

By: Klick

H.B. No. 2909

A BILL TO BE ENTITLED

1 AN ACT

2 relating to election practices and procedures; creating a criminal
3 offense.

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

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

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

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

13 (b) Not later than the fifth day after the date the
14 automatic recount required by Subsection (i) is completed or the
15 final canvass following the automatic recount is completed, if
16 applicable, the authority responsible for ordering the first
17 election shall order the second election. The second election
18 shall be held not earlier than the 20th day or later than the 45th
19 [~~30th~~] day after the date the automatic recount required by
20 Subsection (i) is completed or the final canvass following the
21 automatic recount is completed, if applicable.

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

24 (1) cast lots not later than the day before the date

1 the authority must order the second election under Subsection (b);
2 or

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

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

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

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

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

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

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

1 ~~statement of withdrawal]~~, the remaining candidate is the winner,
2 and a casting of lots is not held.

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

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

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

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

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

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

1 (a)(1).

2 SECTION 9. Section 15.022(a), Election Code, is amended to
3 read as follows:

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

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

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

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

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

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

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

19 (7) after receipt of a voter's response under Section
20 15.053; ~~or~~

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

23 (9) after notification of a data entry error of which
24 the voter registrar is made aware under Section 63.005.

25 SECTION 10. Section 31.093(a), Election Code, is amended to
26 read as follows:

27 (a) Subject to Section 41.001(d), if ~~if~~ requested to do so

1 by a political subdivision, the county elections administrator
2 shall enter into a contract to furnish the election services
3 requested, in accordance with a cost schedule agreed on by the
4 contracting parties.

5 SECTION 11. Section 31.096, Election Code, is amended to
6 read as follows:

7 Sec. 31.096. NONTRANSFERABLE FUNCTIONS. An election
8 services contract may not change:

9 (1) the authority with whom applications of candidates
10 for a place on a ballot are filed;

11 (2) the authority with whom documents are filed under
12 Title 15; or

13 (3) the political subdivision's requirement to
14 maintain office hours under Section 31.122 [~~authority to serve as~~
15 ~~custodian of voted ballots or other election records, except that a~~
16 ~~contract with a political subdivision other than a city may provide~~
17 ~~that the county election officer will be the custodian of voted~~
18 ~~ballots]~~.

19 SECTION 12. Section 31.124(a), Election Code, is amended to
20 read as follows:

21 (a) A county election officer of each county shall hold a
22 meeting with the county chair of each political party to discuss, as
23 appropriate, the following for each primary election or general
24 election for state and county officers:

25 (1) the lists provided by each political party under
26 Section 85.009;

27 (2) the lists provided by each political party under

1 Section 87.002(c); [~~and~~]

2 (3) the implementation of Subchapters A, B, C, and D,
3 Chapter 87; and

4 (4) holding a joint primary, entering into an election
5 services contract, and polling place locations.

6 SECTION 13. Section 32.114(a), Election Code, is amended to
7 read as follows:

8 (a) The county clerk shall provide one or more sessions of
9 training using the standardized training program and materials
10 developed and provided by the secretary of state under Section
11 32.111 for the election judges and clerks appointed to serve in
12 elections ordered by the governor or a county authority. Each
13 election judge shall complete the training program. The training
14 program must include specific procedures related to the early
15 voting ballot board and the central counting station, as
16 applicable. Each election clerk shall complete the part of the
17 training program relating to the acceptance and handling of the
18 identification presented by a voter to an election officer under
19 Section 63.001.

20 SECTION 14. Section 33.054, Election Code, is amended to
21 read as follows:

22 Sec. 33.054. HOURS OF SERVICE AT EARLY VOTING BALLOT BOARD
23 MEETING OR SIGNATURE VERIFICATION COMMITTEE MEETING. (a) A
24 watcher serving at the meeting place of an early voting ballot board
25 or signature verification committee may be present at any time the
26 board or committee is processing or counting ballots and until the
27 board or committee completes its duties. The watcher may serve

1 during the hours the watcher chooses, except as provided by
2 Subsection (b).

