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FLOOR AMENDMENT NO._____ BY: Schofield

Amend C.S.S.B. No. 1 (house committee printing) by adding the following Article to the bill and renumbering subsequent Articles and sections of the bill accordingly:

ARTICLE 9. ELECTION PRACTICES AND PROCEDURES RELATING TO FEDERAL ELECTIONS

SECTION 9.01. Section 1.002(a), Election Code, is amended to read as follows:

(a) This code applies to all general, special, federal, and primary elections held in this state.

SECTION 9.02. Section 1.005, Election Code, is amended by amending Subdivisions (4-a), (7), (14), and (19) and adding Subdivisions (4-b) and (4-c) to read as follows:

(4-a) "Federal election" means a primary or general election for a federal office or a resulting runoff election and does not include an election held for electors for president and vice president of the United States.

(4-b) "Federal judge" means:

(A) a judge, former judge, or retired judge of a United States court of appeals;

(B) a judge, former judge, or retired judge of a United States district court;

(C) a judge, former judge, or retired judge of a United States bankruptcy court; or

(D) a magistrate judge, former magistrate judge, or retired magistrate judge of a United States district court.

(4-c) "Federal office" means the office of United States senator or United States representative.

(7) "General election for state and county officers" means the general election at which officers of the [~~federal,~~]

state[~~,~~] and county governments are elected.

(14) "Primary election" means an election held by a political party under Chapter 172 to select its nominees for public office, and, unless the context indicates otherwise, the term includes a [~~presidential~~] primary election for a federal office.

(19) "Statewide office" means an office of the [~~federal or~~] state government that is voted on statewide.

SECTION 9.03. Chapters 11, 12, 13, 14, 15, 16, 17, 18, 19, and 20, Election Code, are designated as Subtitle A, Title 2, Election Code, and a heading is added to Subtitle A to read as follows:

SUBTITLE A. GENERAL REQUIREMENTS

SECTION 9.04. Section 11.002(a), Election Code, is amended to read as follows:

(a) In this code, "qualified voter" means a person who:

(1) is 18 years of age or older;

(2) is a United States citizen;

(3) has not been determined by a final judgment of a court exercising probate jurisdiction to be:

(A) totally mentally incapacitated; or

(B) partially mentally incapacitated without the right to vote;

(4) has not been finally convicted of a felony or, if so convicted, has:

(A) fully discharged the person's sentence, including any term of incarceration, parole, or supervision, or completed a period of probation ordered by any court; or

(B) been pardoned or otherwise released from the resulting disability to vote;

(5) is a resident of this state; and

(6) is a registered voter under this subtitle.

SECTION 9.05. Section 15.003(a), Election Code, is amended to read as follows:

(a) On receipt of a voter registration certificate issued under this subtitle [~~title~~], the person to whom the certificate is issued must personally sign it in the appropriate space.

SECTION 9.06. Title 2, Election Code, is amended by adding Subtitle B to read as follows:

SUBTITLE B. FEDERAL ELECTIONS

CHAPTER 21. GENERAL PROVISIONS

Sec. 21.001. DEFINITIONS. In this subtitle:

(1) "Federal ballot" means a ballot that only lists elections and candidates for federal office.

(2) "State election" means an election that is not a federal election.

Sec. 21.002. FEDERAL ELECTIONS SEPARATE. (a) Notwithstanding other law, a federal election is a separate election from any other election in this state.

(b) A federal election under this subtitle may not list on the federal ballot any proposition or election for state or county office.

(c) To the extent feasible, a federal election and a state election shall be held separately and concurrently using the same precincts and polling locations.

Sec. 21.003. RULES. (a) The secretary of state shall adopt rules to enact this subtitle.

(b) The rules adopted under this section must reduce voter disruption and confusion to the greatest extent possible, including by using the same area in which voters are being accepted for voting and the same voting stations for state and federal elections.

CHAPTER 22. VOTER REGISTRATION FOR FEDERAL ELECTIONS

Sec. 22.001. DEFINITION. In this chapter, "military

service voter" means:

(1) a member of the armed forces of the United States;

(2) a member of the merchant marine of the United States;

(3) a member of the Texas National Guard;

(4) a member of the National Guard of another state serving on active duty under an order of the president of the United States;

(5) a member of a reserve component of the armed forces of the United States serving on active duty under an order of the president of the United States or activated on state orders; or

(6) a spouse or dependent of a member of a military organization listed in Subdivisions (1) through (5).

