

1-1 By: Huffman S.B. No. 1666  
1-2 (In the Senate - Filed March 9, 2017; March 22, 2017, read  
1-3 first time and referred to Committee on State Affairs;  
1-4 April 12, 2017, reported adversely, with favorable Committee  
1-5 Substitute by the following vote: Yeas 9, Nays 0; April 12, 2017,  
1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	Huffman	X		
1-10	Hughes	X		
1-11	Birdwell	X		
1-12	Creighton	X		
1-13	Estes	X		
1-14	Lucio	X		
1-15	Nelson	X		
1-16	Schwertner	X		
1-17	Zaffirini	X		

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 1666 By: Huffman

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

1-21 relating to the conduct of primary elections; increasing a criminal  
1-22 penalty.

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

1-24 SECTION 1. Sections 31.092(b), (d), and (e), Election Code,  
1-25 are transferred to Section 31.093, Election Code, redesignated as  
1-26 Sections 31.093(c), (d), and (e), Election Code, respectively, and  
1-27 amended to read as follows:

1-28 (c) ~~[(b)]~~ On request of the county chair of a political  
1-29 party holding a primary election in the county, the [The] county  
1-30 election officer shall [may] contract with the county executive  
1-31 committee of the [a political] party [holding a primary election in  
1-32 the county] to perform election services, as provided by this  
1-33 subchapter, in the party's general primary election and [or] runoff  
1-34 primary election in accordance with a cost schedule agreed on by the  
1-35 contracting parties[, or both].

1-36 (d) In a contract required ~~[authorized]~~ by Subsection (c)  
1-37 ~~[(b)]~~, the county election officer may not prevent the county chair  
1-38 or the chair's designee from supervising the conduct of the primary  
1-39 election, including the tabulation of results, as required by  
1-40 Chapter 172.

1-41 (e) A [If a] county election officer [enters into a contract  
1-42 with a county executive committee under Subsection (b) to perform  
1-43 election services, the officer] must offer to contract on the same  
1-44 terms with the county executive committee of each political party  
1-45 holding a primary election in the county.

1-46 SECTION 2. Section 31.093(a), Election Code, is amended to  
1-47 read as follows:

1-48 (a) If requested to do so by a political subdivision ~~[or~~  
1-49 ~~political party]~~, the county elections administrator shall enter  
1-50 into a contract to furnish the election services requested, in  
1-51 accordance with a cost schedule agreed on by the contracting  
1-52 parties.

1-53 SECTION 3. Section 61.003(b)(1), Election Code, is amended  
1-54 to read as follows:

1-55 (1) "Electioneering" includes the posting, use, or  
1-56 distribution of political signs or literature. The term does not  
1-57 include the distribution of a notice of a party convention  
1-58 authorized under Section 172.1114.

1-59 SECTION 4. Section 127.096, Election Code, is amended by  
1-60 adding Subsection (a-1) to read as follows:

2-1           (a-1) If the test is being conducted for a primary election,  
2-2 the custodian of the automatic tabulating equipment shall notify  
2-3 the county chair of the test at least 48 hours before the date of the  
2-4 test. The county chair shall confirm receipt of the notice.

2-5           SECTION 5. Section 129.023, Election Code, is amended by  
2-6 adding Subsection (b-1) to read as follows:

2-7           (b-1) If the test is being conducted for a primary election,  
2-8 the general custodian of election records shall notify the county  
2-9 chair of the test at least 48 hours before the date of the test. The  
2-10 county chair shall confirm receipt of the notice.

2-11           SECTION 6. Section 162.004(c), Election Code, is amended to  
2-12 read as follows:

2-13           (c) If a voter is accepted to vote without presenting a  
2-14 registration certificate, the presiding judge shall issue the voter  
2-15 an affiliation certificate. The certificate is not required to be  
2-16 issued to a voter in a runoff primary unless the voter requests it.  
2-17 The affiliation certificate may be combined with the notice  
2-18 provided under Section 172.1114. If the combined form is used, an  
2-19 election officer is not required to comply with Subsection (b).

2-20           SECTION 7. Section 162.014(b), Election Code, is amended to  
2-21 read as follows:

2-22           (b) An offense under this section is a felony of the second  
2-23 degree unless the person is convicted of an attempt. In that case,  
2-24 the offense is a state jail felony [Class C misdemeanor].

2-25           SECTION 8. Section 172.082, Election Code, is amended by  
2-26 amending Subsections (b), (c), and (e) and adding Subsection (f) to  
2-27 read as follows:

2-28           (b) The county chair [executive committee] shall conduct  
2-29 the drawing unless the county executive committee [it] provides by  
2-30 resolution that the drawing be conducted by the primary committee.

