION 35. Section 173.032, Election Code, is amended by  
19 adding Subsection (c) to read as follows:

20 (c) The state chair may, with the consent of the secretary  
21 of state and the county executive committee, if one exists for the  
22 county, accept money into the state primary fund on behalf of a  
23 county party. The state chair must keep records to track the money  
24 that is attributable to a county.

25 SECTION 36. Section 173.033, Election Code, is amended to  
26 read as follows:

27 Sec. 173.033. USE OF PRIMARY FUND. (a) The county primary

1 fund shall be used to pay expenses incurred by the county chair [~~or~~  
2 ~~county executive committee~~] in connection with a primary election.

3 (b) The state primary fund shall be used to pay expenses  
4 incurred by the state chair [~~or state executive committee~~] in  
5 connection with a primary election.

6 (c) A primary fund may not be used for any other purpose,  
7 except as provided by Section 173.032(c).

8 SECTION 37. Section 173.034, Election Code, is amended to  
9 read as follows:

10 Sec. 173.034. MANAGING PRIMARY FUND. (a) The county chair  
11 [~~executive committee~~] shall manage the county primary fund.

12 (b) The state chair [~~executive committee~~] shall manage the  
13 state primary fund.

14 SECTION 38. Section 173.036(a), Election Code, is amended  
15 to read as follows:

16 (a) The secretary of state may approve an expenditure of  
17 state funds for an audit of:

18 (1) the state primary fund or a county primary fund on  
19 request of the state chair; or

20 (2) a county primary fund on request of a county chair.

21 SECTION 39. The heading to Section 173.062, Election Code,  
22 is amended to read as follows:

23 Sec. 173.062. FEE PAID TO STATE CHAIR FOR DISTRICT OFFICES  
24 REMITTED TO SECRETARY OF STATE [~~ALLOCATED AMONG COUNTY COMMITTEES~~].

25 SECTION 40. Section 173.062(a), Election Code, is amended  
26 to read as follows:

27 (a) The [~~state chair shall allocate the~~] filing fee for a

1 district office accompanying an application for a place on the  
2 ballot filed with the state chair during the regular filing period  
3 shall be remitted to the secretary of state and deposited in the  
4 state treasury for the financing of primary election expenses  
5 ~~[among the county executive committees serving the counties~~  
6 ~~comprising the district].~~

7 SECTION 41. Section 173.081, Election Code, is amended by  
8 amending Subsections (a) and (c) and adding Subsection (g) to read  
9 as follows:

10 (a) Regardless of whether state funds are requested for  
11 paying primary expenses, a state or county chair shall submit to the  
12 secretary of state a written statement of estimated expenses to be  
13 incurred by the chair in connection with a primary election ~~[shall~~  
14 ~~be submitted to the secretary of state by:~~

15 ~~[(1) the county chair, for expenses of the county~~  
16 ~~chair or county executive committee; or~~

17 ~~[(2) the state chair, for expenses of the state chair~~  
18 ~~or state executive committee].~~

19 (c) A statement for a general primary election must also:

20 (1) state the amount of:

21 (A) the primary candidates' filing fees required  
22 to be deposited in the county primary fund if the statement is  
23 submitted by a county chair, or in the state primary fund if the  
24 statement is submitted by the state chair, that have been received  
25 by the authority submitting the statement; and

26 (B) the contributions to the county chair or  
27 executive committee if the statement is submitted by a county

1 chair, or to the state chair or executive committee if the statement  
2 is submitted by the state chair, that:

3 (i) are for the purpose of defraying  
4 primary election expenses; and

5 (ii) have not been included in a report  
6 filed under Section 173.084 for a previous primary election year;  
7 and

8 (2) be submitted not later than the 45th day before  
9 general primary election day.

10 (g) The state chair of a party, or the state chair's  
11 designee, may submit a statement under this section on behalf of a  
12 county chair if the county chair:

13 (1) requests the state chair to submit the statement  
14 on the county chair's behalf; or

15 (2) fails to submit the statement by the deadline.

16 SECTION 42. Section 173.0832, Election Code, is amended to  
17 read as follows:

18 Sec. 173.0832. DIRECT REPAYMENT TO AUTHORITY CONDUCTING  
19 PRIMARY ELECTION UNDER CONTRACT IN CERTAIN COUNTIES. On request of  
20 a county election officer [~~of a county with a population of 100,000~~  
21 ~~or more~~] who conducts a primary election under an election services  
22 contract authorized under Subchapter D, Chapter 31, the secretary  
23 of state shall [~~may~~] provide payment of primary expenses directly  
24 to the officer who incurs the expense rather than to the county  
25 chair under this subchapter. The secretary of state shall  
26 prescribe procedures to implement this section.

27 SECTION 43. Subchapter D, Chapter 173, Election Code, is

1 amended by adding Section 173.0833 to read as follows:

2 Sec. 173.0833. DIRECT BILLING OF CERTAIN PRIMARY EXPENSES.

3 (a) This section applies to election services and materials  
4 provided by a vendor for use in a primary election or primary runoff  
5 election, including:

6 (1) the printing of paper ballot material containing  
7 candidates' names used in a polling place;

8 (2) the programming and testing of voting system  
9 equipment, including ballot layout, programming of equipment, and  
10 audio production;

11 (3) site support or technical support other than the  
12 programming or testing of voting system equipment;

13 (4) nonballot election materials used in a precinct on  
14 election day, including election kits, required party stamps,  
15 distance signs, and required forms; and

16 (5) the rental of non-county-owned electronic voting  
17 system equipment, including media components.