Sec. 22.002. ELIGIBILITY TO VOTE IN FEDERAL ELECTIONS. To be eligible to vote in a federal election in this state, a person must:

(1) be a qualified voter as defined by Section 11.002 on the day the person offers to vote; or

(2) meet all requirements for voter eligibility under federal law and:

(A) meet all of the requirements to be a qualified voter under Section 11.002 except the requirement under Section 11.002(a)(6) that the person be a registered voter under Subtitle A, and be:

(i) a military service voter; or

(ii) domiciled in this state but temporarily living outside the territorial limits of the United States and the District of Columbia; or

(B) be unable to complete the registration requirements under Subtitle A.

Sec. 22.003. REGISTRATION FOR FEDERAL ELECTIONS. (a) If

the United States Congress enacts legislation that allows a voter to be eligible to register to vote under this subtitle when the same voter would be ineligible to register to vote under Subtitle A, the secretary of state shall create and maintain a procedure by which a person eligible under Section 22.002 may submit an application to register to vote under this subtitle. The procedure under this section must comply with all federal laws for voter registration.

(b) A person who submits an application for registration under Chapter 13 that does not comply with all requirements under Subtitle A but does comply with all requirements under federal law shall be registered to vote under this subtitle.

(c) A person registered to vote under Subsection (b) who submits an application for registration under Chapter 13 that is accepted becomes registered to vote under Subtitle A.

CHAPTER 23. CONDUCT OF FEDERAL ELECTIONS

Sec. 23.001. CREATION OF FEDERAL BALLOT. The authority preparing a ballot for a concurrent federal and state election shall prepare a separate federal ballot for voters registered under this subtitle.

Sec. 23.002. BALLOT RECEIVED BY VOTER IN FEDERAL ELECTION. (a) A voter registered to vote under Subtitle A may vote a full ballot containing propositions and candidates for office in state and federal elections.

(b) A voter registered to vote under this subtitle may only vote a federal ballot.

Sec. 23.003. OTHER CONDUCT. (a) Voting, tabulation, and reporting procedures for a state election shall be conducted under the provisions of this code.

(b) To the extent possible, voting, tabulation, and reporting procedures for a federal election shall be conducted under the provisions of this code.

(c) To the extent that federal law conflicts with a provision of this code, voting, tabulation, and reporting procedures for a federal election shall be conducted under the provisions of the applicable federal law.

SECTION 9.07. Subchapter A, Chapter 41, Election Code, is amended by adding Section 41.003 to read as follows:

Sec. 41.003. GENERAL ELECTION FOR FEDERAL OFFICERS. (a) The general election for federal officers shall be held on the first Tuesday after the first Monday in November in even-numbered years.

(b) To the extent feasible, the general election for federal officers shall be held concurrently with the general election for state and county officers.

SECTION 9.08. The heading to Section 41.007, Election Code, is amended to read as follows:

Sec. 41.007. PRIMARY ELECTIONS FOR STATE AND COUNTY OFFICERS.

SECTION 9.09. Sections 41.007(a) and (d), Election Code, are amended to read as follows:

(a) The general primary election date for state and county officers is the first Tuesday in March in each even-numbered year.

(d) No [~~other~~] election other than a primary election for federal officers may be held on the date of a primary election.

SECTION 9.10. Subchapter A, Chapter 41, Election Code, is amended by adding Section 41.0075 to read as follows:

Sec. 41.0075. PRIMARY ELECTIONS FOR FEDERAL OFFICERS. (a) The primary election date for federal officers is the first Tuesday in March in each even-numbered year.

(b) The runoff primary election date for federal officers is the fourth Tuesday in May following the primary election for federal officers.

(c) To the extent feasible, the primary election for federal

officers shall be held concurrently with the primary election for state and county officers.

SECTION 9.11. Section 42.002(a), Election Code, is amended to read as follows:

(a) The county election precincts are the election precincts for the following elections:

(1) the general election for state and county officers;

(2) a special election ordered by the governor;

(3) a primary election;

(4) a countywide election ordered by the commissioners court, county judge, or other county authority, except an election subject to Section 42.062(2); [~~and~~]

(5) a federal election; and

(6) as provided by Section 42.0621, any other election held by a political subdivision on a uniform election date.

SECTION 9.12. Section 67.010(a), Election Code, is amended to read as follows:

(a) The county election returns for an election for a statewide office other than governor or lieutenant governor, a statewide measure, a district office, a federal office, or president and vice-president of the United States shall be canvassed by the governor.