2-31           (c) The drawing shall be conducted [at the county seat] not  
2-32 later than the 10th day after the date of the regular filing  
2-33 deadline for the general primary election.

2-34           (e) The county chair shall post notice of the date, hour,  
2-35 and place of the drawing for at least 24 consecutive hours  
2-36 immediately before the drawing begins. The notice shall be posted  
2-37 on the party's Internet website, if the party maintains a website.  
2-38 If the party does not maintain a website, the notice shall be posted  
2-39 on the bulletin board used for posting notice of meetings of the  
2-40 commissioners court. [If the party maintains an Internet website,  
2-41 the party shall post the notice on the party's website.] All  
2-42 candidates who provide an e-mail address on their filing form shall  
2-43 be notified electronically.

2-44           (f) The state chair shall conduct the drawing if the county  
2-45 chair:

2-46                     (1) requests that the state chair conduct the drawing;

2-47 or

2-48                     (2) fails to conduct the drawing by the deadline set in  
2-49 this section.

2-50           SECTION 9. Section 172.083, Election Code, is amended to  
2-51 read as follows:

2-52           Sec. 172.083. REVIEW AND APPROVAL OF BALLOT BY PRIMARY  
2-53 COMMITTEE. If a primary committee was established, before [Before]  
2-54 having the official ballots for a general primary election printed,  
2-55 the county chair shall submit the format for the official ballot to  
2-56 the primary committee for its review and approval.

2-57           SECTION 10. Section 172.084(a), Election Code, is amended  
2-58 to read as follows:

2-59           (a) The [Except as provided by this section, the] order of  
2-60 the candidates' names on the runoff primary election ballot for  
2-61 each county shall be [determined by a drawing conducted] in the same  
2-62 order as [manner as the regular drawing for position] on the general  
2-63 primary election ballot.

2-64           SECTION 11. Section 172.1111, Election Code, is amended to  
2-65 read as follows:

2-66           Sec. 172.1111. POSTING NOTICE OF CONVENTIONS [PRECINCT  
2-67 CONVENTION] REQUIRED. (a) Before the opening of the polls, the  
2-68 presiding judge shall post at each outside door through which a  
2-69 voter may enter the building in which the polling place is located a

3-1 written notice in bold print of the date, hour, and place for each  
 3-2 ~~[convening the]~~ precinct, county, senatorial, or state convention  
 3-3 that a voter in the precinct may be eligible to attend during the  
 3-4 election year.

3-5 (b) Notice posted under this section may include:

3-6 (1) the website of the county party and state party;

3-7 and

3-8 (2) any other information deemed necessary by the  
 3-9 state executive committee.

3-10 (b-1) The state chair shall develop a form for the notice  
 3-11 that may be used statewide. The judge is not required to use an  
 3-12 officially prescribed form for the notice, but must include any  
 3-13 information required by this section.

3-14 (b-2) A state chair, county chair, or precinct chair shall  
 3-15 provide the presiding judge with the necessary information  
 3-16 respecting the chair's associated convention.

3-17 (c) The notice must remain posted continuously through  
 3-18 election day.

3-19 SECTION 12. Section 172.1112(a), Election Code, is amended  
 3-20 to read as follows:

3-21 (a) The county clerk [chair] shall post a notice of the  
 3-22 election and a notice of consolidated precincts, if applicable, in  
 3-23 the manner prescribed by Section 4.003(b) for general and special  
 3-24 elections. The notice of the election shall be posted on the  
 3-25 party's Internet website, if the party maintains a website. If the  
 3-26 party does not maintain a website, the notice shall be posted on the  
 3-27 bulletin board used for posting notice of meetings of the  
 3-28 commissioners court.

3-29 SECTION 13. Subchapter E, Chapter 172, Election Code, is  
 3-30 amended by adding Section 172.1114 to read as follows:

3-31 Sec. 172.1114. DISTRIBUTION OF NOTICE OF CONVENTIONS.

3-32 (a) A political party may prepare a notice not larger than  
 3-33 letter-sized for distribution to each voter participating in the  
 3-34 party's primary election at the time the voter is accepted for  
 3-35 voting.

3-36 (b) The notice may include:

3-37 (1) information describing the party's convention  
 3-38 process;

3-39 (2) information detailing the time and place of the  
 3-40 party's first-level convention process;

3-41 (3) contact information for the county and state  
 3-42 political parties; and

3-43 (4) website links for information and registration for  
 3-44 party conventions.

