

By: Vo

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. A county or precinct chair may not participate in any
22 votes of an executive committee unless the chair's information has
23 been reported to the secretary of state in accordance with this
24 section. The secretary of state shall adopt rules to implement this
25 section, including rules regarding the public availability of
26 information submitted under this section.

27 (c) The secretary of state may by rule prescribe a deadline

1 by which the state chair and county chair must electronically
2 submit information described by Subsection (a) [~~deliver the chair's~~
3 ~~submission regarding a candidate~~] to the secretary of state[, ~~and~~
4 ~~each county chair shall deliver a copy of the chair's submission~~
5 ~~regarding a candidate to the county clerk, the state chair, and the~~
6 ~~secretary of state when the chair accepts the application. The~~
7 ~~secretary of state may by rule prescribe a deadline for the delivery~~
8 ~~of a submission under this subsection].~~

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

15 (e) The secretary of state shall:

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

21 (2) prescribe rules for submitting the list
22 electronically [~~and methodology for distribution to each county~~
23 ~~clerk and state chair~~].

24 SECTION 5. Section 172.055(c), Election Code, is amended to
25 read as follows:

26 (c) Not later than 24 hours after the candidate withdraws or
27 is declared ineligible or after the authority preparing the notice

1 learns of the candidate's death, as applicable, the authority shall
2 post the notice on the authority's Internet website, if one is
3 maintained. The authority shall additionally deliver a copy of the
4 notice to, as applicable:

5 (1) the secretary of state, to be posted on the
6 secretary of state's Internet website, for a candidate for an
7 office filled by voters of more than one county; or ~~[at least one~~
8 ~~daily newspaper published in the county or, if none, at least one~~
9 ~~weekly newspaper published there, if any, for a notice prepared by~~
10 ~~the county chair,]~~

11 (2) the county clerk, to be posted on the county
12 clerk's Internet website, for an office filled by voters of a single
13 county ~~[at least three daily newspapers that regularly maintain a~~
14 ~~news representative at the State Capitol, for a notice applicable~~
15 ~~to a statewide office; 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 website automatically updates the notations based on
11 election returns. After any withdrawal or death of a candidate, and
12 subsequent replacement of the candidate on the ballot, the chair
13 shall notify the state chair, who shall update the notation on the
14 website. All notations must be completed and accurate on the date
15 prescribed by the secretary of state by rule to ensure that an
16 authority printing general election ballots may rely on the
17 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.