

# SENATE AMENDMENTS

2<sup>nd</sup> Printing

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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.

ADOPTED

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MAY 21 2019

*Henry Spaul*  
Secretary of the Senate

BY: *Zaffrin*

FLOOR AMENDMENT NO. 1

Amend HB 2909 by adding the following appropriately numbered SECTIONS to the bill and renumbering SECTIONS of the bill accordingly:

1 SECTION \_\_\_\_ . Section 67.007(b), Election Code, is amended to  
2 read as follows:

3 (b) The county election returns shall state, for each  
4 candidate and for and against each measure:

5 (1) [7] the total number of votes received in the county  
6 as stated by the local canvassing authority's tabulation of votes;

7 (2) the total number of early voting votes cast by  
8 personal appearance received in the county; and

9 (3) the total number of early voting votes cast by mail  
10 received in the county.

11 SECTION \_\_\_\_ . Section 68.004(b), Election Code, is amended to  
12 read as follows:

13 (b) The periodic reports may include:

14 (1) vote totals for all contested races being  
15 tabulated;

16 (2) vote totals by county for federal offices and  
17 statewide offices of the state government;

18 (3) vote totals for federal offices and statewide  
19 offices of the state government in each of the six most populous  
20 counties, the total for the next 19 most populous counties, and  
21 the total for the remaining 229 counties; [~~and~~]

22 (4) the total number of early voting votes cast by  
23 personal appearance and the total number of early voting votes  
24 cast by mail for all contested races being tabulated; and

25 (5) any other information the secretary of state  
26 determines to be relevant.

1 SECTION \_\_\_\_ . Section 87.027, Election Code, is amended by  
2 adding Subsection (i-1) to read as follows:

3 (i-1) The signature verification committee may compare the  
4 signature on each carrier envelope certificate, except those  
5 signed for a voter by a witness, with the signatures on other  
6 carrier envelope certificates received for the same election to  
7 determine whether the same voter cast more than one ballot by mail.  
8 A determination under this subsection that the same voter cast  
9 more than one ballot by mail must be made by a majority vote of  
10 the committee's membership. The committee must report a  
11 determination under this subsection that the same voter cast more  
12 than one ballot by mail in the same election to the attorney  
13 general and the attorney general shall investigate the  
14 allegations. The secretary of state may adopt rules relating to  
15 the information included in a report to the attorney general under  
16 this subsection.

17 SECTION \_\_\_\_ . Section 87.042(b), Election Code, is amended to  
18 read as follows:

19 (b) The [~~Except as provided by Subsection (c), the~~] board  
20 shall place the ballot envelope containing an accepted ballot in  
21 a separate ballot box from the ballot box containing the early  
22 voting ballots voted by personal appearance.

23 SECTION \_\_\_\_ . Section 87.103, Election Code, is amended by  
24 amending Subsection (b) and adding Subsection (c) to read as  
25 follows:

26 (b) The early voting returns prepared at the central  
27 counting station must include any early voting results obtained by  
28 the early voting ballot board under Subchapter [~~Subchapters~~] D  
29 [~~and E~~].

30 (c) The early voting votes cast by personal appearance shall  
31 be tabulated separately from the early voting votes cast by mail

1 and shall be separately reported on the returns.

2 SECTION \_\_\_\_\_. Section 87.124, Election Code, is amended to  
3 read as follows:

4 Sec. 87.124. PRESERVATION OF EARLY VOTING ELECTION RECORDS  
5 GENERALLY. The early voting election returns, voted early voting  
6 ballots, and other early voting election records shall be preserved  
7 after the election in the same manner as the corresponding precinct  
8 election records except that early voting ballots voted by mail  
9 shall be preserved in a separate container from early voting  
10 ballots cast by personal appearance.

11 SECTION \_\_\_\_\_. Section 87.042(c), Election Code, is repealed.

12 Tax Code, is amended by adding Section 26.0442 to read as  
13 follows:

ADOPTED  
RV 27.4  
MAY 21 2019

*Letty Spaw*  
Secretary of the Senate

FLOOR AMENDMENT NO. 1

BY: *Rayan Hyler*

1 Amend H.B. No. 2909 (senate committee printing) by adding the  
2 following appropriately numbered SECTION to the bill and  
3 renumbering subsequent SECTIONS accordingly:

4 SECTION \_\_\_\_ Subchapter A, Chapter 129, Election Code, is  
5 amended by adding Section 129.003 to read as follows:

6 Sec. 129.003. PAPER AUDIT TRAIL REQUIRED. (a) In this  
7 section, "auditable voting system" means a voting system that is  
8 certified by the United States Election Assistance Commission and  
9 the secretary of state on the date it is acquired and that uses or  
10 produces a paper ballot by which a voter can verify that the voter's  
11 selections are accurately reflected.

