

By: Vo

H.B. No. 2628

Substitute the following for H.B. No. 2628:

By: Bucy

C.S.H.B. No. 2628

A BILL TO BE ENTITLED

AN ACT

relating to the manner of reporting and maintaining certain information relating to candidates and election returns.

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

SECTION 1. Sections 67.007(a), (c), and (d), Election Code, are amended to read as follows:

(a) For each election for a statewide, ~~or~~ district, county, or precinct office, a statewide measure, or president and vice-president of the United States, the county clerk of each county in the territory covered by the election shall prepare county election returns.

(c) The county clerk shall certify ~~sign~~ the county returns ~~[to certify their accuracy]~~.

(d) Not later than 24 hours after completion of the local canvass, the county clerk shall deliver to the secretary of state, in the manner directed by the secretary, the county returns ~~[in a sealed envelope]~~. ~~[The envelope shall be labeled: "Election Returns for _____ (name) County, for _____ (election)."]~~

SECTION 2. Sections 67.008(b) and (c), Election Code, are amended to read as follows:

(b) The returns shall be delivered to the secretary of state as provided by Section 67.007. ~~[, except that the envelope shall be labeled: "Returns of Election for Governor/Lieutenant Governor, _____ (name) County, for _____ (election)."]~~

1 (c) The secretary of state shall retain the returns [~~in~~
2 ~~their sealed condition~~] until the first day of the next regular
3 legislative session, when the secretary shall deliver the returns
4 to the speaker of the house of representatives.

5 SECTION 3. Section 67.009(b), Election Code, is amended to
6 read as follows:

7 (b) With the delivery of the official county returns forms,
8 the secretary of state shall deliver[+]

9 [(1)] written instructions on the preparation and
10 delivery of the county election returns[+, and

11 [(2) ~~the officially prescribed envelopes for~~
12 ~~delivering the returns to the secretary~~].

13 SECTION 4. Sections 172.029(b), (c), (d), and (e), Election
14 Code, are amended to read as follows:

15 (b) The secretary of state shall continuously maintain an
16 online database of information submitted under this section. The
17 database must be accessible by the county and precinct chairs of the
18 party that submitted the information. Any changes in the party's
19 county or precinct chairs shall be reported to the secretary of
20 state by posting online in the database maintained for this
21 purpose. The secretary of state shall adopt rules to implement this
22 section, including rules regarding the public availability of
23 information submitted under this section.

24 (c) The secretary of state may by rule prescribe a deadline
25 by which the state chair and county chair must electronically
26 submit information described by Subsection (a) [~~deliver the chair's~~
27 ~~submission regarding a candidate~~] to the secretary of state[+, and

1 ~~each county chair shall deliver a copy of the chair's submission~~
2 ~~regarding a candidate to the county clerk, the state chair, and the~~
3 ~~secretary of state when the chair accepts the application. The~~
4 ~~secretary of state may by rule prescribe a deadline for the delivery~~
5 ~~of a submission under this subsection].~~

6 (d) The secretary of state shall be notified by electronic
7 submission to the secretary of state's Internet website if a
8 candidate withdraws, dies, or is declared ineligible, or if the
9 candidate's application is determined not to comply with the
10 applicable requirements. The secretary of state shall adopt rules
11 implementing this subsection.

12 (e) The secretary of state shall:

13 (1) make available on the secretary of state's
14 Internet website [~~archive and keep available for inspection~~] a list
15 of all candidates for whom information has been submitted under
16 this section and archive the list on the Internet website for
17 historical purposes after the election; and

18 (2) prescribe rules for submitting the list
19 electronically [~~and methodology for distribution to each county~~
20 ~~clerk and state chair~~].

21 SECTION 5. Section [172.055](#)(c), Election Code, is amended to
22 read as follows:

23 (c) Not later than 24 hours after the candidate withdraws or
24 is declared ineligible or after the authority preparing the notice
25 learns of the candidate's death, as applicable, the authority shall
26 post the notice on the authority's Internet website, if one is
27 maintained. The authority shall additionally deliver a copy of the

1 notice to, as applicable:

2 (1) for a candidate for an office filled by voters of a
3 single county:

4 (A) at least one daily newspaper published in the
5 county or, if none, at least one weekly newspaper published there,
6 if any [~~for a notice prepared by the county chair~~]; and

7 (B) the county clerk, to be posted on the county
8 clerk's Internet website; or

9 (2) for a candidate for an office filled by voters of
10 more than one county:

11 (A) at least three daily newspapers that
12 regularly maintain a news representative at the State Capitol [~~for~~
13 ~~a notice applicable to a statewide office~~]; and

14 (B) the secretary of state, to be posted on the
15 secretary of state's Internet website [~~or~~

16 [~~(3) at least one daily newspaper published in each~~
17 ~~county wholly or partly situated in the district or, if none, at~~
18 ~~least one weekly newspaper published there, if any, for a notice~~
19 ~~prepared by the state chair for a district office].~~

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

22 (a-1) The secretary of state shall develop appropriate
23 notations to describe the status of each candidate. The notations
24 shall include:

25 (1) "filed";

26 (2) "accepted";

27 (3) "rejected";

- 1 (4) "withdrew";
- 2 (5) [~~(3)~~] "lost primary";
- 3 (6) [~~(4)~~] "in runoff";
- 4 (7) [~~(5)~~] "lost runoff";
- 5 (8) [~~(6)~~] "deceased";
- 6 (9) [~~(7)~~] "declared ineligible"; or
- 7 (10) [~~(8)~~] "nominee for general election."

8 (a-2) The county chair shall update the notations after each
9 general primary and runoff primary election, unless the secretary
10 of state's Internet website automatically updates the notations
11 based on election returns. After any withdrawal or death of a
12 candidate, and subsequent replacement of the candidate on the
13 ballot, the chair shall notify the state chair, who shall update the
14 notation on the website. All notations must be completed and
15 accurate on the date prescribed by the secretary of state by rule to
16 ensure that an authority printing general election ballots may rely
17 on the information.

18 SECTION 7. Section 181.032, Election Code, is amended by
19 amending Subsection (b) and adding Subsection (c) to read as
20 follows:

21 (b) Not later than the 10th day after the date of the filing
22 deadline prescribed by Section 181.033, the authority with whom an
23 application is filed shall deliver to the secretary of state a list
24 containing:

- 25 (1) each candidate's name;
- 26 (2) each candidate's residence address;
- 27 (3) the office sought by the candidate; [~~and~~]

1 (4) the date on which the candidate filed the
2 application; and

3 (5) any additional information required by the
4 secretary of state.

5 (c) A list delivered under Subsection (b) must be in a
6 format prescribed by the secretary of state.

7 SECTION 8. Section 181.068(a), Election Code, is amended to
8 read as follows:

9 (a) The presiding officer of each convention held under this
10 chapter shall certify, in a format prescribed by the secretary of
11 state, [writing] for placement on the general election ballot the
12 name and address of each candidate nominated by the convention.

13 SECTION 9. This Act takes effect September 1, 2019.