

# SENATE AMENDMENTS

2<sup>nd</sup> Printing

By: Cortez

H.B. No. 2640

A BILL TO BE ENTITLED

AN ACT

relating to political parties.

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

SECTION 1. Sections 67.017(a) and (b), Election Code, are amended to read as follows:

(a) After each election for a statewide office or the office of United States representative, state senator, or state representative, a district office, a county office, or a precinct office, the county clerk shall prepare a report of the number of votes, including early voting votes cast by mail and early voting votes cast by personal appearance, received in each county election precinct for each candidate for each of those offices. In a presidential election year, the report must include the number of votes received in each precinct for each set of candidates for president and vice-president of the United States. [~~For any other election, the presiding officer of the canvassing authority shall prepare a report of the precinct results as contained in the election register.~~]

(b) The county clerk [~~or presiding officer~~] shall deliver the report to the secretary of state not later than the 30th day after election day in an electronic format prescribed by the secretary of state.

SECTION 2. Section 161.008(b), Election Code, is amended to read as follows:

1 (b) Not later than the 68th day before general election day,  
2 the secretary of state shall deliver the certification to the  
3 authority responsible for having the official general election  
4 ballot prepared in each county in which the candidate's name is to  
5 appear on the ballot. The secretary of state may deliver the  
6 certification by notifying the authority that the candidates posted  
7 on the secretary of state's Internet website are the candidates  
8 certified. In addition to the other methods of delivering the  
9 certification under this section, the secretary of state shall  
10 deliver a copy of the certification to the authority by e-mail.

11 SECTION 3. Section 162.003, Election Code, is amended to  
12 read as follows:

13 Sec. 162.003. AFFILIATION BY VOTING IN PRIMARY. A person  
14 becomes affiliated with a political party when the person:

15 (1) is accepted to vote in the party's primary  
16 election; or

17 (2) returns [~~applies for and is provided~~] an early  
18 voting or limited primary ballot [~~to be~~] voted by mail.

19 SECTION 4. Section 162.004, Election Code, is amended by  
20 adding Subsection (a-1) and amending Subsections (b) and (c) to  
21 read as follows:

22 (a-1) An election officer shall stamp a voter registration  
23 certificate with a party affiliation under Subsection (b) or  
24 provide an affiliation certificate under Subsection (c) unless, not  
25 later than the 90th day before the date of the primary election, the  
26 county chair notifies the county clerk that the chair does not  
27 require a stamped voter registration certificate or affiliation

1 certificate for verification of attendance at a precinct  
2 convention.

3 (b) Subject to Subsection (a-1), an [~~An~~] election officer at  
4 a primary election polling place shall stamp the party's name in the  
5 party affiliation space of the registration certificate of each  
6 voter who presents the voter's registration certificate and is  
7 accepted to vote unless the party name has already been stamped in  
8 the space.

9 (c) Subject to Subsection (a-1), if [~~If~~] a voter is accepted  
10 to vote without presenting a registration certificate, the  
11 presiding judge shall issue the voter an affiliation certificate.  
12 The certificate is not required to be issued to a voter in a runoff  
13 primary unless the voter requests it. The affiliation certificate  
14 may be combined with the notice provided under Section 172.1114. If  
15 the combined form is used, an election officer is not required to  
16 comply with Subsection (b).

17 SECTION 5. Section 162.005, Election Code, is amended to  
18 read as follows:

19 Sec. 162.005. AFFILIATION PROCEDURE: EARLY VOTING BY MAIL.  
20 Subject to Section 162.004(a-1), the [~~The~~] early voting clerk in a  
21 general primary election shall provide an affiliation certificate  
22 with each early voting or limited ballot to be voted by mail. The  
23 certificate is not required to be provided to an applicant for a  
24 runoff primary ballot unless the applicant requests it.

25 SECTION 6. Sections 162.008(b) and (c), Election Code, are  
26 amended to read as follows:

27 (b) On request of a person desiring to affiliate with a

1 political party, a member of the county executive committee for the  
2 county in which the person resides or other person authorized by  
3 party rule shall administer the following oath: "I swear that I have  
4 not voted in a primary election or participated in a convention of  
5 another party during this voting year. I hereby affiliate myself  
6 with the \_\_\_\_\_ Party." [~~prescribed by Section 162.007(b).~~]

7 (c) After administering the oath, the committee member or  
8 authorized person may [~~shall~~] stamp the party's name in the party  
9 affiliation space unless the party name has already been stamped in  
10 the space. If the person does not present a registration  
11 certificate, the temporary chair on the person's request shall  
12 issue the person an affiliation certificate [~~on the person's~~  
13 ~~registration certificate or issue the person an affiliation~~  
14 ~~certificate as provided by Section 162.007(c).~~].

15 SECTION 7. Section 171.002, Election Code, is amended to  
16 read as follows:

17 Sec. 171.002. COMMITTEE COMPOSITION. (a) The state  
18 executive committee consists of two members from each state  
19 senatorial district or congressional district, as determined by  
20 party rule. One of each district's members must be a man and the  
21 other a woman.

22 (b) In addition to the members representing the senatorial  
23 or congressional districts, the committee has a chair and a vice  
24 chair, one of whom must be a man and the other a woman. Except as  
25 otherwise provided by party rule, the chair and vice chair are  
26 considered members of the committee.

27 (c) The chair, vice chair, and members representing the

1 senatorial or congressional districts are elected at the party's  
2 biennial state convention. However, the chair, vice chair, and  
3 members may be elected for four-year terms at the state convention  
4 held in gubernatorial election years. Each holds office until a  
5 successor is elected and assumes office.

6 (d) The members elected to represent a particular  
7 senatorial or congressional district must be those recommended by  
8 the convention delegates representing that senatorial or  
9 congressional district.

10 SECTION 8. Section 171.003(c), Election Code, is amended to  
11 read as follows:

12 (c) To be eligible to serve as a replacement to fill a  
13 vacancy in a membership representing a senatorial or congressional  
14 district, a person must reside in the district.

15 SECTION 9. Section 171.004(a), Election Code, is amended to  
16 read as follows:

17 (a) To participate in a state executive committee meeting as  
18 a proxy for a member representing a senatorial or congressional  
19 district, a person must reside in that district.

20 SECTION 10. Section 171.0231, Election Code, is amended to  
21 read as follows:

22 Sec. 171.0231. WRITE-IN CANDIDATE FOR COUNTY CHAIR OR  
23 PRECINCT CHAIR. (a) Write-in candidates are not permitted for  
24 county chair or precinct chair unless a state executive committee  
25 authorizes write-in candidates.

26 (b) If the state executive committee authorizes write-in  
27 candidates:

1           (1) a [~~(a) A~~] write-in vote for the office of county  
2 chair or precinct chair may not be counted unless the name written  
3 in appears on the list of write-in candidates;

4           (2) to [~~(b) To~~]  
5 be entitled to a place on the list of write-in  
6 candidates, a candidate must make a declaration of write-in  
7 candidacy;

8           (3) a [~~(c) A~~]  
9 declaration of write-in candidacy must be filed with  
10 the authority with whom an application for a place on the ballot is  
11 required to be filed for the office;

12           (4) a [~~(d) A~~]  
13 declaration of write-in candidacy must be filed not  
14 later than 6 p.m. of the fifth day after the date of the filing  
15 deadline for the general primary election;

16           (5) with [~~(e) With~~]  
17 the appropriate modifications and to the extent  
18 practicable, Subchapter B, Chapter 146, applies to write-in voting  
19 for the office of county chair or precinct chair; and

20           (6) the [~~(g) The~~]  
21 secretary of state shall prescribe any procedures  
22 necessary to implement this subsection [~~section~~].