12 (b) Except as otherwise provided by this section, a voting  
13 system used in an election must be an auditable voting system.

14 (c) The paper record is the official record of the vote cast  
15 for a recount under Title 13.

16 (d) An authority that purchased a voting system other than  
17 an auditable voting system after September 1, 2014, and before  
18 September 1, 2019, may use available federal funding and, if  
19 federal funding is not available, available state funding to  
20 convert the purchased voting system into an auditable voting system  
21 in accordance with the following schedule:

22 (1) if the voting system was converted into an  
23 auditable voting system not later than the election taking place  
24 November 3, 2020, the authority is eligible to have 100 percent of  
25 the cost of conversion reimbursed under this section; and

26 (2) if the authority is not eligible for a 100 percent  
27 reimbursement of cost under Subdivision (1) and the voting system  
28 was converted into an auditable voting system not later than the  
29 election taking place November 5, 2024, the authority is eligible

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1 to have 50 percent of the cost of conversion reimbursed under this  
2 section.

3 (e) The secretary of state may use any available funds to  
4 assist an authority with the purchase of an auditable voting system  
5 if the funds have been appropriated for that purpose.

6 (f) Subsections (b) and (c) do not apply to an election held  
7 before September 1, 2024.

8 (g) A paper record generated by an auditable voting system  
9 may be used only for the purposes described by this section and may  
10 not be retained by the voter.

11 (h) Notwithstanding Subsection (b), a voter voting under  
12 Section 64.009 may use a voting machine that is not part of an  
13 auditable voting system as necessary to comply with that section.

ADOPTED

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MAY 21 2019

*Letty Spaw*  
Secretary of the Senate

*Matthew D. ...*

FLOOR AMENDMENT NO. 2

BY: \_\_\_\_\_

1 Amend H.B. No. 2909 (senate committee printing) by adding the  
2 following appropriately numbered SECTIONS to the bill and  
3 renumbering subsequent SECTIONS accordingly:

4 SECTION \_\_\_\_\_. Section 61.032, Election Code, is amended to  
5 read as follows:

6 Sec. 61.032. INTERPRETER PERMITTED. If an election officer  
7 who attempts to communicate with a voter does not understand the  
8 language used by the voter, the voter may communicate through an  
9 interpreter selected by the voter or, if the voter has not selected  
10 an interpreter, any interpreter an election officer may appoint.

11 SECTION \_\_\_\_\_. Section 61.033, Election Code, is amended to  
12 read as follows:

13 Sec. 61.033. ELIGIBILITY TO SERVE AS INTERPRETER. To be  
14 eligible to serve as an interpreter, a person:

15 (1) if selected by the voter, may be any person other  
16 than the voter's employer, an agent of the voter's employer, or an  
17 officer or agent of a labor union to which the voter belongs; or

18 (2) if appointed to serve as an interpreter by an  
19 election officer:

20 (A) may not be the voter's employer, an agent of  
21 the voter's employer, or an officer or agent of a labor union to  
22 which the voter belongs; and

23 (B) must be a registered voter of the county in  
24 which the voter needing the interpreter resides or a registered  
25 voter of an adjacent county.

26 SECTION \_\_\_\_\_. Section 61.034, Election Code, is amended to  
27 read as follows:

28 Sec. 61.034. TRANSLATING BALLOT. If a voter cannot  
29 comprehend the language in which the ballot is printed, the voter



1 may receive assistance in accordance with Subchapter B, Chapter 64  
2 ~~[an interpreter may accompany the voter to the voting station for~~  
3 ~~the purpose of translating the ballot to the voter].~~

4 SECTION \_\_\_\_\_. Section 61.035, Election Code, is amended to  
5 read as follows:

6 Sec. 61.035. OATH. (a) Before serving as an interpreter,  
7 the person selected as interpreter must take the following oath  
8 administered by an election officer:

9 "I swear (or affirm) that, to the best of my ability, I will  
10 correctly interpret and translate each question, answer, or  
11 statement addressed either to the voter by any election officer or  
12 to an election officer by the voter."

13 (b) A person who will be providing ballot assistance under  
14 Section 61.034 must also take the oath required by Subchapter B,  
15 Chapter 64, and meet all other requirements of that subchapter.