3-45 (c) The state chair of a political party shall prescribe a  
 3-46 form for a notice that may be used in any county. A county chair of  
 3-47 a political party may prescribe a specific notice for the county  
 3-48 chair's county. The same notice must be used in all precincts  
 3-49 within a county.

3-50 (d) A notice must be approved by the secretary of state. If  
 3-51 a county chair of a political party uses the form of notice  
 3-52 prescribed by the state chair, only the convention location and  
 3-53 time may be added without the secretary of state's approval.

3-54 (e) A county chair of a political party shall supply a  
 3-55 notice prepared according to this section to the authority  
 3-56 conducting the election not later than the 30th day before the date  
 3-57 early voting by personal appearance begins.

3-58 (f) The secretary of state shall prescribe procedures and  
 3-59 adopt rules as necessary to implement this section.

3-60 SECTION 14. Section 172.112, Election Code, is amended to  
 3-61 read as follows:

3-62 Sec. 172.112. WRITE-IN VOTING. Write-in voting in a  
 3-63 primary election is not permitted [except in the general primary  
 3-64 election for the offices of county chair and precinct chair].

3-65 SECTION 15. Sections 172.113(a), (d), and (e), Election  
 3-66 Code, are amended to read as follows:

3-67 (a) The authority establishing a central counting station  
 3-68 [county chair] shall prepare the unofficial tabulation of precinct  
 3-69 results.

4-1 (d) The authority [~~county chair~~] shall make [~~the~~] periodic  
4-2 announcements of the current state of the tabulation, including by  
4-3 posting the announcements on the Internet website of the county, if  
4-4 the county maintains a website.

4-5 (e) On completing the tabulation, the authority [~~county~~  
4-6 ~~chair~~] shall deliver it to the general custodian or may post the  
4-7 tabulation on the county's website or the secretary of state's  
4-8 website.

4-9 SECTION 16. Section 172.114, Election Code, is amended to  
4-10 read as follows:

4-11 Sec. 172.114. DISPOSITION OF POLL LIST. The general  
4-12 custodian of election records shall preserve the poll lists  
4-13 maintained for a primary election for 22 months [~~until the end of~~  
4-14 ~~the voting year in which the primary election is held~~].

4-15 SECTION 17. Section 172.1141, Election Code, is amended to  
4-16 read as follows:

4-17 Sec. 172.1141. LIST OF REGISTERED VOTERS FOR CONVENTION.

4-18 (a) At the same time the acceptance of each voter for voting in the  
4-19 general primary election is indicated on the precinct list of  
4-20 registered voters furnished for use in the election, the acceptance  
4-21 of the voter shall also be indicated on the list furnished for use  
4-22 in the party's conventions.

4-23 (b) If a county records the acceptance of a voter  
4-24 electronically, the county chair may request an electronic document  
4-25 listing the persons who voted in the party primary.

4-26 SECTION 18. Section 172.115(a), Election Code, is amended  
4-27 to read as follows:

4-28 (a) Subject to Subsection (b), the voter registrar shall  
4-29 preserve each precinct list of registered voters that is used for a  
4-30 primary election for 22 months [~~until the end of the voting year in~~  
4-31 ~~which the primary election is held~~].

4-32 SECTION 19. Section 172.116, Election Code, is amended by  
4-33 adding Subsections (c) and (d) to read as follows:

4-34 (c) The county clerk shall prepare and submit to the  
4-35 secretary of state a report of the results of the canvass, which  
4-36 must include:

4-37 (1) the total number of votes cast in each precinct for  
4-38 each candidate or measure; and

4-39 (2) the number of counted and uncounted provisional  
4-40 ballots cast in each precinct.

4-41 (d) The final canvass is concluded when the chair digitally  
4-42 certifies the canvass report on the secretary of state's website.  
4-43 The posting on the site that the results are final completes the  
4-44 canvass report. The chair is not required to file any additional  
4-45 notice or report with the county clerk.

4-46 SECTION 20. Sections 172.117(a), (a-1), and (a-2), Election  
4-47 Code, are amended to read as follows:

4-48 (a) The county chair shall certify by posting on the  
4-49 secretary of state's website a notation next to the name and address  
4-50 of each primary candidate who is nominated for a county or precinct  
4-51 office for placement on the general election ballot. The chair  
4-52 shall digitally execute [~~and file with the county clerk~~] an  
4-53 affidavit certifying that the returns posted on the secretary of  
4-54 state's website are the correct and complete returns. The  
4-55 secretary of state shall [~~may~~] adopt by rule a process to allow the  
4-56 chair to submit the affidavit digitally.