23           SECTION 11. Section 171.024, Election Code, is amended by  
24 amending Subsection (e) and adding Subsections (f) and (g) to read  
25 as follows:

26           (e) After a vacancy is filled, the county chair shall submit  
27 the replacement member's name to the secretary of state for posting

1 on the secretary of state's Internet website [~~promptly deliver~~  
2 ~~written or electronic notice of the replacement member's name and~~  
3 ~~address to the state chair and to the county clerk~~].

4 (f) The secretary of state shall create a system for the  
5 county chair to submit the information to the secretary of state for  
6 posting on the secretary of state's Internet website under  
7 Subsection (e).

8 (g) The state executive committee may by rule require a  
9 specific deadline for filling vacancies on a county executive  
10 committee before that committee fills a vacancy in nomination for  
11 public office, but may not set the deadline for a date later than  
12 the date that the vacancy in nomination for public office occurred.  
13 The deadline does not apply to the filling of a vacancy if the  
14 executive committee contains no members.

15 SECTION 12. Section 171.051, Election Code, is amended to  
16 read as follows:

17 Sec. 171.051. DISTRICT EXECUTIVE COMMITTEE ESTABLISHED.

18 (a) For each district from which an officer of the federal or state  
19 government is elected, a district executive committee is  
20 established as provided by this subchapter for each political party  
21 holding a primary election.

22 (b) The state executive committee may by rule require a  
23 specific deadline for filling vacancies on a district executive  
24 committee before that committee fills a vacancy in nomination for  
25 public office, but may not set the deadline for a date later than  
26 the date that the vacancy in nomination for public office occurred.  
27 The deadline does not apply to the filling of a vacancy if the

1 executive committee contains no members.

2 SECTION 13. Section 171.053(a), Election Code, is amended  
3 to read as follows:

4 (a) The district executive committee for a district  
5 comprising only a part of a single county consists of the members of  
6 the county executive committee who reside [~~precinct chairs of the~~  
7 ~~county election precincts~~] in the district.

8 SECTION 14. Section 171.071, Election Code, is amended to  
9 read as follows:

10 Sec. 171.071. PRECINCT EXECUTIVE COMMITTEE ESTABLISHED.

11 (a) For each commissioners precinct and for each justice precinct,  
12 a precinct executive committee is established as provided by this  
13 subchapter for each political party holding a primary election.

14 (b) The state executive committee may by rule require a  
15 specific deadline for filling vacancies on a precinct executive  
16 committee before that committee fills a vacancy in nomination for  
17 public office, but may not set the deadline for a date later than  
18 the date that the vacancy in nomination for public office occurred.  
19 The deadline does not apply to the filling of a vacancy if the  
20 executive committee contains no members.

21 SECTION 15. Section 171.072(a), Election Code, is amended  
22 to read as follows:

23 (a) The precinct executive committee for a commissioners  
24 precinct or for a justice precinct containing three or more county  
25 election precincts consists of the members of the county executive  
26 committee who reside [~~precinct chair of each county election~~  
27 ~~precinct~~] in the commissioners or justice precinct, as applicable.



1 SECTION 16. Subchapter B, Chapter 172, Election Code, is  
2 amended by adding Sections 172.0222 and 172.0223 to read as  
3 follows:

4 Sec. 172.0222. REVIEW OF APPLICATION; NOTICE TO CANDIDATE.

5 (a) If the application of this section conflicts with the  
6 application of Section 141.032, this section prevails.

7 (b) On the filing of an application for a place on the  
8 general primary election ballot, the authority with whom the  
9 application is filed shall review the application to determine  
10 whether it complies with the requirements as to form, content, and  
11 procedure that it must satisfy for the candidate's name to be placed  
12 on the general primary election ballot.

13 (c) Except as provided by Subsection (d) or (e), the review  
14 shall be completed not later than the fifth business day after the  
15 date the application is received by the authority.

16 (d) If an application is submitted fewer than five business  
17 days before the regular filing deadline, the review shall be  
18 completed not later than the first Friday after the regular filing  
19 deadline.

20 (e) If an application is accompanied by a petition, the  
21 petition is considered part of the application, and the review  
22 shall be completed as soon as practicable after the date the  
23 application is received by the authority. However, the petition is  
24 not considered part of the application for purposes of determining  
25 compliance with the requirements applicable to each document, and a  
26 deficiency in the requirements for one document may not be remedied  
27 by the contents of the other document. Unless the petition is

1 challenged, the authority is only required to review the petition  
2 for facial compliance with the applicable requirements as to form,  
3 content, and procedure.

4 (f) A determination under this section that an application  
5 complies with the applicable requirements does not preclude a  
6 subsequent determination that the application does not comply,  
7 subject to Section 172.0223.

8 (g) If an application does not comply with the applicable  
9 requirements, the authority shall reject the application and  
10 immediately deliver to the candidate written notice of the reason  
11 for the rejection.

12 (h) This section does not apply to a determination of a  
13 candidate's eligibility.

14 (i) After the filing deadline:

15 (1) a candidate may not amend an application filed  
16 under Section 172.021; and

17 (2) the authority with whom the application is filed  
18 may not accept an amendment to an application filed under Section  
19 172.021.

20 Sec. 172.0223. LIMITATION ON CHALLENGE OF APPLICATION. (a)  
21 If the application of this section conflicts with the application  
22 of Section 141.034, this section prevails.

23 (b) An application for a place on the general primary  
24 election ballot may not be challenged for compliance with the  
25 applicable requirements as to form, content, and procedure after  
26 the 50th day before the date of the election for which the  
27 application is made.

1        (c) This section does not apply to a determination of a  
2 candidate's eligibility.

3        (d) A challenge must state with specificity how the  
4 application does not comply with the applicable requirements as to  
5 form, content, and procedure. The authority's review of the  
6 challenge is limited to the specific items challenged and any  
7 response filed with the authority by the challenged candidate.

8        SECTION 17. Section 172.055(c), Election Code, is amended  
9 to read as follows:

10        (c) Not later than 24 hours after the candidate withdraws or  
11 is declared ineligible or after the authority preparing the notice  
12 learns of the candidate's death, as applicable, the authority  
13 shall:

14            (1) deliver a copy of the notice to:

15                    (A) [~~(1)~~] at least one daily newspaper published  
16 in the county or, if none, at least one weekly newspaper published  
17 there, if any, for a notice prepared by the county chair;

18                    (B) [~~(2)~~] at least three daily newspapers that  
19 regularly maintain a news representative at the State Capitol, for  
20 a notice applicable to a statewide office; or

21                    (C) [~~(3)~~] at least one daily newspaper published  
22 in each county wholly or partly situated in the district or, if  
23 none, at least one weekly newspaper published there, if any, for a  
24 notice prepared by the state chair for a district office;

25            (2) post the notice on the authority's Internet  
26 website, if one is maintained; and

27            (3) send a copy of the notice to:

1           (A) the secretary of state, to be posted on the  
2 secretary of state's Internet website, for a candidate for an  
3 office filled by voters of more than one county; or

4           (B) the county clerk, to be posted on the  
5 county's Internet website, for an office filled by voters of a  
6 single county.

7           SECTION 18. Section 172.082, Election Code, is amended by  
8 amending Subsections (b) and (f) and adding Subsection (g) to read  
9 as follows:

10           (b) The county chair or the county chair's designee shall  
11 conduct the drawing unless the county executive committee provides  
12 by resolution that the drawing be conducted by the primary  
13 committee.

