By:  Hughes S.B. No. 2368

A BILL TO BE ENTITLED

AN ACT

relating to election practices and procedures.

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

SECTION 1.  Section 1.007(c), Election Code, is amended to read as follows:

(c)  A delivery, submission, or filing of a document or paper under this code may be made by personal delivery, mail, telephonic facsimile machine, e-mail, or any other method of transmission.

SECTION 2.  Section 2.002, Election Code, is amended by amending Subsection (b) and adding Subsection (j) to read as follows:

(b)  Not later than the fifth day after the date the automatic recount required by Subsection (i) is completed or the final canvass following the automatic recount is completed, if applicable, the authority responsible for ordering the first election shall order the second election. The second election shall be held not earlier than the 20th day or later than the 45th [~~30th~~] day after the date the automatic recount required by Subsection (i) is completed or the final canvass following the automatic recount is completed, if applicable.

(j)  If the recount does not resolve the tie, the tied candidates may:

(1)  cast lots not later than the day before the date the authority must order the second election under Subsection (b); or

(2)  withdraw from the election not later than 5 p.m. of the day after the date the automatic recount is held.

SECTION 3.  Section 2.022(b), Election Code, is amended to read as follows:

(b)  Sections 2.023, 2.025, and 2.028 supersede a law outside this subchapter to the extent of any conflict.

SECTION 4.  Section 2.025(d), Election Code, is amended to read as follows:

(d)  A runoff election for a special election to fill a vacancy in Congress or a special election to fill a vacancy in the legislature, except an election ordered as an emergency election under Section 41.0011 or an election held as an expedited election under Section 203.013, [~~to which Section 101.104 applies~~] shall be held not earlier than the 70th day or later than the 77th day after the date the final canvass of the main election is completed.

SECTION 5.  Section 2.028(c), Election Code, is amended to read as follows:

(c)  A tying candidate may resolve the tie by filing with the presiding officer of the final canvassing authority a written statement of withdrawal signed and sworn to [~~acknowledged~~] by the candidate. If the statement of withdrawal is received before the automatic recount is conducted, the remaining candidate is the winner, and the automatic recount is not conducted. If the statement of withdrawal is received not later than 5 p.m. the day after the date the automatic recount is conducted [~~On receipt of the statement of withdrawal~~], the remaining candidate is the winner, and a casting of lots is not held.

SECTION 6.  Section 2.051(b), Election Code, is amended to read as follows:

(b)  In the case of an election in which any members of the political subdivision's governing body are elected from territorial units such as single-member districts, this subchapter applies to the election in a particular territorial unit if each candidate for an office that is to appear on the ballot in that territorial unit is unopposed and no [~~at-large proposition or~~] opposed at-large race is to appear on the ballot.  This subchapter applies to an unopposed at-large race in such an election regardless of whether an opposed race is to appear on the ballot in a particular territorial unit.

SECTION 7.  Section 3.005(d), Election Code, is amended to read as follows:

(d)  Except as provided by Subsection (c), an [~~An~~] election under Section 26.08, Tax Code, to ratify a tax rate adopted by the governing body of a school district under Section 26.05(g) of that code shall be ordered not later than the 30th day before election day.

SECTION 8.  Section 4.003(c), Election Code, is amended to read as follows:

(c)  In addition to any other notice given, notice of an election ordered by the governor, by a county authority, [~~commissioners court~~] or by an authority of a city or school district must be given by the method prescribed by Subsection (a)(1).

SECTION 9.  Section 13.004(c), Election Code, is amended to read as follows:

(c)  The following information furnished on a registration application is confidential and does not constitute public information for purposes of Chapter 552, Government Code:

(1)  a social security number;

(2)  a Texas driver's license number;

(3)  a number of a personal identification card issued by the Department of Public Safety;

(4)  [~~an indication that an applicant is interested in working as an election judge;~~

[~~(5)~~]  the residence address of the applicant, if the applicant is a federal judge or state judge, as defined by Section 13.0021, the spouse of a federal judge or state judge, or an individual to whom Section 552.1175, Government Code, applies and the applicant:

(A)  included an affidavit with the registration application describing the applicant's status under this subdivision, including an affidavit under Section 13.0021 if the applicant is a federal judge or state judge or the spouse of a federal judge or state judge;

(B)  provided the registrar with an affidavit describing the applicant's status under this subdivision, including an affidavit under Section 15.0215 if the applicant is a federal judge or state judge or the spouse of a federal judge or state judge; or

(C)  provided the registrar with a completed form approved by the secretary of state for the purpose of notifying the registrar of the applicant's status under this subdivision;

(5) [~~(6)~~]  the residence address of the applicant, if the applicant, the applicant's child, or another person in the applicant's household is a victim of family violence as defined by Section 71.004, Family Code, who provided the registrar with:

(A)  a copy of a protective order issued under Chapter 85, Family Code, or a magistrate's order for emergency protection issued under Article 17.292, Code of Criminal Procedure; or

(B)  other independent documentary evidence necessary to show that the applicant, the applicant's child, or another person in the applicant's household is a victim of family violence;

(6) [~~(7)~~]  the residence address of the applicant, if the applicant, the applicant's child, or another person in the applicant's household is a victim of sexual assault or abuse, stalking, or trafficking of persons who provided the registrar with:

(A)  a copy of a protective order issued under Chapter 7A or Article 6.09, Code of Criminal Procedure, or a magistrate's order for emergency protection issued under Article 17.292, Code of Criminal Procedure; or

(B)  other independent documentary evidence necessary to show that the applicant, the applicant's child, or another person in the applicant's household is a victim of sexual assault or abuse, stalking, or trafficking of persons; or

(7) [~~(8)~~]  the residence address of the applicant, if the applicant:

(A)  is a participant in the address confidentiality program administered by the attorney general under Subchapter C, Chapter 56, Code of Criminal Procedure; and

(B)  provided the registrar with proof of certification under Article 56.84, Code of Criminal Procedure.

SECTION 10.  Section 13.072(d), Election Code, is amended to read as follows:

(d)  If an application clearly indicates that the applicant resides in another county, the registrar shall forward the application to the other county's registrar not later than the second day after the date the application is received [~~and, if the other county is not contiguous, shall deliver written notice of that action to the applicant not later than the seventh day after the date the application is received~~]. The date of submission of a completed application to the wrong registrar is considered to be the date of submission to the proper registrar for purposes of determining the effective date of the registration.

SECTION 11.  Section 13.142(a), Election Code, is amended to read as follows:

(a)  After approval of a registration application, the registrar shall:

(1)  prepare a voter registration certificate [~~in duplicate~~] and issue the original certificate to the applicant; and

(2)  enter the applicant's county election precinct number and registration number on the applicant's registration application.

SECTION 12.  Section 13.143(d-2), Election Code, is amended to read as follows:

(d-2)  For a registration application submitted by telephonic facsimile machine to be effective, a copy of the original registration application containing the voter's original signature must be submitted by personal delivery or mail and be received by the registrar not later than the fourth business day after the transmission by telephonic facsimile machine is received.

SECTION 13.  Section 15.022(a), Election Code, is amended to read as follows:

(a)  The registrar shall make the appropriate corrections in the registration records, including, if necessary, deleting a voter's name from the suspense list:

(1)  after receipt of a notice of a change in registration information under Section 15.021;

(2)  after receipt of a voter's reply to a notice of investigation given under Section 16.033;

(3)  after receipt of any affidavits executed under Section 63.006, following an election;

(4)  after receipt of a voter's statement of residence executed under Section 63.0011;

(5)  before the effective date of the abolishment of a county election precinct or a change in its boundary;

(6)  after receipt of United States Postal Service information indicating an address reclassification;

(7)  after receipt of a voter's response under Section 15.053; [~~or~~]

(8)  after receipt of a registration application or change of address under Chapter 20; or

(9)  on discovering a data entry error has been made.

SECTION 14.  Section 15.082(b), Election Code, is amended to read as follows:

(b)  The [~~fee for each~~] list shall be provided in accordance with Chapter 552, Government Code [~~or portion of a list furnished under this section may not exceed the actual expense incurred in reproducing the list or portion for the person requesting it and shall be uniform for each type of copy furnished. The registrar shall make reasonable efforts to minimize the reproduction expenses~~].