4-57 (a-1) The secretary of state shall develop appropriate  
4-58 notations to describe the status of each candidate. The notations  
4-59 shall include:

- 4-60 (1) "filed";
- 4-61 (2) "withdrew";
- 4-62 (3) "lost primary";
- 4-63 (4) "in runoff";
- 4-64 (5) "lost runoff";
- 4-65 (6) "deceased"; [~~or~~]
- 4-66 (7) "declared ineligible"; or
- 4-67 (8) "nominee for general election."

4-68 (a-2) The county chair shall update the notations after each  
4-69 general primary and runoff primary election. After any withdrawal



5-1 or death of a candidate, and subsequent replacement of the  
 5-2 candidate on the ballot, the chair shall notify the state chair, who  
 5-3 shall update the notation on the website. All notations must be  
 5-4 completed and accurate on the date prescribed by the secretary of  
 5-5 state by rule to ensure that an authority printing general election  
 5-6 ballots may rely on the information.

5-7 SECTION 21. Section 172.118, Election Code, is amended to  
 5-8 read as follows:

5-9 Sec. 172.118. NOTICE OF PERSONS ELECTED AS PARTY OFFICERS.

5-10 (a) Not later than the 20th day after the date the local canvass is  
 5-11 completed, the county chair shall post on the secretary of state's  
 5-12 website [~~deliver written notice to the state chair and to the county~~  
 5-13 ~~clerk of~~] the names of the persons elected as county chair and  
 5-14 precinct chairs for the county. [~~This notice may be given by~~  
 5-15 ~~electronic means or through an electronic submission system adopted~~  
 5-16 ~~by the state executive committee of the party.~~]

5-17 (b) The notice must include:

5-18 (1) each party officer's address;

5-19 (2) [~~and~~] each precinct chair's precinct number; and

5-20 (3) each precinct officer's phone number and e-mail  
 5-21 address, if supplied by the officer.

5-22 (c) The secretary of state shall make information described  
 5-23 by Subsections (b)(1) and (3) available to the state chair, but not  
 5-24 available to the public. [~~The county clerk shall preserve the~~  
 5-25 ~~notice until the county clerk receives notice of the party officers~~  
 5-26 ~~elected at the succeeding primary election.~~]

5-27 (d) Any appointment to fill a vacancy in the office of  
 5-28 precinct or county chair shall be posted on the secretary of state's  
 5-29 website. [~~On request of the secretary of state, the state chair~~  
 5-30 ~~shall deliver to the secretary written notice of the names and~~  
 5-31 ~~addresses of the party's county chairs. This notice may be given in~~  
 5-32 ~~electronic format as set out in rules adopted by the secretary of~~  
 5-33 ~~state.~~]

5-34 SECTION 22. Section 172.121, Election Code, is amended to  
 5-35 read as follows:

5-36 Sec. 172.121. CERTIFICATION OF CANDIDATES FOR STATEWIDE AND  
 5-37 DISTRICT OFFICES FOR PLACEMENT ON RUNOFF BALLOT. (a) The state  
 5-38 chair shall certify on the secretary of state's website [~~in~~  
 5-39 ~~writing~~] for placement on the runoff primary election ballot the  
 5-40 name of each general primary candidate for a statewide or district  
 5-41 office who is to be a candidate in the runoff.

5-42 (b) The state chair shall deliver the certification by  
 5-43 posting next to the candidate's name on the secretary of state's  
 5-44 website whether the person lost in the primary or is in a runoff for  
 5-45 the position [~~to the county chair in each affected county~~] as soon  
 5-46 as practicable after the state canvass of the general primary  
 5-47 election is completed.

5-48 SECTION 23. Section 172.122(a), Election Code, is amended  
 5-49 to read as follows:

5-50 (a) The state chair shall certify by posting on the  
 5-51 secretary of state's website the name and address of each primary  
 5-52 candidate who is nominated for a statewide or district office. The  
 5-53 state chair shall execute and file digitally with the secretary of  
 5-54 state an affidavit certifying that the returns posted on the  
 5-55 secretary of state's website are the correct and complete returns.  
 5-56 The secretary of state shall [~~may~~] adopt by rule a process to allow  
 5-57 the chair to submit the affidavit digitally.