14           (f) The state chair shall conduct the drawing if:

15                 (1) the county chair~~+~~  
16                 ~~[(1)]~~ requests that the state chair conduct the  
17 drawing; or

18                 (2) the county chair or the county chair's designee  
19 fails to conduct the drawing by the deadline set in this section.

20           (g) A designee appointed by the county chair to conduct the  
21 drawing under this section must be:

22                 (1) a member of the county executive committee; or  
23                 (2) if no member of the county executive committee is  
24 available to conduct the drawing, a resident of the county served by  
25 the committee who is affiliated with the same political party.

26           SECTION 19. Section 172.088(g), Election Code, is amended  
27 to read as follows:

1 (g) The state executive committee shall prescribe the  
2 wording of the ballot language for the proposition submitted by the  
3 petition [~~submitting a proposal~~].

4 SECTION 20. Section 172.090, Election Code, is amended by  
5 amending Subsection (a) and adding Subsections (d) and (e) to read  
6 as follows:

7 (a) In a primary election [~~in which election precincts are~~  
8 ~~consolidated~~], the county executive committee may provide by  
9 resolution, order, or other official action for voting [~~in a~~  
10 ~~consolidated precinct~~] by separate paper ballot for the office of  
11 precinct chair.

12 (d) The county chair or the county clerk may produce and  
13 number ballots by hand under this section.

14 (e) The secretary of state shall adopt rules for conducting  
15 a hand count of ballots under this section.

16 SECTION 21. Sections 172.1111(a) and (c), Election Code,  
17 are amended to read as follows:

18 (a) Before the opening of the polls during the early voting  
19 period and on election day, the presiding judge shall post at each  
20 outside door through which a voter may enter the building in which  
21 the polling place is located a written notice in bold print of the  
22 date, hour, and place for each precinct, county, senatorial, or  
23 state convention that a voter in the precinct may be eligible to  
24 attend during the election year.

25 (c) The notice must remain posted continuously through the  
26 early voting period and on election day.

27 SECTION 22. Section 172.1112(a), Election Code, is amended

1 to read as follows:

2 (a) The county clerk shall post a notice of the election and  
3 a notice of consolidated precincts, if applicable, in the manner  
4 prescribed by Section 4.003(b) for general and special elections.  
5 The notice of the election shall be posted on the county's [~~party's~~]  
6 Internet website, if the county [~~party~~] maintains a website. If the  
7 county [~~party~~] does not maintain a website, the notice shall be  
8 posted on the bulletin board used for posting notice of meetings of  
9 the commissioners court.

10 SECTION 23. Section 172.1114(e), Election Code, is amended  
11 to read as follows:

12 (e) A county chair of a political party shall supply or  
13 contract with the authority to supply a notice prepared according  
14 to this section to the authority conducting the election not later  
15 than the 30th day before the date early voting by personal  
16 appearance begins. The authority's preparation of copies is a  
17 necessary expense incurred in connection with a primary election  
18 under Section 173.001.

19 SECTION 24. Section 172.113(e), Election Code, is amended  
20 to read as follows:

21 (e) On completing the tabulation, the authority shall:  
22 (1) deliver it to the general custodian; or [~~may~~]  
23 (2) post the tabulation:  
24 (A) on the county's website; and [~~or~~]  
25 (B) if required by secretary of state rule, the  
26 secretary of state's website.

27 SECTION 25. Section 172.1141, Election Code, is amended to

1 read as follows:

2 Sec. 172.1141. LIST OF REGISTERED VOTERS FOR CONVENTION.

3 (a) A county clerk shall prepare a list under this section unless,  
4 not later than the 90th day before the date of the primary, the  
5 county chair notifies the county clerk that the chair does not  
6 require a list. At the same time the acceptance of each voter for  
7 voting in the general primary election is indicated on the precinct  
8 list of registered voters furnished for use in the election, the  
9 acceptance of the voter shall also be indicated on the list  
10 furnished for use in the party's conventions.

11 (b) If a county records the acceptance of a voter  
12 electronically, the state chair or county chair may request and the  
13 county clerk shall provide not later than the date of the local  
14 general primary canvass an electronic document listing the persons  
15 who voted in the party primary, the unique identifier assigned to  
16 each person, and whether the person voted early in person or by  
17 mail, or voted in person on election day.

18 SECTION 26. Section 172.115(c), Election Code, is amended  
19 to read as follows:

20 (c) The presiding judge shall retain and provide at the  
21 appropriate time the list of registered voters to be used in the  
22 party's conventions if the list was produced under Section  
23 172.1141.

24 SECTION 27. Section 172.116, Election Code, is amended by  
25 amending Subsections (a), (b), and (c) and adding Subsection (h) to  
26 read as follows:

27 (a) The county chair or the county chair's designee and, if

1 available, at least one member of the county executive committee  
2 selected by the county executive committee shall canvass the  
3 precinct election returns for the county.

4 (b) The county chair or the county chair's designee and any  
5 selected county executive committee member shall convene to conduct  
6 the local canvass on the second Thursday after election day at the  
7 hour specified by the county chair and posted on the county party  
8 website or the commissioners court bulletin board if the county  
9 organization of the political party does not maintain a website.

10 (c) The county clerk shall prepare and electronically  
11 submit to the secretary of state a report of the results of the  
12 canvass, which must include:

13 (1) the total number of votes cast in each precinct for  
14 each candidate or measure; and

15 (2) the number of counted and uncounted provisional  
16 ballots cast in each precinct.

17 (h) A designee appointed by the county chair to conduct the  
18 local canvass under this section must be:

19 (1) a member of the county executive committee; or

20 (2) if no member of the county executive committee is  
21 available to conduct the canvass, a resident of the county served by  
22 the committee who is affiliated with the same political party.

23 SECTION 28. Sections 172.117(a-1) and (a-2), Election Code,  
24 are amended to read as follows:

25 (a-1) The secretary of state shall develop appropriate  
26 notations to describe the status of each candidate. The notations  
27 shall include:



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

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

21 SECTION 29. Section 172.121(b), Election Code, is amended  
22 to read as follows:

23 (b) The secretary of state shall update the status of each  
24 candidate as appropriate [~~The state chair shall deliver the~~  
25 ~~certification~~] by posting next to the candidate's name on the  
26 secretary of state's website whether the person lost in the primary  
27 or is in a runoff for the position as soon as practicable after the

1 state canvass of the general primary election is completed.

2 SECTION 30. Section 172.122, Election Code, is amended by  
3 amending Subsection (b) and adding Subsection (c) to read as  
4 follows:

5 (b) Not later than the 20th day after the date the state  
6 canvass is completed, the state chair shall submit ~~[deliver]~~ the  
7 certification to the secretary of state for posting on the  
8 secretary of state's Internet website.

9 (c) The secretary of state shall create a system for the  
10 state chair to submit the information to the secretary of state for  
11 posting on the secretary of state's Internet website under  
12 Subsection (b).

13 SECTION 31. Section 172.124(a), Election Code, is amended  
14 to read as follows:

15 (a) For each primary election, the county clerk shall  
16 prepare a report of the number of votes, including early voting  
17 votes, received in each county election precinct by each candidate  
18 for an [a statewide] office, other than a party office, ~~[or the~~  
19 ~~office of United States representative, state senator, or state~~  
20 ~~representative,~~] as provided by Section 67.017 for the report of  
21 precinct results for a general election.

22 SECTION 32. Section 172.130(a), Election Code, is amended  
23 to read as follows:

24 (a) Notwithstanding a conflicting provision of this code,  
25 the state chair, or the state chair's designee, may perform any  
26 administrative duty of the county chair, county chair's designee,  
27 or county executive committee related to the conduct of a primary

1 election that has not been performed in the time required by law,  
2 including the submission of candidate information under Section  
3 172.029, drawing for ballot order under Section [~~Sections~~] 172.082  
4 [~~and 172.084~~], and canvassing returns under Section 172.116.