3 (b) A watcher serving at the meeting place of an early
4 voting ballot board may not leave during voting hours on election
5 day without the presiding judge's permission if the board has
6 recorded any votes cast on voting machines or counted any ballots,
7 unless the board has completed its duties and has been dismissed by
8 the presiding judge.

9 SECTION 15. Sections 41.001(a) and (b), Election Code, are
10 amended to read as follows:

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

- 14 (1) the first Saturday in May in an odd-numbered year;
15 (2) the first Saturday in May in an even-numbered
16 year, for an election held by a political subdivision other than a
17 county, or ordered by the governor; or
18 (3) the first Tuesday after the first Monday in
19 November.

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

- 21 (1) a runoff election;
22 (2) an election to resolve a tie vote;
23 (3) an election held under an order of a court or other
24 tribunal;
25 (4) an emergency election ordered under Section
26 41.0011 or any resulting runoff;
27 (5) an expedited election to fill a vacancy in the

1 legislature held under Section 203.013;

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

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

7 SECTION 16. Sections 43.007(a) and (m), Election Code, are
8 amended to read as follows:

9 (a) The secretary of state shall implement a program to
10 allow each commissioners court participating in the program to
11 eliminate county election precinct polling places and establish
12 countywide polling places for:

13 (1) any election required to be conducted by the
14 county [~~each general election for state and county officers~~];

15 (2) any election held as part of a joint election
16 agreement with a county under Chapter 271 [~~each election held on the~~
17 ~~uniform election date in May and any resulting runoff~~];

18 (3) any election held under contract for election
19 services with a county under Subchapter D, Chapter 31 [~~each~~
20 ~~election on a proposed constitutional amendment~~];

21 (4) each primary election and runoff primary election
22 if:

23 (A) the county chair or county executive
24 committee of each political party participating in a joint primary
25 election under Section 172.126 agrees to the use of countywide
26 polling places; or

27 (B) the county chair or county executive

1 committee of each political party required to nominate candidates
2 by primary election agrees to use the same countywide polling
3 places; and

4 (5) each election of a political subdivision located
5 in the county that is held jointly with an election described by
6 Subdivision [~~(1), (2)~~] (3)[~~7~~] or (4).

7 (m) In adopting a methodology under Subsection (f), the
8 county must ensure that:

9 (1) each county commissioners precinct contains at
10 least one countywide polling place; and

11 (2) the total number of [~~permanent branch and~~
12 ~~temporary branch~~] polling places open for voting in a county
13 commissioners precinct does not exceed more than twice the number
14 of [~~permanent branch and temporary branch~~] polling places in
15 another county commissioners precinct.

16 SECTION 17. Section 52.070, Election Code, is amended by
17 amending Subsections (a), (b) and (e) and adding Subsection (f) to
18 read as follows:

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

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

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

1 counting of a write-in vote.

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

4 SECTION 18. Section 52.094(d), Election Code, is amended to
5 read as follows:

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

14 (1) written notice:

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

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

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

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

24 SECTION 19. Chapter 63, Election Code, is amended by adding
25 Section 63.005 to read as follows:

26 Sec. 63.005. CONFIRMING REGISTRATION STATUS OF VOTER. (a)

27 If the name of a voter who is offering to vote is not on the precinct

1 list of registered voters, an election officer may contact the
2 voter registrar regarding the voter's registration status.

3 (b) If the election officer determines the voter is a
4 registered voter of the territory covered by the election but is
5 offering to vote in the incorrect precinct, the election officer
6 shall provide the correct precinct location information to the
7 voter.

