

House Bill 2628
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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

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

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

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

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

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

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

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

SENATE VERSION (CS)

SECTION 1. Same as House version.

SECTION 2. Same as House version.

SECTION 3. Same as House version.

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(b) With the delivery of the official county returns forms, the secretary of state shall deliver[~~:-~~
[(1)] written instructions on the preparation and delivery of the county election returns[~~;- and~~
[(2)] ~~the officially prescribed envelopes for delivering the returns to the secretary~~].

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

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

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

(d) The secretary of state shall be notified by electronic submission to the secretary of state's Internet website if a

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No equivalent provision.

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candidate withdraws, dies, or is declared ineligible, or if the candidate's application is determined not to comply with the applicable requirements. The secretary of state shall adopt rules implementing this subsection.

(e) The secretary of state shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a-2) The county chair shall update the notations after each general primary and runoff primary election, unless the secretary of state's Internet website automatically updates the notations based on election returns. After any withdrawal or death of a candidate, and subsequent replacement of the candidate on the ballot, the chair shall notify the state chair,

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who shall update the notation on the website. All notations must be completed and accurate on the date prescribed by the secretary of state by rule to ensure that an authority printing general election ballots may rely on the information.

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

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

- (1) each candidate's name;
- (2) each candidate's residence address;
- (3) the office sought by the candidate; ~~[and]~~
- (4) the date on which the candidate filed the application; and
- (5) any additional information required by the secretary of state.

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

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

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

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SECTION 4. Same as House version.

SECTION 5. Same as House version.

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

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SECTION 6. Same as House version.

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