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

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

**May 22, 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: HB2909** by Klick (Relating to election practices and procedures; creating a criminal offense. ), **As Passed 2nd House**

**Estimated Two-year Net Impact to General Revenue Related Funds** for HB2909, As Passed 2nd House: a negative impact of (\$29,183,600) through the biennium ending August 31, 2021.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

**General Revenue-Related Funds, Five-Year Impact:**

<b>Fiscal Year</b>	<b>Probable Net Positive/(Negative) Impact to General Revenue Related Funds</b>
2020	(\$29,183,600)
2021	\$0
2022	\$0
2023	\$0
2024	\$0

**All Funds, Five-Year Impact:**

<b>Fiscal Year</b>	<b>Probable Savings/(Cost) from General Revenue Fund</b>
2020	(\$29,183,600)
2021	\$0
2022	\$0
2023	\$0
2024	\$0

**Fiscal Analysis**

The bill amends the Election Code to relating to election practices and procedures. In addition, the bill requires the Secretary of State to use available funds to provide certain reimbursements to counties for the purchase or retrofitting of auditable voting system equipment. The bill would also

authorize a signature verification committee to compare signatures of mail-in ballots. The bill would require a majority vote determination by the committee that the same voter cast more than one ballot, which would be reported to the Office of the Attorney General (OAG) and for further investigation.

The bill takes effect September 1, 2019.

### **Methodology**

Based on analysis by the Secretary of State, 36 counties would be eligible for reimbursement under the provisions of the bill. This includes the retrofitting of approximately 7,100 eligible voting systems, and the purchase of ballot scanning units for approximately 1,300 voting precincts. The estimated cost of issuing these reimbursements is \$29.2 million for the 2020-21 biennium. The Secretary of State has identified 20,000 other direct-recording electronic voting systems that would not be eligible for reimbursement under the provisions of the bill. Any other costs to update guidance on election practices and procedures could be absorbed within existing agency resources.

Based on information provided by the OAG, any additional costs associated with the signature verification provisions of the bill could be absorbed within agency resources.

### **Local Government Impact**

Based on analysis by the Secretary of State, the replacement of direct-recording electronic voting systems not eligible for reimbursement under the provisions of the bill would present a fiscal impact to units of local government.

**Source Agencies:** 307 Secretary of State

**LBB Staff:** WP, CMA, JMO

**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: HB2909** by Klick (Relating to election practices and procedures; creating a criminal offense.), **As Engrossed**

**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 election practices could be absorbed using existing resources.

**Local Government Impact**

The fiscal implications of the bill on units of local government cannot be determined at this time.

**Source Agencies:**

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

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

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

**March 18, 2019**

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

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

**IN RE: HB2909** by Klick (Relating to election practices and procedures; creating a criminal offense.), **As Introduced**

The fiscal implications of the bill cannot be determined at this time.
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The bill amends the Elections Code relating to election practices and procedures. The bill takes effect September 1, 2019.

**Local Government Impact**

The fiscal implications of the bill cannot be determined at this time.

**Source Agencies:**

**LBB Staff:** WP, SD, JMO

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**CRIMINAL JUSTICE IMPACT STATEMENT**

**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: HB2909** by Klick (Relating to election practices and procedures; creating a criminal offense.),  
**As Engrossed**

The provisions of the bill addressing felony sanctions are the subject of this analysis. The bill would amend the Election Code as it relates to election practices and procedures. Under the provisions, Coercion Against Candidacy would be transferred from one section of the Election Code to another section of the Election Code. The offense is punishable by a misdemeanor or felony with the punishment based on the specific circumstances of the offense.

A third degree felony is punishable by confinement in prison for a term from 2 to 10 years and, in addition to confinement, an optional fine not to exceed \$10,000. A Class A misdemeanor is punishable by confinement in county jail for a term not to exceed one year and, in addition to confinement, an optional fine not to exceed \$4,000.

Transferring an offense without modification to the criminal penalty or associated behaviors is not expected to result in additional demands upon the correctional resources of counties or of the State. In fiscal year 2018, fewer than ten people were arrested, placed under community supervision, or admitted into state correctional institutions for the offense for which changes are proposed. This analysis assumes the provisions of the bill addressing felony sanctions would not result in a significant impact on state correctional populations or the demand for state correctional resources.

**Source Agencies:**

**LBB Staff:** WP, LM, DGi

**LEGISLATIVE BUDGET BOARD  
Austin, Texas**

**CRIMINAL JUSTICE IMPACT STATEMENT**

**86TH LEGISLATIVE REGULAR SESSION**

**March 18, 2019**

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

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

**IN RE: HB2909** by Klick (Relating to election practices and procedures; creating a criminal offense.), **As Introduced**

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**Source Agencies:**

**LBB Staff:** WP, LM, DGi