8 (c) Notwithstanding Section 63.009, a voter shall be
9 accepted for voting if the voter's identity has been verified from
10 documentation as required by Section 63.001(b) and it can be
11 determined from the voter registrar that:

12 (1) the voter's registration was improperly canceled
13 and has been reinstated under Section 16.037;

14 (2) an error in the voter registration record caused
15 the voter's name to not appear on the list of registered voters, and
16 the error has been corrected under Section 15.022; or

17 (3) the voter's name has been inadvertently left off
18 the list of registered voters for the precinct.

19 (d) After the voter is accepted under Subsection (c), an
20 election officer shall enter the voter's name on the registration
21 omissions list.

22 (e) The voter shall be accepted for provisional voting under
23 Section 63.011 if the election officer cannot determine that the
24 voter is a registered voter of the territory covered by the election
25 in which the voter is offering to vote.

26 SECTION 20. Section 65.052, Election Code, is amended to
27 read as follows:

1 Sec. 65.052. DUTY OF VOTER REGISTRAR. The secretary of
2 state shall prescribe procedures by which the voter registrar of
3 the county in which a provisional ballot is cast shall provide
4 assistance to the early voting ballot board in executing its
5 authority under this subchapter. In an election described by
6 Section 65.051(a-1), the procedures must allow for 10 [~~seven~~]
7 calendar days for the voter registrar to review a provisional
8 voter's eligibility.

9 SECTION 21. Subchapter B, Chapter 65, Election Code, is
10 amended by adding Section 65.0581 to read as follows:

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

18 SECTION 22. Chapter 82, Election Code, is amended by adding
19 Section 82.008 to read as follows:

20 Sec. 82.008. INVOLUNTARY CIVIL COMMITMENT. A qualified
21 voter is eligible for early voting by mail if, at the time the
22 voter's early voting ballot application is submitted, the voter is
23 a person who is civilly committed as a sexually violent predator
24 under Chapter 841, Health and Safety Code, and is ordered as a
25 condition of civil commitment to reside in a facility operated by or
26 under contract with the Texas Civil Commitment Office.

27 SECTION 23. Section 84.002(a), Election Code, is amended to

1 read as follows:

2 (a) An early voting ballot application must include:

3 (1) the applicant's name and the address at which the
4 applicant is registered to vote;

5 (2) for an application for a ballot to be voted by mail
6 on the ground of absence from the county of residence, the address
7 outside the applicant's county of residence to which the ballot is
8 to be mailed;

9 (3) for an application for a ballot to be voted by mail
10 on the ground of age or disability, the address of the hospital,
11 nursing home or other long-term care facility, or retirement
12 center, or of a person related to the applicant within the second
13 degree by affinity or the third degree by consanguinity, as
14 determined under Chapter 573, Government Code, if the applicant is
15 living at that address and that address is different from the
16 address at which the applicant is registered to vote;

17 (4) for an application for a ballot to be voted by mail
18 on the ground of confinement in jail, the address of the jail or of a
19 person related to the applicant within the degree described by
20 Subdivision (3);

21 (5) for an application for a ballot to be voted by mail
22 on any ground, an indication of each election for which the
23 applicant is applying for a ballot; ~~and~~

24 (6) an indication of the ground of eligibility for
25 early voting; and

26 (7) for an application for a ballot to be voted by mail
27 on the ground of involuntary civil commitment, the address of the

1 facility operated by or under contract with the Texas Civil
2 Commitment Office or of a person related to the applicant within the
3 degree of consanguinity described by Subdivision (3).

4 SECTION 24. Section 84.008(a), Election Code, is amended to
5 read as follows:

6 (a) Except as otherwise provided by this code, an [An]
7 applicant for a ballot to be voted by mail may submit the
8 application by delivering it in person to the early voting clerk if
9 the application is submitted not later than the close of regular
10 business in the clerk's office on the day before the first day of
11 the period for early voting by personal appearance.