SECTION 15.  Section 16.031(a), Election Code, is amended to read as follows:

(a)  The registrar shall cancel a voter's registration immediately on receipt of:

(1)  notice under Section 13.072(b), [~~or~~] 15.021, or 18.0681(d) or a response under Section 15.053 that the voter's residence is outside the county;

(2)  an abstract of the voter's death certificate under Section 16.001(a) or an abstract of an application indicating that the voter is deceased under Section 16.001(b);

(3)  an abstract of a final judgment of the voter's total mental incapacity, partial mental incapacity without the right to vote, conviction of a felony, or disqualification under Section 16.002, 16.003, or 16.004;

(4)  notice under Section 112.012 that the voter has applied for a limited ballot in another county;

(5)  notice from a voter registration official in another state that the voter has registered to vote outside this state;

(6)  notice from the early voting clerk under Section 101.053 that a federal postcard application submitted by an applicant states a voting residence address located outside the registrar's county; or

(7)  notice from the secretary of state that the voter has registered to vote in another county, as determined by the voter's driver's license number or personal identification card number issued by the Department of Public Safety or social security number.

SECTION 16.  Sections 16.0921(a) and (b), Election Code, are amended to read as follows:

(a)  Except as provided by Subsection (c), on the filing of a sworn statement under Section 16.092 alleging a ground based on residence, the registrar shall promptly deliver to the voter whose registration is challenged a confirmation notice in accordance with Section 15.051, unless the residential address provided in the challenge for the voter is different from the voter's current residential address indicated on the registration records.

(b)  If the voter is delivered a confirmation notice [~~fails to submit a response to the registrar in accordance with Section 15.053~~], the registrar shall enter the voter's name on the suspense list.

SECTION 17.  Section 18.002(c), Election Code, is amended to read as follows:

(c)  An additional copy of each list shall be furnished for use in early voting and as needed in order to ensure all voters eligible to vote in an election appear correctly on the original list.

SECTION 18.  Section 18.003(c), Election Code, is amended to read as follows:

(c)  An additional copy of each list shall be furnished for use in early voting and as needed in order to ensure all voters eligible to vote in an election appear correctly on the original list.

SECTION 19.  Section 18.005(a), Election Code, is amended to read as follows:

(a)  Each original and supplemental list of registered voters must:

(1)  contain the voter's name, date of birth, and registration number as provided by the statewide computerized voter registration list;

(2)  contain the voter's residence address, except as provided by Subsections (b) and (c) [~~or Section 18.0051~~];

(3)  be arranged alphabetically by voter name; and

(4)  contain the notation required by Section 15.111.

SECTION 20.  Sections 18.061(b) and (d), Election Code, are amended to read as follows:

(b)  The statewide computerized voter registration list must:

(1)  contain the name and registration information of each voter registered in the state;

(2)  assign a unique identifier to each registered voter; and

(3)  be available to any county election official in the state through immediate electronic access.

(d)  The secretary of state may contract with counties to provide them with electronic data services to facilitate the implementation and maintenance of the statewide computerized voter registration list. The secretary shall use funds collected under the contracts to defray expenses incurred in implementing and maintaining the statewide computerized voter registration list.

SECTION 21.  Section 18.069, Election Code, is amended to read as follows:

Sec. 18.069.  VOTING HISTORY.  Not later than the 30th day after the date of the primary, runoff primary, or general election or any special election ordered by the governor, the general custodian of election records [~~registrar~~] shall electronically submit to the secretary of state the record of each voter participating in the election.  The record must include a notation of whether the voter voted on election day, voted early by personal appearance, voted early by mail under Chapter 86, or voted early by mail under Chapter 101.

SECTION 22.  Section 31.093(a), Election Code, is amended to read as follows:

(a)  Subject to Section 41.001(d), if [~~If~~] requested to do so by a political subdivision, the county elections administrator shall enter into a contract to furnish the election services requested, in accordance with a cost schedule agreed on by the contracting parties.