5-58 SECTION 24. Section 172.123, Election Code, is amended by  
 5-59 adding Subsection (c) to read as follows:

5-60 (c) The requirements of this section may be met by entering  
 5-61 the results on the secretary of state's website if the secretary of  
 5-62 state maintains a website for that purpose.

5-63 SECTION 25. Section 172.124(b), Election Code, is amended  
 5-64 to read as follows:

5-65 (b) The county clerk [~~chair~~] shall deliver the report to the  
 5-66 secretary of state not later than the 30th day after primary  
 5-67 election day.

5-68 SECTION 26. Section 172.126, Election Code, is amended by  
 5-69 amending Subsection (e) and adding Subsection (g-1) to read as

6-1 follows:

6-2 (e) The county clerk shall obtain the candidates' names that  
 6-3 are to appear on the primary ballot, office sought, and candidate  
 6-4 and office ballot order from the certified list on the secretary of  
 6-5 state's website [A written certification of the candidates' names  
 6-6 that are to appear on the primary ballot shall be delivered to the  
 6-7 county clerk in accordance with rules prescribed by the secretary  
 6-8 of state].

6-9 (g-1) A voter shall be allowed privacy to the extent  
 6-10 possible when indicating the voter's choice as to which political  
 6-11 party's primary the voter chooses to vote in. A voter may indicate,  
 6-12 without verbalizing, the voter's choice by pointing to which  
 6-13 party's ballot the voter chooses. The secretary of state shall  
 6-14 prescribe a sign to inform voters of this option, and the co-judges  
 6-15 of each polling place shall post the sign beside the signature  
 6-16 roster.

6-17 SECTION 27. Section 172.127, Election Code, is amended by  
 6-18 amending Subsection (b) and adding Subsection (c) to read as  
 6-19 follows:

6-20 (b) The presiding judge or alternate presiding judge for the  
 6-21 precinct may post signs at [A sign used to indicate the location of]  
 6-22 a polling place for a primary election or a primary runoff election  
 6-23 that [must either]:

6-24 (1) identify [not contain] the names [name] of, or  
 6-25 symbols [symbol] representing, any political parties [party that  
 6-26 is] holding an election at the polling place; and [or]

6-27 (2) do not refer to a candidate or measure on the  
 6-28 ballot [contain each name of, or each symbol representing, a  
 6-29 political party that is holding an election at the polling place].

6-30 (c) The secretary of state shall adopt rules to provide that  
 6-31 signs posted as authorized by Subsection (b) in the same county have  
 6-32 a similar size and format.

6-33 SECTION 28. Sections 172.128(a) and (c), Election Code, are  
 6-34 amended to read as follows:

6-35 (a) Notwithstanding a conflicting provision of this code, a  
 6-36 primary election that is required for the nomination of a political  
 6-37 party to a statewide office, a multicounty district office, or a  
 6-38 presidential primary election shall be held in accordance with this  
 6-39 section in a county in which:

6-40 (1) the office of county chair is vacant and there is  
 6-41 an insufficient number of members serving on the county executive  
 6-42 committee to fill a vacancy on the committee; and

6-43 (2) the party is unable to establish a temporary  
 6-44 executive committee under Section 171.027.

6-45 (c) The county clerk may combine voting precincts  
 6-46 [designate the location of the polling place] for an election held  
 6-47 under this section to the extent necessary to [at the main early  
 6-48 voting polling place or designate a location to serve as a polling  
 6-49 place in the county seat of the county if the polling place is  
 6-50 located so that it will] adequately serve the voters.

6-51 SECTION 29. Subchapter E, Chapter 172, Election Code, is  
 6-52 amended by adding Sections 172.129 and 172.130 to read as follows:

6-53 Sec. 172.129. STATEMENTS MADE BY ELECTION OFFICER WHEN  
 6-54 PRIMARIES CONDUCTED AT SAME LOCATION. (a) This section applies  
 6-55 only to a polling place used to hold an election for more than one  
 6-56 political party.

6-57 (b) An election officer conducting a primary election may  
 6-58 not:

6-59 (1) suggest a political party's ballot to a voter; or

6-60 (2) discuss any race on the ballot with a voter.

6-61 Sec. 172.130. ACTION BY STATE CHAIR TO MEET DEADLINES FOR  
 6-62 CONDUCT OF PRIMARY. (a) Notwithstanding a conflicting provision  
 6-63 of this code, the state chair, or the state chair's designee, may  
 6-64 perform any administrative duty of the county chair or county  
 6-65 executive committee related to the conduct of a primary election  
 6-66 that has not been performed in the time required by law, including  
 6-67 the submission of candidate information under Section 172.029,  
 6-68 drawing for ballot order under Sections 172.082 and 172.084, and  
 6-69 canvassing returns under Section 172.116.