12 SECTION 25. Section 84.011(a), Election Code, is amended to
13 read as follows:

14 (a) The officially prescribed application form for an early
15 voting ballot must include:

16 (1) immediately preceding the signature space the
17 statement: "I certify that the information given in this
18 application is true, and I understand that giving false information
19 in this application is a crime.";

20 (2) a statement informing the applicant of the
21 offenses prescribed by Sections 84.003 and 84.004;

22 (3) spaces for entering an applicant's voter
23 registration number and county election precinct of registration,
24 with a statement informing the applicant that failure to furnish
25 that information does not invalidate the application; and

26 (4) on an application for a ballot to be voted by mail:

27 (A) a space for an applicant applying on the

1 ground of absence from the county of residence to indicate the date
2 on or after which the applicant can receive mail at the address
3 outside the county;

4 (B) a space for indicating the fact that an
5 applicant whose application is signed by a witness cannot make the
6 applicant's mark and a space for indicating the relationship or
7 lack of relationship of the witness to the applicant;

8 (C) a space for entering an applicant's telephone
9 number, with a statement informing the applicant that failure to
10 furnish that information does not invalidate the application;

11 (D) a space or box for an applicant applying on
12 the ground of age or disability to indicate that the address to
13 which the ballot is to be mailed is the address of a facility or
14 relative described by Section 84.002(a)(3), if applicable;

15 (E) a space or box for an applicant applying on
16 the ground of confinement in jail or involuntary civil commitment
17 to indicate that the address to which the ballot is to be mailed is
18 the address of a relative described by Section 84.002(a)(4) or
19 (a)(7), if applicable;

20 (F) a space for an applicant applying on the
21 ground of age or disability to indicate if the application is an
22 application under Section 86.0015;

23 (G) spaces for entering the signature, printed
24 name, and residence address of any person assisting the applicant;

25 (H) a statement informing the applicant of the
26 condition prescribed by Section 81.005; and

27 (I) a statement informing the applicant of the

1 requirement prescribed by Section 86.003(c).

2 SECTION 26. Section 85.007(d), Election Code, is amended to
3 read as follows:

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

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

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

11 SECTION 27. Section 85.062(d), Election Code, is amended to
12 read as follows:

13 (d) In a primary election, the general election for state
14 and county officers, or a special election to fill a vacancy in the
15 legislature or in congress:

16 (1) the commissioners court of a county with a
17 population of 400,000 or more shall establish one or more early
18 voting polling places other than the main early voting polling
19 place in each state representative district containing territory
20 covered by the election, except that the polling place or places
21 shall be established in the state senatorial or congressional
22 district, as applicable, in a special election to fill a vacancy in
23 the office of state senator or United States representative;

24 (2) the commissioners court of a county with a
25 population of 120,000 or more but less than 400,000 shall establish
26 one or more early voting polling places other than the main early
27 voting polling place in each commissioners precinct containing

1 territory covered by the election; and

2 (3) the early voting clerk [~~commissioners court~~] of a
3 county with a population of 100,000 or more but less than 120,000
4 shall establish one or more early voting polling places as
5 described by Subdivision (2) in each precinct for which the early
6 voting clerk [~~commissioners court~~] receives in time to enable
7 compliance with Section 85.067 a written request for that action
8 submitted by at least 15 registered voters of that precinct.

9 SECTION 28. Section 86.0015(c), Election Code, is amended
10 to read as follows:

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

21 SECTION 29. Section 86.002(f), Election Code, is amended to
22 read as follows:

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

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

27 (2) the list of declared write-in candidates for the

1 election, if applicable.

2 SECTION 30. Sections 86.003(c) and (d), Election Code, are
3 amended to read as follows:

4 (c) The address to which the balloting materials must be
5 addressed is the address at which the voter is registered to vote,
6 or the registered mailing address if different, unless the ground
7 for voting by mail is:

8 (1) absence from the county of residence, in which
9 case the address must be an address outside the voter's county of
10 residence;

11 (2) confinement in jail, in which case the address
12 must be the address of the jail or of a relative described by
13 Section 84.002(a)(4); ~~or~~

14 (3) age or disability and the voter is living at a
15 hospital, nursing home or other long-term care facility, or
16 retirement center, or with a relative described by Section
17 84.002(a)(3), in which case the address must be the address of that
18 facility or relative; or

19 (4) involuntary civil commitment, in which case the
20 address must be the address of the facility or of a relative
21 described by Section 84.002(a)(7).