SECTION 23.  Section 32.114(a), Election Code, is amended to read as follows:

(a)  The county clerk shall provide one or more sessions of training using the standardized training program and materials developed and provided by the secretary of state under Section 32.111 for the election judges and clerks appointed to serve in elections ordered by the governor or a county authority.  Each election judge shall complete the training program.  The training program must include specific procedures related to the early voting ballot board and the central counting station, as applicable. Each election clerk shall complete the part of the training program relating to the acceptance and handling of the identification presented by a voter to an election officer under Section 63.001.

SECTION 24.  Sections 41.001(a) and (b), Election Code, are amended to read as follows:

(a)  Except as otherwise provided by this subchapter, each general or special election in this state shall be held on one of the following dates:

(1)  the first Saturday in May in an odd-numbered year;

(2)  the first Saturday in May in an even-numbered year, for an election held by a political subdivision other than a county, or ordered by the governor; or

(3)  the first Tuesday after the first Monday in November.

(b)  Subsection (a) does not apply to:

(1)  a runoff election;

(2)  an election to resolve a tie vote;

(3)  an election held under an order of a court or other tribunal;

(4)  an emergency election ordered under Section 41.0011 or any resulting runoff;

(5)  an expedited election to fill a vacancy in the legislature held under Section 203.013;

(6)  an election held under a statute that expressly provides that the requirement of Subsection (a) does not apply to the election; or

(7)  the initial election of the members of the governing body of a newly incorporated city.

SECTION 25.  Section 52.070, Election Code, is amended by amending Subsections (a), (b), and (e) and adding Subsection (f) to read as follows:

(a)  A shape [~~square~~] for voting shall be printed to the left of each candidate's name on a ballot.

(b)  Immediately below "OFFICIAL BALLOT," the following instruction shall be printed: "Vote for the candidate of your choice in each race by placing an 'X' or filling in the shape [~~square~~] beside the candidate's name."

(e)  A shape [~~square~~] shall be printed to the left of each line provided for write-in voting under Section 52.066(c), but failure to place a mark in the shape [~~square~~] does not affect the counting of a write-in vote.

(f)  Any variation from this instruction must be approved by the secretary of state.

SECTION 26.  Section 52.094(d), Election Code, is amended to read as follows:

(d)  The [~~For an election held at county expense or a city election, on receipt of a candidate's written request accompanied by a stamped, self-addressed envelope, the authority conducting the drawing shall mail written notice of the date, hour, and place of the drawing to the candidate. For an election held by any other political subdivision, the~~] authority conducting the drawing shall provide [~~mail written~~] notice of the date, hour, and place of the drawing to each candidate by:

(1)  written notice:

(A)  mailed to [~~, at~~] the address stated on the candidate's application for a place on the ballot, not later than the fourth day before the date of the drawing; or

(B)  provided at the time the candidate files an application with the appropriate authority;

(2)  telephone, if a telephone number is provided on the candidate's application for a place on the ballot; or

(3)  e-mail, if an e-mail address is provided on the candidate's application for a place on the ballot.

SECTION 27.  Subchapter B, Chapter 65, Election Code, is amended by adding Section 65.0581 to read as follows:

Sec. 65.0581.  PUBLIC INSPECTION OF PROVISIONAL VOTING RECORDS. Provisional voting records are not available for public inspection until the first business day after the date the early voting ballot board completes the verification and counting of provisional ballots under Section 65.051 and delivers the provisional ballots and other provisional voting records to the general custodian of election records.

SECTION 28.  Section 84.007(e), Election Code, is amended to read as follows:

(e)  The early voting clerk shall designate an e-mail address for receipt of an application under Subsection (b)(4). The secretary of state shall include the e-mail addresses of the early voting clerks on the secretary of state's website.

SECTION 29.  Section 84.008(b), Election Code, is amended to read as follows:

(b)  This section does not apply to an application submitted under Chapter [~~101,~~] 102[~~,~~] or 103.

SECTION 30.  Section 85.007(d), Election Code, is amended to read as follows:

(d)  Any notice required under this section must also be posted:

(1)  on the Internet website of the authority ordering the election, if the authority maintains a website; and

(2)  for a primary election or the general election for state and county officers, by the secretary of state on the secretary's Internet website.