5 SECTION 33. Section 173.032(c), Election Code, is amended  
6 to read as follows:

7 (c) The state chair may, with the consent of the secretary  
8 of state and the county chair or county executive committee, if one  
9 exists for the county, accept money into the state primary fund on  
10 behalf of a county party. The state chair must keep records to  
11 track the money that is attributable to a county.

12 SECTION 34. Subchapter B, Chapter 173, Election Code, is  
13 amended by adding Section 173.0341 to read as follows:

14 Sec. 173.0341. STATE CHAIR AS FISCAL AGENT FOR COUNTY  
15 PARTY. (a) A state chair, or the designee of a state chair, may  
16 enter into an agreement with a county chair under which the state  
17 chair will act as a fiscal agent for the county party.

18 (b) The secretary of state shall prescribe the form of an  
19 agreement under this section.

20 (c) If the state chair acts as the fiscal agent for a county  
21 party in accordance with an agreement under this section:

22 (1) the state chair shall deliver the completed  
23 agreement to the secretary of state;

24 (2) any filing fee received by the county party under  
25 Subchapter C must be made payable to the state party for deposit in  
26 the state primary fund not later than five days after receipt of the  
27 filing fee;

1           (3) the county chair or county executive committee  
2 shall make a request in accordance with Section 31.093 to enter into  
3 a contract with the county elections administrator to conduct  
4 primary elections in the county; and

5           (4) Section 173.031 does not apply to the county  
6 party.

7           SECTION 35. Section 173.061, Election Code, is amended to  
8 read as follows:

9           Sec. 173.061. FEE PAID TO COUNTY CHAIR. Except as provided  
10 by Section 173.0341(c)(2), the [The] county chair shall deposit in  
11 the county primary fund each filing fee accompanying an application  
12 for a place on the ballot filed with the county chair.

13           SECTION 36. Section 174.021(b), Election Code, is amended  
14 to read as follows:

15           (b) A political party may by rule allow a county to hold  
16 precinct conventions before or during the county convention on the  
17 same day and at the same place as the county convention. The rule  
18 may modify other provisions of this subchapter as necessary for the  
19 county to hold precinct conventions as provided by this subsection.

20           SECTION 37. Section 174.025(c), Election Code, is amended  
21 to read as follows:

22           (c) Before conducting business, the precinct chair shall  
23 prepare a list containing the name and residence address of each  
24 person who is admitted to participate in the convention. The state  
25 executive committee by rule may adopt an alternate process in place  
26 of the requirement under this subsection.

27           SECTION 38. Sections 174.064(c) and (d), Election Code, are

1 amended to read as follows:

2 (c) The county chair shall post [~~and deliver~~] the notice of  
3 a county convention. The temporary chair of a senatorial district  
4 convention shall post [~~and deliver~~] the notice of the senatorial  
5 district convention.

6 (d) If the county chair fails to post [~~or deliver~~] notice in  
7 accordance with this section, another member of the county  
8 executive committee may post [~~or deliver~~] the notice. If the  
9 temporary chair of a senatorial district convention fails to post  
10 [~~or deliver~~] notice in accordance with this section, another member  
11 of the county executive committee who may participate in setting  
12 the convention's hour and place may post [~~or deliver~~] the notice.

13 SECTION 39. Section 191.003, Election Code, is amended to  
14 read as follows:

15 Sec. 191.003. NOTICE OF CANDIDATES TO SECRETARY OF STATE.

16 (a) The state chair of each political party holding a presidential  
17 primary election shall submit the information to the secretary of  
18 state for posting on the secretary of state's Internet website and  
19 certify the name of each presidential candidate who qualifies for a  
20 place on the presidential primary election ballot in the same  
21 manner as a candidate filing for statewide, district, and county  
22 offices [~~and deliver the certification to the secretary of state~~]  
23 not later than the ninth day after the date of the regular filing  
24 deadline for the general primary election.

25 (b) The secretary of state shall create a system for  
26 submitting the information to the secretary of state for posting on  
27 the secretary of state's Internet website under Subsection (a).

1 SECTION 40. Section 191.004(b), Election Code, is amended  
2 to read as follows:

3 (b) The names of the presidential candidates shall be  
4 printed as the first race on the ballot under the heading  
5 "Preference For Presidential Nominee" followed by the instruction,  
6 "You may vote for one presidential candidate whose name appears on  
7 the ballot by making a mark [~~placing an 'X'~~] in the shape [~~square~~]  
8 beside the candidate's name." If party rules provide for voting for  
9 an uncommitted status, the instruction shall read, "You may vote  
10 for one presidential candidate whose name appears on the ballot by  
11 making a mark [~~placing an 'X'~~] in the shape [~~square~~] beside the  
12 candidate's name or you may vote as uncommitted by making a mark  
13 [~~placing an 'X'~~] in the shape [~~square~~] beside 'Uncommitted.' Make  
14 only one choice." The instruction shall be changed as appropriate  
15 to accommodate the form of a voting system ballot.

16 SECTION 41. Section 191.008(d), Election Code, is amended  
17 to read as follows:

18 (d) For a political party to be entitled to have its  
19 nominees for president and vice-president of the United States  
20 placed on the general election ballot in an election year in which  
21 the party is holding a presidential primary election, the rules  
22 adopted under this section or the rules already in existence must be  
23 posted on the party's Internet website and filed with the secretary  
24 of state not later than January 5 of the presidential election year.  
25 The secretary of state may extend this deadline for good cause.

26 SECTION 42. The following sections of the Election Code are  
27 repealed:

- 1           (1) Section 171.054(g);
- 2           (2) Section 174.023(b); and
- 3           (3) Section 174.064(b).

4           SECTION 43. This Act takes effect September 1, 2019.

ADOPTED

MAY 22 2019

*Lately Spauld*  
Secretary of the Senate

By: Hudmes

H.B. No. 2640

Substitute the following for \_\_\_B. No. \_\_\_\_\_:

By: Byan H. H. H.

C.S. H.B. No. 2640

A BILL TO BE ENTITLED

1

AN ACT

2 relating to political parties.

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

4 SECTION 1. Sections 67.017(a) and (b), Election Code, are  
5 amended to read as follows:

6 (a) After each election for a statewide office or the office  
7 of United States representative, state senator, or state  
8 representative, a district office, a county office, or a precinct  
9 office, the county clerk shall prepare a report of the number of  
10 votes, including early voting votes cast by mail and early voting  
11 votes cast by personal appearance, received in each county election  
12 precinct for each candidate for each of those offices. In a  
13 presidential election year, the report must include the number of  
14 votes received in each precinct for each set of candidates for  
15 president and vice-president of the United States. [~~For any other~~  
16 ~~election, the presiding officer of the canvassing authority shall~~  
17 ~~prepare a report of the precinct results as contained in the~~  
18 ~~election register.~~]

19 (b) The county clerk [~~or presiding officer~~] shall deliver  
20 the report to the secretary of state not later than the 30th day  
21 after election day in an electronic format prescribed by the  
22 secretary of state.

23 SECTION 2. Section 161.008(b), Election Code, is amended to  
24 read as follows:



1 (b) Not later than the 68th day before general election day,  
2 the secretary of state shall deliver the certification to the  
3 authority responsible for having the official general election  
4 ballot prepared in each county in which the candidate's name is to  
5 appear on the ballot. The secretary of state may deliver the  
6 certification by notifying the authority that the candidates posted  
7 on the secretary of state's Internet website are the candidates  
8 certified. In addition to the other methods of delivering the  
9 certification under this section, the secretary of state shall  
10 deliver a copy of the certification to the authority by e-mail.