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

26 SECTION 31. Section 86.006(a-1), Election Code, is amended
27 to read as follows:

1 (a-1) The voter may deliver a marked ballot in person to the
2 early voting clerk's office only while the polls are open during the
3 early voting period or on election day. A voter who delivers a
4 marked ballot in person must present an acceptable form of
5 identification described by Section 63.0101.

6 SECTION 32. Section 86.009(e), Election Code, is amended to
7 read as follows:

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

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

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

16 SECTION 33. Section 87.0222(a), Election Code, is amended
17 to read as follows:

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

1 SECTION 34. Section 87.0241(b), Election Code, is amended
2 to read as follows:

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

4 (1) the polls open on election day; or

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

10 SECTION 35. Section 87.102(b), Election Code, is amended to
11 read as follows:

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

17 SECTION 36. Section 101.001, Election Code, is amended to
18 read as follows:

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

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

24 (2) the person is:

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

27 (B) a member of the merchant marine of the United

1 States, or the spouse or a dependent of a member;

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

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

10 SECTION 37. Section 101.003(1), Election Code, is amended
11 to read as follows:

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

17 SECTION 38. Section 101.008, Election Code, is amended to
18 read as follows:

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

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

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

3 SECTION 39. Sections 101.052(a-1) and (c), Election Code,
4 are amended to read as follows:

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

6 (1) mail; ~~or~~

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

9 (3) in-person delivery in accordance with Section
10 84.008; or

11 (4) common or contract carrier.

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

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

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

23 SECTION 40. Section 101.054(c), Election Code, is amended
24 to read as follows:

25 (c) An application shall be treated as if it requests a
26 ballot for a runoff election that results from an election for which
27 a ballot is requested, including a runoff election that occurs in

1 the next calendar year.

2 SECTION 41. Section 101.056(a), Election Code, is amended
3 to read as follows:

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

12 SECTION 42. Section 101.057(b), Election Code, is amended
13 to read as follows:

14 (b) A ballot voted by a voter described by Section
15 101.001(2)(A), ~~[or]~~ (B), or (B-1) shall be counted if the ballot
16 arrives at the address on the carrier envelope not later than the
17 sixth day after the date of the election, except that if that date
18 falls on a Saturday, Sunday, or legal state or national holiday,
19 then the deadline is extended to the next regular business day.

20 SECTION 43. Section 101.058, Election Code, is amended to
21 read as follows:

22 Sec. 101.058. OFFICIAL CARRIER ENVELOPE. The officially
23 prescribed carrier envelope for voting under this subchapter shall
24 be prepared so that it can be mailed free of United States postage,
25 as provided by the federal Uniformed and Overseas Citizens Absentee
26 Voting Act (52 U.S.C. Sections 20301 through 20311) [~~42 U.S.C.~~
27 ~~Section 1973ff et seq.~~], and must contain the label prescribed by

1 Section 101.056(a) for the envelope in which the balloting
2 materials are sent to a voter. The secretary of state shall provide
3 early voting clerks with instructions on compliance with this
4 section.

5 SECTION 44. Section 101.102(b), Election Code, is amended
6 to read as follows:

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

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

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

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

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

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

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

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

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

1 SECTION 45. Section 101.107(a), Election Code, is amended
2 to read as follows:

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

7 SECTION 46. Section 102.002, Election Code, is amended to
8 read as follows:

9 Sec. 102.002. CONTENTS OF APPLICATION. An application for
10 a late ballot must comply with the applicable provisions of Section
11 84.002 and must include or be accompanied by a certificate of a
12 licensed physician or chiropractor or accredited Christian Science
13 practitioner in substantially the following form:

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

20 "Witness my hand at _____, Texas, this _____ day of
21 _____, 20 [~~19~~]____.