SECTION 31.  Section 86.0015(c), Election Code, is amended to read as follows:

(c)  In an election of a political subdivision located in a county in which the county clerk is not the early voting clerk, the county clerk shall provide the early voting clerk of the political subdivision that is holding the election a list of voters in the portion of the political subdivision located in the county who have ballot applications on file under this section along with copies of the applications submitted by those voters. The early voting clerk shall provide a ballot to be voted by mail to each voter on the list for whom the early voting clerk received a copy of an application submitted under this section.

SECTION 32.  Section 86.002(f), Election Code, is amended to read as follows:

(f)  The clerk shall include with the balloting materials:

(1)  a notice of the clerk's physical address for purposes of return by common or contract carrier or personal delivery in accordance with Section 86.006(a-1); and

(2)  the list of declared write-in candidates for the election, if applicable.

SECTION 33.  Section 86.003(d), Election Code, is amended to read as follows:

(d)  If the applicable address specified in a voter's application is an address other than that prescribed by Subsection (c) or subject to Section 86.002(a), the voter's application shall be rejected in accordance with Section 86.001(c).

SECTION 34.  Section 86.009(e), Election Code, is amended to read as follows:

(e)  A voter's defective ballot that is timely returned to the clerk as a marked ballot shall be treated as:

(1)  a marked ballot not timely returned if the corrected ballot is timely returned as a marked ballot by the close of the polls on election day; or

(2)  as the voter's ballot for the election if the corrected ballot is not timely returned by the close of the polls on election day.

SECTION 35.  Section 87.0222(a), Election Code, is amended to read as follows:

(a)  Notwithstanding Section 87.024, in an election conducted by an authority of a county with a population of 100,000 or more, or conducted jointly with such a county or conducted with such a county through a contract for election services, the jacket envelopes containing the early voting ballots voted by mail may be delivered to the board between the end of the ninth day before the last day of the period for early voting by personal appearance and the closing of the polls on election day, or as soon after closing as practicable, at the time or times specified by the presiding judge of the board.

SECTION 36.  Section 87.0241(b), Election Code, is amended to read as follows:

(b)  The board may not count early voting ballots until:

(1)  the polls open on election day; or

(2)  in an election conducted by an authority of a county with a population of 100,000 or more, or conducted jointly with such a county or conducted with such a county through a contract for election services, the end of the period for early voting by personal appearance.

SECTION 37.  Section 87.102(b), Election Code, is amended to read as follows:

(b)  Early voting ballots that are to be duplicated under this section [~~shall be delivered to the central counting station as prescribed by Section 87.101 and~~] shall be treated in the same manner as damaged electronic system ballots that are duplicated for automatic counting.

SECTION 38.  Section 101.001, Election Code, is amended to read as follows:

Sec. 101.001.  ELIGIBILITY. A person is eligible for early voting by mail as provided by this chapter if:

(1)  the person is qualified to vote in this state or, if not registered to vote in this state, would be qualified if registered; and

(2)  the person is:

(A)  a member of the armed forces of the United States, or the spouse or a dependent of a member;

(B)  a member of the merchant marine of the United States, or the spouse or a dependent of a member;

(B-1)  a member of the Texas National Guard or the National Guard of another state or a member of a reserve component of the armed forces of the United States serving on active duty under an order of the president of the United States or activated on state orders, or the spouse or dependent of a member; or

(C)  domiciled in this state but temporarily living outside the territorial limits of the United States and the District of Columbia.

SECTION 39.  Section 101.003(1), Election Code, is amended to read as follows:

(1)  "Federal postcard application" means an application for a ballot to be voted under this chapter submitted on the official federal form prescribed under the federal Uniformed and Overseas Citizens Absentee Voting Act (52 U.S.C. Sections 20301 through 20311) [~~(42 U.S.C. Section 1973ff et seq.)~~].

SECTION 40.  Section 101.008, Election Code, is amended to read as follows:

Sec. 101.008.  STATUS OF APPLICATION OR BALLOT VOTED. The secretary of state, in coordination with county [~~local~~] election officials, shall implement an electronic free-access system by which a person eligible for early voting by mail under this chapter or Chapter 114 may determine by telephone, by e-mail, or over the Internet whether:

(1)  the person's federal postcard application or other registration or ballot application has been received and accepted; and

(2)  the person's ballot has been received and the current status of the ballot.