11 SECTION 3. Section 162.003, Election Code, is amended to  
12 read as follows:

13 Sec. 162.003. AFFILIATION BY VOTING IN PRIMARY. A person  
14 becomes affiliated with a political party when the person:

15 (1) is accepted to vote in the party's primary  
16 election; or

17 (2) returns [~~applies for and is provided~~] an early  
18 voting or limited primary ballot [~~to be~~] voted by mail.

19 SECTION 4. Section 162.004, Election Code, is amended by  
20 adding Subsection (a-1) and amending Subsections (b) and (c) to  
21 read as follows:

22 (a-1) An election officer shall stamp a voter registration  
23 certificate with a party affiliation under Subsection (b) or  
24 provide an affiliation certificate under Subsection (c) unless, not  
25 later than the 90th day before the date of the primary election, the  
26 county chair notifies the county clerk that the chair does not  
27 require a stamped voter registration certificate or affiliation

1 certificate for verification of attendance at a precinct  
2 convention.

3 (b) Subject to Subsection (a-1), an [~~An~~] election officer at  
4 a primary election polling place shall stamp the party's name in the  
5 party affiliation space of the registration certificate of each  
6 voter who presents the voter's registration certificate and is  
7 accepted to vote unless the party name has already been stamped in  
8 the space.

9 (c) Subject to Subsection (a-1), if [~~If~~] a voter is accepted  
10 to vote without presenting a registration certificate, the  
11 presiding judge shall issue the voter an affiliation certificate.  
12 The certificate is not required to be issued to a voter in a runoff  
13 primary unless the voter requests it. The affiliation certificate  
14 may be combined with the notice provided under Section 172.1114. If  
15 the combined form is used, an election officer is not required to  
16 comply with Subsection (b).

17 SECTION 5. Section 162.005, Election Code, is amended to  
18 read as follows:

19 Sec. 162.005. AFFILIATION PROCEDURE: EARLY VOTING BY MAIL.  
20 Subject to Section 162.004(a-1), the [~~The~~] early voting clerk in a  
21 general primary election shall provide an affiliation certificate  
22 with each early voting or limited ballot to be voted by mail. The  
23 certificate is not required to be provided to an applicant for a  
24 runoff primary ballot unless the applicant requests it.

25 SECTION 6. Sections 162.008(b) and (c), Election Code, are  
26 amended to read as follows:

27 (b) On request of a person desiring to affiliate with a

1 political party, a member of the county executive committee for the  
2 county in which the person resides or other person authorized by  
3 party rule shall administer the following oath: "I swear that I have  
4 not voted in a primary election or participated in a convention of  
5 another party during this voting year. I hereby affiliate myself  
6 with the \_\_\_\_\_ Party." [~~prescribed by Section 162.007(b).~~]

7 (c) After administering the oath, the committee member or  
8 authorized person may [~~shall~~] stamp the party's name in the party  
9 affiliation space unless the party name has already been stamped in  
10 the space. If the person does not present a registration  
11 certificate, the committee member or authorized person on the  
12 person's request shall issue the person an affiliation certificate  
13 [~~on the person's registration certificate or issue the person an~~  
14 ~~affiliation certificate as provided by Section 162.007(c).~~].

15 SECTION 7. Section 171.002, Election Code, is amended to  
16 read as follows:

17 Sec. 171.002. COMMITTEE COMPOSITION. (a) The state  
18 executive committee consists of two members from each state  
19 senatorial district or congressional district, as determined by  
20 party rule. One of each district's members must be a man and the  
21 other a woman.

22 (b) In addition to the members representing the senatorial  
23 or congressional districts, the committee has a chair and a vice  
24 chair, one of whom must be a man and the other a woman. Except as  
25 otherwise provided by party rule, the chair and vice chair are  
26 considered members of the committee.

27 (c) The chair, vice chair, and members representing the

1 senatorial or congressional districts are elected at the party's  
2 biennial state convention. However, the chair, vice chair, and  
3 members may be elected for four-year terms at the state convention  
4 held in gubernatorial election years. Each holds office until a  
5 successor is elected and assumes office.

6 (d) The members elected to represent a particular  
7 senatorial or congressional district must be those recommended by  
8 the convention delegates representing that senatorial or  
9 congressional district.

10 SECTION 8. Section 171.003(c), Election Code, is amended to  
11 read as follows:

12 (c) To be eligible to serve as a replacement to fill a  
13 vacancy in a membership representing a senatorial or congressional  
14 district, a person must reside in the district.

15 SECTION 9. Section 171.004(a), Election Code, is amended to  
16 read as follows:

17 (a) To participate in a state executive committee meeting as  
18 a proxy for a member representing a senatorial or congressional  
19 district, a person must reside in that district.

20 SECTION 10. Section 171.0231, Election Code, is amended to  
21 read as follows:

22 Sec. 171.0231. WRITE-IN CANDIDATE FOR COUNTY CHAIR OR  
23 PRECINCT CHAIR. (a) Write-in candidates are not permitted for  
24 county chair or precinct chair unless a county executive committee  
25 authorizes write-in candidates.

26 (b) If the county executive committee authorizes write-in  
27 candidates:

1           (1) a [~~(a)~~—A] write-in vote for the office of county  
2 chair or precinct chair may not be counted unless the name written  
3 in appears on the list of write-in candidates;

4           (2) to [—  
5           ~~(b)~~—~~To~~] be entitled to a place on the list of write-in  
6 candidates, a candidate must make a declaration of write-in  
7 candidacy;

8           (3) a [—  
9           ~~(c)~~—A] declaration of write-in candidacy must be filed with  
10 the authority with whom an application for a place on the ballot is  
11 required to be filed for the office;

12           (4) a [—  
13           ~~(d)~~—A] declaration of write-in candidacy must be filed not  
14 later than 6 p.m. of the fifth day after the date of the filing  
15 deadline for the general primary election;

16           (5) with [—  
17           ~~(e)~~—~~With~~] the appropriate modifications and to the extent  
18 practicable, Subchapter B, Chapter 146, applies to write-in voting  
19 for the office of county chair or precinct chair; and

20           (6) the [—  
21           ~~(g)~~—~~The~~] secretary of state shall prescribe any procedures  
22 necessary to implement this subsection [~~section~~].

23           SECTION 11. Section 171.024, Election Code, is amended by  
24 amending Subsection (e) and adding Subsections (f) and (g) to read  
25 as follows:

26           (e) After a vacancy is filled, the county chair shall submit  
27 the replacement member's name to the secretary of state for posting

1 on the secretary of state's Internet website [~~promptly deliver~~  
2 ~~written or electronic notice of the replacement member's name and~~  
3 ~~address to the state chair and to the county clerk~~].

4 (f) The secretary of state shall create a system for the  
5 county chair to submit the information to the secretary of state for  
6 posting on the secretary of state's Internet website under  
7 Subsection (e).

8 (g) The state executive committee may by rule require a  
9 specific deadline for filling vacancies on a county executive  
10 committee before that committee fills a vacancy in nomination for  
11 public office, but may not set the deadline for a date later than  
12 the date that the vacancy in nomination for public office occurred.  
13 The deadline does not apply to the filling of a vacancy if the  
14 executive committee contains no members.

15 SECTION 12. Section 171.051, Election Code, is amended to  
16 read as follows:

17 Sec. 171.051. DISTRICT EXECUTIVE COMMITTEE ESTABLISHED.

18 (a) For each district from which an officer of the federal or state  
19 government is elected, a district executive committee is  
20 established as provided by this subchapter for each political party  
21 holding a primary election.