22 _____
23 (signature of physician,
24 chiropractor, or practitioner)"

25 SECTION 47. Section 113.003, Election Code, is amended to
26 read as follows:

27 Sec. 113.003. SUBMITTING APPLICATION FOR MAIL BALLOT. An

1 application for a presidential ballot to be voted by mail must be
2 submitted to the early voting clerk serving the county of the
3 applicant's most recent registration to vote by the deadline
4 prescribed by Section 84.007.

5 SECTION 48. Section 141.032(g), Election Code, is amended
6 to read as follows:

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

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

11 (2) the authority with whom the application is filed
12 may not accept an amendment to an application filed under Section
13 141.031.

14 SECTION 49. Section 141.034(a), Election Code, is amended
15 to read as follows:

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

22 SECTION 50. The heading to Section 141.040, Election Code,
23 is amended to read as follows:

24 Sec. 141.040. NOTICE OF DEADLINES AND FILING METHODS.

25 SECTION 51. Section 141.040, Election Code, is amended by
26 adding Subsection (c) to read as follows:

27 (c) An authority may designate an e-mail address in the

1 notice required by this section for the purpose of filing an
2 application for a place on the ballot under Section 143.004.

3 SECTION 52. Section 141.063, Election Code, is amended by
4 adding Subsection (e) to read as follows:

5 (e) The signer's residence address and registration address
6 are not required to be the same if the signer would otherwise be
7 able to vote for that office under Sections 11.004 or 112.002.

8 SECTION 53. Chapter 141, Election Code, is amended by
9 adding Subchapter D, and a heading is added to that subchapter to
10 read as follows:

11 SUBCHAPTER D. COERCION OF CANDIDACY

12 SECTION 54. Section 2.054, Election Code, is transferred
13 to Subchapter D, Chapter 141, Election Code, as added by this Act,
14 redesignated as Section 141.101, Election Code, and amended to read
15 as follows:

16 Sec. 141.101 [~~2.054~~]. COERCION AGAINST CANDIDACY
17 PROHIBITED. (a) A [~~In an election that may be subject to this~~
18 ~~subchapter, a~~] person commits an offense if by intimidation or by
19 means of coercion the person influences or attempts to influence a
20 person to:

21 (1) not file an application for a place on the ballot
22 or a declaration of write-in candidacy; or

23 (2) withdraw as a candidate.

24 (b) In this section, "coercion" has the meaning assigned by
25 Section 1.07, Penal Code.

26 (c) An offense under this section is a Class A misdemeanor
27 unless the intimidation or coercion is a threat to commit a felony,

1 in which event it is a felony of the third degree.

2 SECTION 55. Section 143.004, Election Code, is amended to
3 read as follows:

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

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

12 SECTION 56. Section 144.003(a), Election Code, is amended
13 to read as follows:

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

21 SECTION 57. Section 145.003, Election Code, is amended by
22 adding Subsection (j) to read as follows:

23 (j) This section does not apply to a challenge on an
24 application under Section 141.034.

25 SECTION 58. Section 192.033(d), Election Code, is amended
26 to read as follows:

27 (d) In conjunction with the certification required under

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

7 SECTION 59. Subchapter B, Chapter 201, Election Code, is
8 amended by adding Section 201.030 to read as follows:

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

13 SECTION 60. Section 203.004(b), Election Code, is amended
14 to read as follows:

15 (b) If the election is to be held as an emergency election,
16 it shall be held on a Tuesday or Saturday occurring on or after the
17 36th day and before the 64th [~~50th~~] day after the date the election
18 is ordered.