SECTION 41.  Sections 101.052(a-1) and (c), Election Code, are amended to read as follows:

(a-1)  A federal postcard application must be submitted by:

(1)  mail; [~~or~~]

(2)  electronic transmission of an image of the application under procedures prescribed by the secretary of state;

(3)  in-person delivery in accordance with Section 84.008; or

(4)  common or contract carrier.

(c)  An application is considered submitted in the following calendar year for purposes of this section if:

(1)  the applicant is eligible to vote in an election occurring in January or February of the next calendar year; and

(2)  the application is submitted in the last 60 days of a calendar year but not earlier than the 60th day before the date of the January or February election [~~A federal postcard application requesting a ballot for an election to be held in January or February may be submitted in the preceding calendar year but not earlier than the earliest date for submitting a regular application for a ballot to be voted by mail~~].

SECTION 42.  Section 101.054(c), Election Code, is amended to read as follows:

(c)  An application shall be treated as if it requests a ballot for a runoff election that results from an election for which a ballot is requested, including a runoff election that occurs in the next calendar year.

SECTION 43.  Section 101.056(a), Election Code, is amended to read as follows:

(a)  The balloting materials provided under this subchapter shall be airmailed to the voter free of United States postage, as provided by the federal Uniformed and Overseas Citizens Absentee Voting Act (52 U.S.C. Sections 20301 through 20311) [~~(42 U.S.C. Section 1973ff et seq.)~~], in an envelope labeled "Official Election Balloting Material - via Airmail." The secretary of state shall provide early voting clerks with instructions on compliance with this subsection.

SECTION 44.  Section 101.057(b), Election Code, is amended to read as follows:

(b)  A ballot voted by a voter described by Section 101.001(2)(A), [~~or~~] (B), or (B-1) shall be counted if the ballot arrives at the address on the carrier envelope not later than the sixth day after the date of the election, except that if that date falls on a Saturday, Sunday, or legal state or national holiday, then the deadline is extended to the next regular business day.

SECTION 45.  Section 101.058, Election Code, is amended to read as follows:

Sec. 101.058.  OFFICIAL CARRIER ENVELOPE. The officially prescribed carrier envelope for voting under this subchapter shall be prepared so that it can be mailed free of United States postage, as provided by the federal Uniformed and Overseas Citizens Absentee Voting Act (52 U.S.C. Sections 20301 through 20311) [~~(42 U.S.C. Section 1973ff et seq.)~~], and must contain the label prescribed by Section 101.056(a) for the envelope in which the balloting materials are sent to a voter. The secretary of state shall provide early voting clerks with instructions on compliance with this section.

SECTION 46.  Section 101.102(b), Election Code, is amended to read as follows:

(b)  The early voting clerk shall grant a request made under this section for the e-mail transmission of balloting materials if:

(1)  the requestor has submitted a valid federal postcard application and:

(A)  if the requestor is a person described by Section 101.001(2)(C), has provided a current mailing address that is located outside the United States; or

(B)  if the requestor is a person described by Section 101.001(2)(A), [~~or~~] (B), or (B-1), has provided a current mailing address that is located outside the requestor's county of residence;

(2)  the requestor provides an e-mail address:

(A)  that corresponds to the address on file with the requestor's federal postcard application; or

(B)  stated on a newly submitted federal postcard application;

(3)  the request is submitted on or before the deadline prescribed by Section 84.007 [~~seventh day before the date of the election~~]; and

(4)  a marked ballot for the election from the requestor has not been received by the early voting clerk.

SECTION 47.  Section 101.107(a), Election Code, is amended to read as follows:

(a)  A voter described by Section 101.001(2)(A), [~~or~~] (B), or (B-1) must be voting from outside the voter's county of residence.  A voter described by Section 101.001(2)(C) must be voting from outside the United States.