22 (b) The state executive committee may by rule require a  
23 specific deadline for filling vacancies on a district executive  
24 committee before that committee fills a vacancy in nomination for  
25 public office, but may not set the deadline for a date later than  
26 the date that the vacancy in nomination for public office occurred.  
27 The deadline does not apply to the filling of a vacancy if the

1 executive committee contains no members.

2 SECTION 13. Section 171.053(a), Election Code, is amended  
3 to read as follows:

4 (a) The district executive committee for a district  
5 comprising only a part of a single county consists of the members of  
6 the county executive committee who reside [~~precinct chairs of the~~  
7 ~~county election precincts~~] in the district.

8 SECTION 14. Section 171.071, Election Code, is amended to  
9 read as follows:

10 Sec. 171.071. PRECINCT EXECUTIVE COMMITTEE ESTABLISHED.

11 (a) For each commissioners precinct and for each justice precinct,  
12 a precinct executive committee is established as provided by this  
13 subchapter for each political party holding a primary election.

14 (b) The state executive committee may by rule require a  
15 specific deadline for filling vacancies on a precinct executive  
16 committee before that committee fills a vacancy in nomination for  
17 public office, but may not set the deadline for a date later than  
18 the date that the vacancy in nomination for public office occurred.  
19 The deadline does not apply to the filling of a vacancy if the  
20 executive committee contains no members.

21 SECTION 15. Section 171.072(a), Election Code, is amended  
22 to read as follows:

23 (a) The precinct executive committee for a commissioners  
24 precinct or for a justice precinct containing three or more county  
25 election precincts consists of the members of the county executive  
26 committee who reside [~~precinct chair of each county election~~  
27 ~~precinct~~] in the commissioners or justice precinct, as applicable.

1 SECTION 16. Subchapter B, Chapter 172, Election Code, is  
2 amended by adding Sections 172.0222 and 172.0223 to read as  
3 follows:

4 Sec. 172.0222. REVIEW OF APPLICATION; NOTICE TO CANDIDATE.

5 (a) If the application of this section conflicts with the  
6 application of Section 141.032, this section prevails.

7 (b) On the filing of an application for a place on the  
8 general primary election ballot, the authority with whom the  
9 application is filed shall review the application to determine  
10 whether it complies with the requirements as to form, content, and  
11 procedure that it must satisfy for the candidate's name to be placed  
12 on the general primary election ballot.

13 (c) Except as provided by Subsection (d) or (e), the review  
14 shall be completed not later than the fifth business day after the  
15 date the application is received by the authority.

16 (d) If an application is submitted fewer than five business  
17 days before the regular filing deadline, the review shall be  
18 completed not later than the first Friday after the regular filing  
19 deadline.

20 (e) If an application is accompanied by a petition, the  
21 petition is considered part of the application, and the review  
22 shall be completed as soon as practicable after the date the  
23 application is received by the authority. However, the petition is  
24 not considered part of the application for purposes of determining  
25 compliance with the requirements applicable to each document, and a  
26 deficiency in the requirements for one document may not be remedied  
27 by the contents of the other document. Unless the petition is



1 challenged, the authority is only required to review the petition  
2 for facial compliance with the applicable requirements as to form,  
3 content, and procedure.

4 (f) A determination under this section that an application  
5 complies with the applicable requirements does not preclude a  
6 subsequent determination that the application does not comply,  
7 subject to Section 172.0223.

8 (g) If an application does not comply with the applicable  
9 requirements, the authority shall reject the application and  
10 immediately deliver to the candidate written notice of the reason  
11 for the rejection.

12 (h) This section does not apply to a determination of a  
13 candidate's eligibility.

14 (i) After the filing deadline:

15 (1) a candidate may not amend an application filed  
16 under Section 172.021; and

17 (2) the authority with whom the application is filed  
18 may not accept an amendment to an application filed under Section  
19 172.021.

20 Sec. 172.0223. LIMITATION ON CHALLENGE OF APPLICATION. (a)  
21 If the application of this section conflicts with the application  
22 of Section 141.034, this section prevails.

23 (b) An application for a place on the general primary  
24 election ballot may not be challenged for compliance with the  
25 applicable requirements as to form, content, and procedure after  
26 the 50th day before the date of the election for which the  
27 application is made.

1           (c) This section does not apply to a determination of a  
2 candidate's eligibility.

3           (d) A challenge must state with specificity how the  
4 application does not comply with the applicable requirements as to  
5 form, content, and procedure. The authority's review of the  
6 challenge is limited to the specific items challenged and any  
7 response filed with the authority by the challenged candidate.

8           SECTION 17. Section 172.055(c), Election Code, is amended  
9 to read as follows:

10           (c) Not later than 24 hours after the candidate withdraws or  
11 is declared ineligible or after the authority preparing the notice  
12 learns of the candidate's death, as applicable, the authority  
13 shall:

14                   (1) deliver a copy of the notice to:

15                           (A) [~~1~~] at least one daily newspaper published  
16 in the county or, if none, at least one weekly newspaper published  
17 there, if any, for a notice prepared by the county chair;

18                           (B) [~~2~~] at least three daily newspapers that  
19 regularly maintain a news representative at the State Capitol, for  
20 a notice applicable to a statewide office; or

21                           (C) [~~3~~] at least one daily newspaper published  
22 in each county wholly or partly situated in the district or, if  
23 none, at least one weekly newspaper published there, if any, for a  
24 notice prepared by the state chair for a district office;

25                   (2) post the notice on the authority's Internet  
26 website, if one is maintained; and

27                   (3) send a copy of the notice to:

1                   (A) the secretary of state, to be posted on the  
2 secretary of state's Internet website, for a candidate for an  
3 office filled by voters of more than one county; or

4                   (B) the county clerk, to be posted on the  
5 county's Internet website, for an office filled by voters of a  
6 single county.

7           SECTION 18. Section 172.082, Election Code, is amended by  
8 amending Subsections (b) and (f) and adding Subsection (g) to read  
9 as follows:

10           (b) The county chair or the county chair's designee shall  
11 conduct the drawing unless the county executive committee provides  
12 by resolution that the drawing be conducted by the primary  
13 committee.

14           (f) The state chair shall conduct the drawing if:

15                   (1) the county chair [+  
16                   [~~(1)~~] requests that the state chair conduct the  
17 drawing; or

18                   (2) the county chair or the county chair's designee  
19 fails to conduct the drawing by the deadline set in this section.

20           (g) A designee appointed by the county chair to conduct the  
21 drawing under this section must be:

22                   (1) a member of the county executive committee; or

23                   (2) if no member of the county executive committee is  
24 available to conduct the drawing, a resident of the county served by  
25 the committee who is affiliated with the same political party.

26           SECTION 19. Section 172.088(g), Election Code, is amended  
27 to read as follows:

1 (g) The state executive committee shall prescribe the  
2 wording of the ballot language for the proposition submitted by the  
3 petition [~~submitting a proposal~~].

4 SECTION 20. Section 172.090, Election Code, is amended by  
5 amending Subsection (a) and adding Subsections (d) and (e) to read  
6 as follows:

7 (a) In a primary election [~~in which election precincts are~~  
8 ~~consolidated~~], the county executive committee may provide by  
9 resolution, order, or other official action for voting [~~in a~~  
10 ~~consolidated precinct~~] by separate paper ballot for the office of  
11 precinct chair.

12 (d) The county chair or the county clerk may produce and  
13 number ballots by hand under this section.

14 (e) The secretary of state shall adopt rules for conducting  
15 a hand count of ballots under this section.