19 SECTION 61. Section 212.001, Election Code, is amended to
20 read as follows:

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

- 23 (1) be in writing;
- 24 (2) identify the office or measure for which a recount
25 is desired;
- 26 (3) state the grounds for the recount;
- 27 (4) state the side of the measure that the person

1 requesting the recount represents, if applicable;

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

6 (6) be signed by:

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

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

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

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

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

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

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

27 (10) state the mailing address, e-mail address, if

1 any, and at least one telephone number, if any, at which the
2 opposing candidates for the office or their agents, identified by
3 name, may receive notice given under this title; and

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

6 SECTION 62. Section 212.002(b), Election Code, is amended
7 to read as follows:

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

11 SECTION 63. Section 212.028(a), Election Code, is amended
12 to read as follows:

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

15 ~~[(1) 5 p.m. of the fifth day after election day; or~~

16 ~~[(2)]~~ 5 p.m. of the second day after the date the
17 canvassing authority to whose presiding officer the petition must
18 be submitted completes its canvass of the original election
19 returns.

20 SECTION 64. Section 212.031(a), Election Code, is amended
21 to read as follows:

22 (a) If a recount petition complies with the applicable
23 requirements, the recount coordinator shall approve the petition
24 and note on the petition its approved status and the date of the
25 approval. The recount coordinator shall immediately notify the
26 recount supervisor of the approval. The recount supervisor shall,
27 with the written approval of the recount coordinator, order the

1 recount to be held on the earlier of [~~a date occurring not later~~
2 ~~than~~] the seventh day after the date the petition is determined to
3 comply with the applicable requirements or the day after all
4 ballots have been delivered to the general custodian of election
5 records.

6 SECTION 65. Section 212.083, Election Code, is amended to
7 read as follows:

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

11 [~~(1) 2 p.m. of the third day after election day; or~~
12 [~~(2)~~] 2 p.m. of the first day after the date of the
13 local canvass.

14 SECTION 66. Section 212.112, Election Code, is amended to
15 read as follows:

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

- 18 (1) \$60 for each of the entity's election day polling
19 places [~~precinct~~] in which regular paper ballots were used; and
20 (2) \$100 for each of the entity's election day polling
21 places [~~precinct~~] in which an electronic voting system was used.

22 SECTION 67. Section 216.003, Election Code, is amended to
23 read as follows:

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

1 SECTION 68. Section 272.009, Election Code, is amended by
2 adding Subsection (c) to read as follows:

3 (c) To be eligible to serve as a clerk under this section, a
4 person must:

5 (1) be a qualified voter of the state and satisfy any
6 additional eligibility requirements prescribed by written order of
7 the commissioners court; or

8 (2) meet the eligibility requirements of a student
9 election clerk under Section 32.0511.

10 SECTION 69. Section 277.0024, Election Code, is amended to
11 read as follows:

12 Sec. 277.0024. COMPUTING NUMBER OF SIGNATURES. (a) Except
13 as provided by Subsection (b), if [~~if~~] the minimum number of
14 signatures required for a petition is determined by a computation
15 applied to the number of registered voters of a particular
16 territory, voters whose names appear on the list of registered
17 voters with the notation "S", or a similar notation, shall be
18 excluded from the computation.

19 (b) The signature of a voter whose name appears on the list
20 of registered voters with the notation "S", or a similar notation,
21 is considered valid if the voter:

22 (1) is otherwise eligible to vote in the territory;
23 and

24 (2) provides a residence address located in the
25 territory.

26 SECTION 70. (a) The following provisions of the Election
27 Code are repealed:

- 1 (1) Section 31.099(b);
- 2 (2) Section 42.061(c);
- 3 (3) Section 84.008(b);
- 4 (4) Section 87.101;
- 5 (5) Section 105.002; and
- 6 (6) Section 145.092(e).

7 (b) Section 5, Chapter 404 (H.B. 25), Acts of the 85th
8 Legislature, Regular Session, 2017, which amended Section
9 105.002(c), Election Code, is repealed.

10 SECTION 71. This Act takes effect September 1, 2019.