7-1 (b) The state chair must notify the county chair or county  
 7-2 executive committee in writing or electronically that a duty has  
 7-3 been performed under the authority of this section.

7-4 (c) If a county chair has a reasonable impediment or lacks  
 7-5 appropriate technology to perform any administrative duty of the  
 7-6 county chair related to the conduct of a primary election within the  
 7-7 time required by law, the county chair may request that the state  
 7-8 chair, or the state chair's designee, perform the duty instead of  
 7-9 the county chair.

7-10 (d) The state chair may act in the role of the county chair  
 7-11 for the purposes of Subchapter D, Chapter 173, with the approval of  
 7-12 the secretary of state.

7-13 (e) The secretary of state shall adopt rules to implement  
 7-14 this section in accordance with the conduct of elections and with  
 7-15 party rule.

7-16 SECTION 30. Section 173.001(d), Election Code, is amended  
 7-17 to read as follows:

7-18 (d) If the amount of the funds appropriated for the  
 7-19 financing of primary elections is insufficient to satisfy the  
 7-20 requests for those funds made under this code, the secretary of  
 7-21 state may distribute the amount of the appropriation on a pro rata  
 7-22 basis. Each party chair or executive committee is entitled to a  
 7-23 proportionate share of that amount according to that committee's  
 7-24 percentage of the total amount requested.

7-25 SECTION 31. Section 173.010, Election Code, is amended to  
 7-26 read as follows:

7-27 Sec. 173.010. FURNISHING RULES AND GUIDELINES. During  
 7-28 October [~~November~~] preceding each primary election year, the  
 7-29 secretary of state shall post on the secretary's website [~~deliver~~  
 7-30 ~~to the state chair and each county chair of each political party~~  
 7-31 ~~holding a primary election]~~ a current set of the rules and any  
 7-32 available guidelines adopted under this subchapter. The secretary  
 7-33 of state shall e-mail each state or county chair who has provided  
 7-34 the secretary of state an e-mail address when the rules and  
 7-35 guidelines have been posted. If a rule or amendment of a rule is  
 7-36 adopted after the set is posted [~~delivery of the set~~], the secretary  
 7-37 shall update the posting with the new rule or amendment [~~deliver a~~  
 7-38 ~~copy of the rule or amendment]~~ not later than the 10th day after the  
 7-39 date of its adoption.

7-40 SECTION 32. Section 173.032, Election Code, is amended by  
 7-41 adding Subsection (c) to read as follows:

7-42 (c) The state chair may, with the consent of the secretary  
 7-43 of state and the county executive committee, if one exists for the  
 7-44 county, accept money into the state primary fund on behalf of a  
 7-45 county party. The state chair must keep records to track the money  
 7-46 that is attributable to a county.

7-47 SECTION 33. Section 173.033, Election Code, is amended to  
 7-48 read as follows:

7-49 Sec. 173.033. USE OF PRIMARY FUND. (a) The county primary  
 7-50 fund shall be used to pay expenses incurred by the county chair [~~or~~  
 7-51 ~~county executive committee]~~ in connection with a primary election.

7-52 (b) The state primary fund shall be used to pay expenses  
 7-53 incurred by the state chair [~~or state executive committee]~~ in  
 7-54 connection with a primary election.

7-55 (c) A primary fund may not be used for any other purpose,  
 7-56 except as provided by Section 173.032(c).

7-57 SECTION 34. Section 173.034, Election Code, is amended to  
 7-58 read as follows:

7-59 Sec. 173.034. MANAGING PRIMARY FUND. (a) The county chair  
 7-60 [~~executive committee]~~ shall manage the county primary fund.

7-61 (b) The state chair [~~executive committee]~~ shall manage the  
 7-62 state primary fund.

7-63 SECTION 35. Section 173.036(a), Election Code, is amended  
 7-64 to read as follows:

7-65 (a) The secretary of state may approve an expenditure of  
 7-66 state funds for an audit of:

7-67 (1) the state primary fund or a county primary fund on  
 7-68 request of the state chair; or

7-69 (2) a county primary fund on request of a county chair.



8-1 SECTION 36. The heading to Section 173.062, Election Code,  
8-2 is amended to read as follows:

8-3 Sec. 173.062. FEE PAID TO STATE CHAIR FOR DISTRICT OFFICES  
8-4 REMITTED TO SECRETARY OF STATE ~~[ALLOCATED AMONG COUNTY COMMITTEES]~~.