16 SECTION 21. Sections 172.1111(a) and (c), Election Code,  
17 are amended to read as follows:

18 (a) Before the opening of the polls during the early voting  
19 period and on election day, the presiding judge shall post at each  
20 outside door through which a voter may enter the building in which  
21 the polling place is located a written notice in bold print of the  
22 date, hour, and place for each precinct, county, senatorial, or  
23 state convention that a voter in the precinct may be eligible to  
24 attend during the election year.

25 (c) The notice must remain posted continuously through the  
26 early voting period and on election day.

27 SECTION 22. Section 172.1112(a), Election Code, is amended

1 to read as follows:

2 (a) The county clerk shall post a notice of the election and  
3 a notice of consolidated precincts, if applicable, in the manner  
4 prescribed by Section 4.003(b) for general and special elections.  
5 The notice of the election shall be posted on the county's [~~party's~~]  
6 Internet website, if the county [~~party~~] maintains a website. If the  
7 county [~~party~~] does not maintain a website, the notice shall be  
8 posted on the bulletin board used for posting notice of meetings of  
9 the commissioners court.

10 SECTION 23. Section 172.1114(e), Election Code, is amended  
11 to read as follows:

12 (e) A county chair of a political party shall supply or  
13 contract with the authority to supply a notice prepared according  
14 to this section to the authority conducting the election not later  
15 than the 30th day before the date early voting by personal  
16 appearance begins. The authority's preparation of copies is a  
17 necessary expense incurred in connection with a primary election  
18 under Section 173.001.

19 SECTION 24. Section 172.113(e), Election Code, is amended  
20 to read as follows:

21 (e) On completing the tabulation, the authority shall:  
22 (1) deliver it to the general custodian; or [~~may~~]  
23 (2) post the tabulation:  
24 (A) on the county's website; and [~~or~~]  
25 (B) if required by secretary of state rule, the  
26 secretary of state's website.

27 SECTION 25. Section 172.1141, Election Code, is amended to

1 read as follows:

2 Sec. 172.1141. LIST OF REGISTERED VOTERS FOR CONVENTION.

3 (a) A county clerk shall prepare a list under this section unless,  
4 not later than the 90th day before the date of the primary, the  
5 county chair notifies the county clerk that the chair does not  
6 require a list. At the same time the acceptance of each voter for  
7 voting in the general primary election is indicated on the precinct  
8 list of registered voters furnished for use in the election, the  
9 acceptance of the voter shall also be indicated on the list  
10 furnished for use in the party's conventions.

11 (b) If a county records the acceptance of a voter  
12 electronically, the state chair or county chair may request and the  
13 county clerk shall provide not later than the date of the local  
14 general primary canvass an electronic document listing the persons  
15 who voted in the party primary, the unique identifier assigned to  
16 each person, and whether the person voted early in person or by  
17 mail, or voted in person on election day.

18 SECTION 26. Section 172.115(c), Election Code, is amended  
19 to read as follows:

20 (c) The presiding judge shall retain and provide at the  
21 appropriate time the list of registered voters to be used in the  
22 party's conventions if the list was produced under Section  
23 172.1141.

24 SECTION 27. Section 172.116, Election Code, is amended by  
25 amending Subsections (a), (b), and (c) and adding Subsection (h) to  
26 read as follows:

27 (a) The county chair or the county chair's designee and, if

1 available, at least one member of the county executive committee  
2 selected by the county executive committee shall canvass the  
3 precinct election returns for the county.

4 (b) The county chair or the county chair's designee and any  
5 selected county executive committee member shall convene to conduct  
6 the local canvass on the second Thursday after election day at the  
7 hour specified by the county chair and posted on the county party  
8 website or the commissioners court bulletin board if the county  
9 organization of the political party does not maintain a website.

10 (c) The county clerk shall prepare and electronically  
11 submit to the secretary of state a report of the results of the  
12 canvass, which must include:

13 (1) the total number of votes cast in each precinct for  
14 each candidate or measure; and

15 (2) the number of counted and uncounted provisional  
16 ballots cast in each precinct.

17 (h) A designee appointed by the county chair to conduct the  
18 local canvass under this section must be:

19 (1) a member of the county executive committee; or

20 (2) if no member of the county executive committee is  
21 available to conduct the canvass, a resident of the county served by  
22 the committee who is affiliated with the same political party.

23 SECTION 28. Sections 172.117(a-1) and (a-2), Election Code,  
24 are amended to read as follows:

25 (a-1) The secretary of state shall develop appropriate  
26 notations to describe the status of each candidate. The notations  
27 shall include:

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

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

21 SECTION 29. Section 172.121(b), Election Code, is amended  
22 to read as follows:

23 (b) The secretary of state shall update the status of each  
24 candidate as appropriate [~~The state chair shall deliver the~~  
25 ~~certification~~] by posting next to the candidate's name on the  
26 secretary of state's website whether the person lost in the primary  
27 or is in a runoff for the position as soon as practicable after the



1 state canvass of the general primary election is completed.

2 SECTION 30. Section 172.122, Election Code, is amended by  
3 amending Subsection (b) and adding Subsection (c) to read as  
4 follows:

5 (b) Not later than the 20th day after the date the state  
6 canvass is completed, the state chair shall submit [~~deliver~~] the  
7 certification to the secretary of state for posting on the  
8 secretary of state's Internet website.

9 (c) The secretary of state shall create a system for the  
10 state chair to submit the information to the secretary of state for  
11 posting on the secretary of state's Internet website under  
12 Subsection (b).

13 SECTION 31. Section 172.124(a), Election Code, is amended  
14 to read as follows:

15 (a) For each primary election, the county clerk shall  
16 prepare a report of the number of votes, including early voting  
17 votes, received in each county election precinct by each candidate  
18 for an [a statewide] office, other than a party office, [~~or the~~  
19 ~~office of United States representative, state senator, or state~~  
20 ~~representative,~~] as provided by Section 67.017 for the report of  
21 precinct results for a general election.

22 SECTION 32. Section 172.130(a), Election Code, is amended  
23 to read as follows:

24 (a) Notwithstanding a conflicting provision of this code,  
25 the state chair, or the state chair's designee, may perform any  
26 administrative duty of the county chair, county chair's designee,  
27 or county executive committee related to the conduct of a primary

1 election that has not been performed in the time required by law,  
2 including the submission of candidate information under Section  
3 172.029, drawing for ballot order under Section [~~Sections~~] 172.082  
4 [~~and 172.084~~], and canvassing returns under Section 172.116.

5 SECTION 33. Section 173.032(c), Election Code, is amended  
6 to read as follows:

7 (c) The state chair may, with the consent of the secretary  
8 of state and the county chair or county executive committee, if one  
9 exists for the county, accept money into the state primary fund on  
10 behalf of a county party. The state chair must keep records to  
11 track the money that is attributable to a county.

12 SECTION 34. Subchapter B, Chapter 173, Election Code, is  
13 amended by adding Section 173.0341 to read as follows:

14 Sec. 173.0341. STATE CHAIR AS FISCAL AGENT FOR COUNTY  
15 PARTY. (a) A state chair, or the designee of a state chair, may  
16 enter into an agreement with a county chair under which the state  
17 chair will act as a fiscal agent for the county party.

18 (b) The secretary of state shall prescribe the form of an  
19 agreement under this section.

20 (c) If the state chair acts as the fiscal agent for a county  
21 party in accordance with an agreement under this section:

22 (1) the state chair shall deliver the completed  
23 agreement to the secretary of state;

24 (2) any filing fee received by the county party under  
25 Subchapter C must be made payable to the state party for deposit in  
26 the state primary fund not later than five days after receipt of the  
27 filing fee;

1           (3) the county chair or county executive committee  
2 shall make a request in accordance with Section 31.093 to enter into  
3 a contract with the county elections administrator to conduct  
4 primary elections in the county; and

5           (4) Section 173.031 does not apply to the county  
6 party.