18 (b) A vendor providing election services or materials to a  
19 county chair or a county election officer contracting with a county  
20 chair for a primary or runoff primary election shall directly bill  
21 the secretary of state for the cost of the services or materials  
22 used on election day for which state funding is available under this  
23 chapter.

24 (c) The county chair or the county election officer  
25 contracting with the county chair for whom a vendor provides  
26 election services or materials to be directly billed to the  
27 secretary of state under this section:

1           (1) shall direct the vendor to remit final invoices to  
2 the secretary of state for payment; and

3           (2) may examine an invoice for accuracy after the  
4 invoice is submitted to the secretary of state for payment.

5           (d) If after a review under Subsection (c)(2) an adjustment  
6 is required, the county chair or county election officer shall  
7 notify the vendor and the secretary of state. The vendor shall  
8 submit a corrected invoice and the secretary of state shall adjust  
9 the payment accordingly.

10          (e) An invoice submitted to the secretary of state by a  
11 vendor for payment under this section must be in an electronic  
12 spreadsheet format prescribed by the secretary of state and list  
13 each county to which the vendor provides election services or  
14 materials. For each county to which a vendor provides election  
15 services or materials a submission must include:

16           (1) the name of the political party;

17           (2) the invoice number;

18           (3) the date of submission;

19           (4) the number of ballots printed, if any;

20           (5) whether an order for ballot printing or  
21 programming of voting system equipment was placed by the county  
22 chair or an entity contracting with the county chair to hold the  
23 primary; and

24           (6) the specific type of election services or  
25 materials provided.

26          (f) A vendor may not submit an invoice directly billing the  
27 secretary of state for a primary election expense required to be



1 paid by the county under Section 173.003.

2 (g) The direct payment by the secretary of state of an  
3 invoice under this section does not affect the payments calculated  
4 for county chairs under Section 173.004 or compensation of a county  
5 election officer under Section 31.100.

6 (h) The secretary of state may adopt rules as necessary to  
7 implement this section.

8 SECTION 44. Section 173.084, Election Code, is amended by  
9 amending Subsections (b) and (d) and adding Subsection (b-1) to  
10 read as follows:

11 (b) The authority preparing the report shall file it with  
12 the secretary of state not later than August 31 following the  
13 applicable primary election [~~the 30th day after runoff primary~~  
14 ~~election day or not later than the 30th day after general primary~~  
15 ~~election day if no runoff primary is held in the county~~], in the  
16 case of the county chair's report, or if no runoff primary is held  
17 for a statewide or district office, in the case of the state chair's  
18 report.

19 (b-1) The secretary for good cause, including failure of a  
20 vendor or a county election officer contracted to conduct the  
21 election to provide complete invoices in a timely fashion, may  
22 extend the filing deadline.

23 (d) Any compensation claimed under Section 173.004 shall  
24 ~~may~~ be forfeited on the failure of a county chair to file a timely  
25 report.

26 SECTION 45. Section 173.0851(a), Election Code, is amended  
27 to read as follows:

1 (a) Any surplus remaining in a primary fund shall be  
2 remitted to the secretary of state immediately after the final  
3 payment from the fund of the necessary expenses for holding the  
4 primary elections for that year upon request of the secretary of  
5 state [~~, but not later than July 1 following the applicable primary~~  
6 ~~election~~]. The surplus in a primary fund shall be remitted  
7 regardless of whether state funds were requested by the chair.

8 SECTION 46. Chapter 276, Election Code, is amended by  
9 adding Section 276.011 to read as follows:

10 Sec. 276.011. ENGAGING IN ORGANIZED ELECTION FRAUD  
11 ACTIVITY. (a) A person commits an offense if, with the intent to  
12 establish, maintain, or participate in a vote harvesting  
13 organization, the person commits or conspires to commit one or more  
14 offenses under Titles 1 through 7.

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

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

1 Subsection (a) that is committed.

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

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

15 SECTION 47. The following provisions of the Election Code  
16 are repealed:

- 17 (1) Sections [172.084](#)(b), (c), (d), and (e);
- 18 (2) Sections [172.113](#)(b) and (c);
- 19 (3) Section [172.119](#);
- 20 (4) Section [172.127](#)(a);
- 21 (5) Sections [173.062](#)(b), (c), and (d);
- 22 (6) Section [173.064](#); and
- 23 (7) Section [173.088](#).

24 SECTION 48. (a) The changes in law made by this Act in  
25 amending Section [31.093](#)(d), Election Code, as redesignated by this  
26 Act, and Section [162.014](#)(b), Election Code, and adding Section  
27 [276.011](#), Election Code, apply only to an offense committed on or

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

7 (b) The change in law made by this Act to Section  
8 [141.031\(a\)](#), Election Code, applies to an application for a place on  
9 the ballot made on or after the effective date of this Act. An  
10 application for a place on the ballot made before the effective date  
11 of this Act is governed by the law in effect on the date the  
12 application is made, and the former law is continued in effect for  
13 that purpose.

14 SECTION 49. This Act takes effect September 1, 2017.