SECTION 48.  Section 102.002, Election Code, is amended to read as follows:

Sec. 102.002.  CONTENTS OF APPLICATION. An application for a late ballot must comply with the applicable provisions of Section 84.002 and must include or be accompanied by a certificate of a licensed physician or chiropractor or accredited Christian Science practitioner in substantially the following form:

"This is to certify that I know that \_\_\_\_\_\_\_\_\_\_ has a sickness or physical condition that will prevent him or her from appearing at the polling place for an election to be held on the \_\_\_\_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_, 20 [~~19~~]\_\_\_, without a likelihood of needing personal assistance or of injuring his or her health and that the sickness or physical condition originated on or after \_\_\_\_\_\_\_\_\_\_.

"Witness my hand at \_\_\_\_\_\_\_\_\_\_, Texas, this \_\_\_\_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_, 20 [~~19~~]\_\_\_.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(signature of physician,

chiropractor, or practitioner)"

SECTION 49.  Section 113.003, Election Code, is amended to read as follows:

Sec. 113.003.  SUBMITTING APPLICATION FOR MAIL BALLOT. An application for a presidential ballot to be voted by mail must be submitted to the early voting clerk serving the county of the applicant's most recent registration to vote by the deadline prescribed by Section 84.007.

SECTION 50.  Section 141.032(g), Election Code, is amended to read as follows:

(g)  Except as otherwise provided by this code [~~After the filing deadline~~]:

(1)  a candidate may not amend an application filed under Section 141.031; and

(2)  the authority with whom the application is filed may not accept an amendment to an application filed under Section 141.031.

SECTION 51.  Section 141.034(a), Election Code, is amended to read as follows:

(a)  An application for a place on the ballot may not be challenged for compliance with the applicable requirements as to form, content, and procedure after the day before any ballot to be voted early by mail in the election for which the application is made is mailed [~~to an address in the authority's jurisdiction for the election for which the application is made~~].

SECTION 52.  The heading to Section 141.040, Election Code, is amended to read as follows:

Sec. 141.040.  NOTICE OF DEADLINES AND FILING METHODS.

SECTION 53.  Section 141.040, Election Code, is amended by adding Subsection (c) to read as follows:

(c)  An authority may designate an e-mail address in the notice required by this section for the purpose of filing an application for a place on the ballot under Section 143.004.

SECTION 54.  Section 143.004, Election Code, is amended to read as follows:

Sec. 143.004.  APPLICATION REQUIRED. (a) Subject to Section 143.005, to be entitled to a place on the ballot, a candidate must make an application for a place on the ballot.

(b)  An application, other than an application required to be accompanied by fee or petition, may be filed through e-mail transmission of the completed application in a scanned format only if the filing authority designates an e-mail address for this purpose in the notice required under Section 141.040.

SECTION 55.  Section 144.003(a), Election Code, is amended to read as follows:

(a)  Except as otherwise provided by law, to be entitled to a place on the ballot, a candidate must make an application for a place on the ballot. An application, other than an application required to be accompanied by fee or petition, may be filed through e-mail transmission of the completed application in a scanned format only if the filing authority designates an e-mail address for this purpose in the notice required under Section 141.040.

SECTION 56.  Section 192.033(d), Election Code, is amended to read as follows:

(d)  In conjunction with the certification required under Subsection (a), the secretary of state shall include appropriate ballot translation language, as applicable, for each language certified statewide or in a specific county by the director of the census under the federal Uniformed and Overseas Citizens Absentee Voting Act (52 U.S.C. Sections 20301 through 20311) [~~42 U.S.C. Section 1973aa-1a~~].

SECTION 57.  Subchapter B, Chapter 201, Election Code, is amended by adding Section 201.030 to read as follows:

Sec. 201.030.  VACANCY RESULTING FROM RECALL ELECTION. For cities conducting recall elections, a vacancy in the officer's office occurs on the date of the final canvass of a successful recall election.

SECTION 58.  Section 203.004(b), Election Code, is amended to read as follows:

(b)  If the election is to be held as an emergency election, it shall be held on a Tuesday or Saturday occurring on or after the 36th day and before the 64th [~~50th~~] day after the date the election is ordered.