7           SECTION 35. Section 173.061, Election Code, is amended to  
8 read as follows:

9           Sec. 173.061. FEE PAID TO COUNTY CHAIR. Except as provided  
10 by Section 173.0341(c)(2), the [The] county chair shall deposit in  
11 the county primary fund each filing fee accompanying an application  
12 for a place on the ballot filed with the county chair.

13           SECTION 36. Section 174.021(b), Election Code, is amended  
14 to read as follows:

15           (b) A political party may by rule allow a county to hold  
16 precinct conventions before or during the county convention on the  
17 same day and at the same place as the county convention. The rule  
18 may modify other provisions of this subchapter as necessary for the  
19 county to hold precinct conventions as provided by this subsection.

20           SECTION 37. Section 174.025(c), Election Code, is amended  
21 to read as follows:

22           (c) Before conducting business, the precinct chair shall  
23 prepare a list containing the name and residence address of each  
24 person who is admitted to participate in the convention. The state  
25 executive committee by rule may adopt an alternate process in place  
26 of the requirement under this subsection.

27           SECTION 38. Sections 174.064(c) and (d), Election Code, are

1 amended to read as follows:

2 (c) The county chair shall post [~~and deliver~~] the notice of  
3 a county convention. The temporary chair of a senatorial district  
4 convention shall post [~~and deliver~~] the notice of the senatorial  
5 district convention.

6 (d) If the county chair fails to post [~~or deliver~~] notice in  
7 accordance with this section, another member of the county  
8 executive committee may post [~~or deliver~~] the notice. If the  
9 temporary chair of a senatorial district convention fails to post  
10 [~~or deliver~~] notice in accordance with this section, another member  
11 of the county executive committee who may participate in setting  
12 the convention's hour and place may post [~~or deliver~~] the notice.

13 SECTION 39. Section 191.003, Election Code, is amended to  
14 read as follows:

15 Sec. 191.003. NOTICE OF CANDIDATES TO SECRETARY OF STATE.

16 (a) The state chair of each political party holding a presidential  
17 primary election shall submit the information to the secretary of  
18 state for posting on the secretary of state's Internet website and  
19 certify the name of each presidential candidate who qualifies for a  
20 place on the presidential primary election ballot in the same  
21 manner as a candidate filing for statewide, district, and county  
22 offices [~~and deliver the certification to the secretary of state~~]  
23 not later than the ninth day after the date of the regular filing  
24 deadline for the general primary election.

25 (b) The secretary of state shall create a system for  
26 submitting the information to the secretary of state for posting on  
27 the secretary of state's Internet website under Subsection (a).

1 SECTION 40. Section 191.004(b), Election Code, is amended  
2 to read as follows:

3 (b) The names of the presidential candidates shall be  
4 printed as the first race on the ballot under the heading  
5 "Preference For Presidential Nominee" followed by the instruction,  
6 "You may vote for one presidential candidate whose name appears on  
7 the ballot by making a mark [~~placing an 'X'~~] in the shape [~~square~~]  
8 beside the candidate's name." If party rules provide for voting for  
9 an uncommitted status, the instruction shall read, "You may vote  
10 for one presidential candidate whose name appears on the ballot by  
11 making a mark [~~placing an 'X'~~] in the shape [~~square~~] beside the  
12 candidate's name or you may vote as uncommitted by making a mark  
13 [~~placing an 'X'~~] in the shape [~~square~~] beside 'Uncommitted.' Make  
14 only one choice." The instruction shall be changed as appropriate  
15 to accommodate the form of a voting system ballot.

16 SECTION 41. Section 191.008(d), Election Code, is amended  
17 to read as follows:

18 (d) For a political party to be entitled to have its  
19 nominees for president and vice-president of the United States  
20 placed on the general election ballot in an election year in which  
21 the party is holding a presidential primary election, the rules  
22 adopted under this section or the rules already in existence must be  
23 posted on the party's Internet website and filed with the secretary  
24 of state not later than January 5 of the presidential election year.  
25 The secretary of state may extend this deadline for good cause.

26 SECTION 42. The following provisions of the Election Code  
27 are repealed:

- 1           (1) Section 171.054(g);
- 2           (2) Section 174.023(b); and
- 3           (3) Section 174.064(b).

4           SECTION 43. This Act takes effect September 1, 2019.

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION**

**May 23, 2019**

**TO:** Honorable Dennis Bonnen, Speaker of the House, House of Representatives

**FROM:** John McGeady, Assistant Director    Sarah Keyton, Assistant Director  
Legislative Budget Board

**IN RE: HB2640** by Cortez (Relating to political parties.), **As Passed 2nd House**

|   |
|---|
| <b>No significant fiscal implication to the State is anticipated.</b> |
|---|

Based on analysis by the Secretary of State, it is assumed that the provisions of the bill relating to political parties could be absorbed using existing resources.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 307 Secretary of State

**LBB Staff:** WP, SD, CMa, JMO, SLE, NV

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION**

**May 18, 2019**

**TO:** Honorable Joan Huffman, Chair, Senate Committee on State Affairs

**FROM:** John McGeady, Assistant Director    Sarah Keyton, Assistant Director  
Legislative Budget Board

**IN RE: HB2640** by Cortez (relating to political parties.), **Committee Report 2nd House,**  
**Substituted**

|   |
|---|
| <b>No significant fiscal implication to the State is anticipated.</b> |
|---|

Based on analysis by the Secretary of State, it is assumed that the provisions of the bill relating to political parties could be absorbed using existing resources.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 307 Secretary of State

**LBB Staff:** WP, CMa, JMO, SLE, NV



**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION**

**May 16, 2019**

**TO:** Honorable Joan Huffman, Chair, Senate Committee on State Affairs

**FROM:** John McGeady, Assistant Director    Sarah Keyton, Assistant Director  
Legislative Budget Board

**IN RE:** HB2640 by Cortez (Relating to political parties.), As Engrossed

|   |
|---|
| <b>No significant fiscal implication to the State is anticipated.</b> |
|---|

Based on analysis by the Secretary of State, it is assumed that the provisions of the bill relating to political parties could be absorbed using existing resources.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 307 Secretary of State

**LBB Staff:** WP, CMa, JMO, SLE, NV

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION**

**May 2, 2019**

**TO:** Honorable Stephanie Klick, Chair, House Committee on Elections

**FROM:** John McGeady, Assistant Director    Sarah Keyton, Assistant Director  
Legislative Budget Board

**IN RE: HB2640** by Cortez (relating to political parties.), **Committee Report 1st House,**  
**Substituted**

**No significant fiscal implication to the State is anticipated.**

Based on analysis by the Secretary of State, it is assumed that the provisions of the bill relating to political parties could be absorbed using existing resources.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 307 Secretary of State

**LBB Staff:** WP, JMO, SLE, NV

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION**

**April 3, 2019**

**TO:** Honorable Stephanie Klick, Chair, House Committee on Elections

**FROM:** John McGeady, Assistant Director    Sarah Keyton, Assistant Director  
Legislative Budget Board

**IN RE: HB2640** by Cortez (Relating to political parties.), **As Introduced**

|   |
|---|
| <b>No significant fiscal implication to the State is anticipated.</b> |
|---|

Based on analysis by the Secretary of State, it is assumed that the provisions of the bill relating to political parties could be absorbed using existing resources.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 307 Secretary of State

**LBB Staff:** WP, SLE, NV, JMO