8-5 SECTION 37. Section 173.062(a), Election Code, is amended  
8-6 to read as follows:

8-7 (a) The ~~[state chair shall allocate the]~~ filing fee for a  
8-8 district office accompanying an application for a place on the  
8-9 ballot filed with the state chair during the regular filing period  
8-10 shall be remitted to the secretary of state and deposited in the  
8-11 state treasury for the financing of primary election expenses  
8-12 ~~[among the county executive committees serving the counties~~  
8-13 ~~comprising the district]~~.

8-14 SECTION 38. Section 173.081, Election Code, is amended by  
8-15 amending Subsections (a) and (c) and adding Subsection (g) to read  
8-16 as follows:

8-17 (a) Regardless of whether state funds are requested for  
8-18 paying primary expenses, a state or county chair shall submit to the  
8-19 secretary of state a written statement of estimated expenses to be  
8-20 incurred by the chair in connection with a primary election ~~[shall~~  
8-21 ~~be submitted to the secretary of state by:~~

8-22 ~~[(1) the county chair, for expenses of the county~~  
8-23 ~~chair or county executive committee; or~~

8-24 ~~[(2) the state chair, for expenses of the state chair~~  
8-25 ~~or state executive committee].~~

8-26 (c) A statement for a general primary election must also:

8-27 (1) state the amount of:

8-28 (A) the primary candidates' filing fees required  
8-29 to be deposited in the county primary fund if the statement is  
8-30 submitted by a county chair, or in the state primary fund if the  
8-31 statement is submitted by the state chair, that have been received  
8-32 by the authority submitting the statement; and

8-33 (B) the contributions to the county chair or  
8-34 executive committee if the statement is submitted by a county  
8-35 chair, or to the state chair or executive committee if the statement  
8-36 is submitted by the state chair, that:

8-37 (i) are for the purpose of defraying  
8-38 primary election expenses; and

8-39 (ii) have not been included in a report  
8-40 filed under Section 173.084 for a previous primary election year;  
8-41 and

8-42 (2) be submitted not later than the 45th day before  
8-43 general primary election day.

8-44 (g) The state chair of a party, or the state chair's  
8-45 designee, may submit a statement under this section on behalf of a  
8-46 county chair if the county chair:

8-47 (1) requests the state chair to submit the statement  
8-48 on the county chair's behalf; or

8-49 (2) fails to submit the statement by the deadline.

8-50 SECTION 39. Section 173.0832, Election Code, is amended to  
8-51 read as follows:

8-52 Sec. 173.0832. DIRECT REPAYMENT TO AUTHORITY CONDUCTING  
8-53 PRIMARY ELECTION UNDER CONTRACT IN CERTAIN COUNTIES. On request of  
8-54 a county election officer ~~[of a county with a population of 100,000~~  
8-55 ~~or more]~~ who conducts a primary election under an election services  
8-56 contract authorized under Subchapter D, Chapter 31, the secretary  
8-57 of state shall ~~[may]~~ provide payment of primary expenses directly  
8-58 to the officer who incurs the expense rather than to the county  
8-59 chair under this subchapter. The secretary of state shall  
8-60 prescribe procedures to implement this section.

8-61 SECTION 40. Subchapter D, Chapter 173, Election Code, is  
8-62 amended by adding Section 173.0833 to read as follows:

8-63 Sec. 173.0833. DIRECT BILLING OF CERTAIN PRIMARY EXPENSES.

8-64 (a) This section applies to election services and materials  
8-65 provided by a vendor for use in a primary election or primary runoff  
8-66 election, including:

8-67 (1) the printing of paper ballot material containing  
8-68 candidates' names used in a polling place;

8-69 (2) the programming and testing of voting system



9-1 equipment, including ballot layout, programming of equipment, and  
 9-2 audio production;

9-3 (3) site support or technical support other than the  
 9-4 programming or testing of voting system equipment;

9-5 (4) nonballot election materials used in a precinct on  
 9-6 election day, including election kits, required party stamps,  
 9-7 distance signs, and required forms; and

9-8 (5) the rental of non-county-owned electronic voting  
 9-9 system equipment, including media components.

9-10 (b) A vendor providing election services or materials to a  
 9-11 county chair or a county election officer contracting with a county  
 9-12 chair for a primary or runoff primary election shall directly bill  
 9-13 the secretary of state for the cost of the services or materials  
 9-14 used on election day for which state funding is available under this  
 9-15 chapter.