SECTION 59.  Section 212.001, Election Code, is amended to read as follows:

Sec. 212.001.  GENERAL REQUIREMENTS FOR RECOUNT DOCUMENT. A recount document submitted under this title must:

(1)  be in writing;

(2)  identify the office or measure for which a recount is desired;

(3)  state the grounds for the recount;

(4)  state the side of the measure that the person requesting the recount represents, if applicable;

(5)  identify the election precincts, grouped by county or other appropriate territorial unit if the election involves more than one local canvassing authority, for which a recount is desired and must indicate the method of voting used in each precinct;

(6)  be signed by:

(A)  the person requesting the recount or, if there is more than one, any one or more of them; or

(B)  an agent of the person requesting the recount;

(7)  state each requesting person's name, residence address, and, if authorization to obtain the recount is based on eligibility to vote in the election, voter registration number, and county of registration if the election covers territory in more than one county;

(8)  designate an agent who is a resident of this state to receive notice under this title on behalf of the person requesting the recount if:

(A)  the person requesting the recount is not a resident of this state; or

(B)  there is more than one person requesting the recount;

(9)  state the mailing address and at least one telephone number, if any, at which the person requesting the recount or an agent, identified by name, may receive notice given under this title;

(10)  state the mailing address, e-mail address, if any, and at least one telephone number, if any, at which the opposing candidates for the office or their agents, identified by name, may receive notice given under this title; and

(11)  be accompanied by a deposit as provided by Subchapter E.

SECTION 60.  Section 212.002(b), Election Code, is amended to read as follows:

(b)  The designation is not effective unless the document states the designee's name, address, e-mail address, if any, and telephone number, if any.

SECTION 61.  Section 212.028(a), Election Code, is amended to read as follows:

(a)  Except as provided by Subsection (b), a petition for an initial recount must be submitted by [~~the later of:~~

[~~(1)  5 p.m. of the fifth day after election day; or~~

[~~(2)~~]  5 p.m. of the second day after the date the canvassing authority to whose presiding officer the petition must be submitted completes its canvass of the original election returns.

SECTION 62.  Section 212.031(a), Election Code, is amended to read as follows:

(a)  If a recount petition complies with the applicable requirements, the recount coordinator shall approve the petition and note on the petition its approved status and the date of the approval. The recount coordinator shall immediately notify the recount supervisor of the approval. The recount supervisor shall, with the written approval of the recount coordinator, order the recount to be held on the earlier of [~~a date occurring not later than~~] the seventh day after the date the petition is determined to comply with the applicable requirements or the day after all ballots have been delivered to the general custodian of election records.

SECTION 63.  Section 212.083, Election Code, is amended to read as follows:

Sec. 212.083.  DEADLINE FOR SUBMITTING PETITION. The deadline for submitting a recount petition under this subchapter is [~~the later of:~~

[~~(1)  2 p.m. of the third day after election day; or~~

[~~(2)~~]  2 p.m. of the first day after the date of the local canvass.

SECTION 64.  Section 212.112, Election Code, is amended to read as follows:

Sec. 212.112.  AMOUNT OF DEPOSIT. The amount of the recount deposit is:

(1)  $60 for each of the entity's election day polling places [~~precinct~~] in which  regular paper ballots were used; and

(2)  $100 for each of the entity's election day polling places [~~precinct~~] in which an electronic voting system was used.

SECTION 65.  Section 216.003, Election Code, is amended to read as follows:

Sec. 216.003.  INITIATING AUTOMATIC RECOUNT. For purposes of initiating an automatic recount, the authority designated under Section 212.026 shall order the recount [~~request the recount in the same manner as a recount petitioner under this title~~].

SECTION 66.  (a) The following provisions of the Election Code are repealed:

(1)  Sections 15.082(c) and (d);

(2)  Subchapter F, Chapter 15;

(3)  Section 18.0051;

(4)  Section 18.008(c);

(5)  Section 42.061(c);

(6)  Section 87.101;

(7)  Section 105.002; and

(8)  Section 145.092(e).

(b)  Section 5, Chapter 404 (H.B. 25), Acts of the 85th Legislature, Regular Session, 2017, which amended Section 105.002(c), Election Code, is repealed.

SECTION 67.  This Act takes effect September 1, 2019.