9-16 (c) The county chair or the county election officer  
 9-17 contracting with the county chair for whom a vendor provides  
 9-18 election services or materials to be directly billed to the  
 9-19 secretary of state under this section:

9-20 (1) shall direct the vendor to remit final invoices to  
 9-21 the secretary of state for payment; and

9-22 (2) may examine an invoice for accuracy after the  
 9-23 invoice is submitted to the secretary of state for payment.

9-24 (d) If after a review under Subsection (c)(2) an adjustment  
 9-25 is required, the county chair or county election officer shall  
 9-26 notify the vendor and the secretary of state. The vendor shall  
 9-27 submit a corrected invoice and the secretary of state shall adjust  
 9-28 the payment accordingly.

9-29 (e) An invoice submitted to the secretary of state by a  
 9-30 vendor for payment under this section must be in an electronic  
 9-31 spreadsheet format prescribed by the secretary of state and list  
 9-32 each county to which the vendor provides election services or  
 9-33 materials. For each county to which a vendor provides election  
 9-34 services or materials a submission must include:

9-35 (1) the name of the political party;

9-36 (2) the invoice number;

9-37 (3) the date of submission;

9-38 (4) the number of ballots printed, if any;

9-39 (5) whether an order for ballot printing or  
 9-40 programming of voting system equipment was placed by the county  
 9-41 chair or an entity contracting with the county chair to hold the  
 9-42 primary; and

9-43 (6) the specific type of election services or  
 9-44 materials provided.

9-45 (f) A vendor may not submit an invoice directly billing the  
 9-46 secretary of state for a primary election expense required to be  
 9-47 paid by the county under Section 173.003.

9-48 (g) The direct payment by the secretary of state of an  
 9-49 invoice under this section does not affect the payments calculated  
 9-50 for county chairs under Section 173.004 or compensation of a county  
 9-51 election officer under Section 31.100.

9-52 (h) The secretary of state may adopt rules as necessary to  
 9-53 implement this section.

9-54 SECTION 41. Section 173.084, Election Code, is amended by  
 9-55 amending Subsections (b) and (d) and adding Subsection (b-1) to  
 9-56 read as follows:

9-57 (b) The authority preparing the report shall file it with  
 9-58 the secretary of state not later than August 31 following the  
 9-59 applicable primary election [~~the 30th day after runoff primary~~  
 9-60 ~~election day or not later than the 30th day after general primary~~  
 9-61 ~~election day if no runoff primary is held in the county]~~, in the  
 9-62 case of the county chair's report, or if no runoff primary is held  
 9-63 for a statewide or district office, in the case of the state chair's  
 9-64 report.

9-65 (b-1) The secretary for good cause, including failure of a  
 9-66 vendor or a county election officer contracted to conduct the  
 9-67 election to provide complete invoices in a timely fashion, may  
 9-68 extend the filing deadline.

9-69 (d) Any compensation claimed under Section 173.004 shall

10-1 [may] be forfeited on the failure of a county chair to file a timely  
10-2 report.

10-3 SECTION 42. Section 173.0851(a), Election Code, is amended  
10-4 to read as follows:

10-5 (a) Any surplus remaining in a primary fund shall be  
10-6 remitted to the secretary of state immediately after the final  
10-7 payment from the fund of the necessary expenses for holding the  
10-8 primary elections for that year upon request of the secretary of  
10-9 state~~[, but not later than July 1 following the applicable primary~~  
10-10 ~~election]~~. The surplus in a primary fund shall be remitted  
10-11 regardless of whether state funds were requested by the chair.

10-12 SECTION 43. The following provisions of the Election Code  
10-13 are repealed:

- 10-14 (1) Sections 172.084(b), (c), (d), and (e);
- 10-15 (2) Sections 172.113(b) and (c);
- 10-16 (3) Section 172.119;
- 10-17 (4) Section 172.127(a);
- 10-18 (5) Sections 173.062(b), (c), and (d);
- 10-19 (6) Section 173.064; and
- 10-20 (7) Section 173.088.

10-21 SECTION 44. The change in law made by this Act in amending  
10-22 Section 162.014(b), Election Code, applies only to an offense  
10-23 committed on or after the effective date of this Act. An offense  
10-24 committed before the effective date of this Act is governed by the  
10-25 law in effect when the offense was committed, and the former law is  
10-26 continued in effect for that purpose. For purposes of this section,  
10-27 an offense was committed before the effective date of this Act if  
10-28 any element of the offense occurred before that date.

10-29 SECTION 45. This Act takes effect September 1, 2017.

10-30 \* \* \* \* \*