SECTION 9.13. Section 84.014, Election Code, is amended to read as follows:

Sec. 84.014. ACTION BY EARLY VOTING CLERK ON CERTAIN APPLICATIONS. If an applicant provides a date of birth, driver's license number, or social security number on the applicant's application for an early voting ballot to be voted by mail that is different from or in addition to the information maintained by the voter registrar in accordance with Subtitle A, Title 2, the early

voting clerk shall notify the voter registrar. The voter registrar shall update the voter's record with the information provided by the applicant.

SECTION 9.14. Section 101.052, Election Code, is amended by amending Subsections (e), (f), and (j) and adding Subsection (n) to read as follows:

(e) An applicant who otherwise complies with applicable requirements is entitled to receive a full ballot to be voted by mail under this chapter if:

(1) the applicant submits a federal postcard application to the early voting clerk on or before the 20th day before election day; and

(2) the application contains the information that is required for registration under Subtitle A, Title 2.

(f) The applicant is entitled to receive only a federal ballot to be voted by mail under Chapter 114 if:

(1) the applicant submits the federal postcard application to the early voting clerk after the date provided by Subsection (e)(1) and before the deadline for submitting a regular application for a ballot to be voted by mail; and

(2) the application contains the information that is required for registration under Subtitle A, Title 2.

(j) If the early voting clerk determines that an application that is submitted before the time prescribed by Subsection (e)(1) does not contain the information that is required for registration under Subtitle A, Title 2, the clerk shall notify the applicant of that fact. If the applicant has provided a telephone number or an address for receiving mail over the Internet, the clerk shall notify the applicant by that medium.

(n) A federal postcard application that does not meet the requirements of Subtitle A, Title 2, may still constitute

registration for federal elections if the federal postcard application meets the requirements of Subtitle B, Title 2.

SECTION 9.15. Section 101.053(b), Election Code, is amended to read as follows:

(b) If an applicant provides a date of birth, driver's license number, or social security number on the applicant's federal postcard application that is different from or in addition to the information maintained by the voter registrar in accordance with Subtitle A, Title 2, the early voting clerk shall notify the voter registrar. The voter registrar shall update the voter's record with the information provided by the applicant.

SECTION 9.16. Section 101.055, Election Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a) The submission of a federal postcard application that complies with the [~~applicable~~] requirements of Subtitle A, Title 2, by an unregistered applicant constitutes registration by the applicant:

(1) for the purpose of voting in the election for state and county officers for which a ballot is requested; and

(2) under Subtitle A, Title 2, if the federal postcard application complies with the requirements under that subtitle, unless the person indicates on the application that the person is residing outside the United States indefinitely.

(a-1) The submission of a federal postcard application that complies with the requirements of Subtitle B, Title 2, by an unregistered applicant constitutes registration by the applicant:

(1) for the purpose of voting in the election for federal officers for which a ballot is requested; and

(2) under Subtitle B, Title 2, if the federal postcard application complies with the requirements under that subtitle,

unless the person indicates on the application that the person is residing outside the United States indefinitely.

SECTION 9.17. Section 142.005, Election Code, is amended to read as follows:

Sec. 142.005. AUTHORITY WITH WHOM APPLICATION FILED. An application for a place on the ballot must be filed with:

(1) the secretary of state, for a federal, statewide, or district office; or

(2) the county judge, for a county or precinct office.

SECTION 9.18. Section 145.033, Election Code, is amended to read as follows:

Sec. 145.033. AUTHORITY WITH WHOM WITHDRAWAL REQUEST FILED. A candidate must file a withdrawal request with:

(1) the secretary of state, for a federal, statewide, or district office; or

(2) the authority responsible for having the official ballot prepared, for a county or precinct office.

SECTION 9.19. Section 145.037(d), Election Code, is amended to read as follows:

(d) The chair must deliver the certification to:

(1) the secretary of state, for a federal, statewide, or district office; or

(2) the authority responsible for having the official ballot prepared, for a county or precinct office.

SECTION 9.20. Section 146.024, Election Code, is amended to read as follows:

Sec. 146.024. AUTHORITY WITH WHOM DECLARATION FILED. A declaration of write-in candidacy must be filed with:

(1) the secretary of state, for a federal, statewide, or district office; or

(2) the county judge, for a county or precinct office.

SECTION 9.21. Section 161.008(a), Election Code, is amended to read as follows:

(a) Except as provided by Subsection (c), the secretary of state shall certify in writing for placement on the general election ballot the name of each candidate nominated at a primary election or convention of a political party for a federal, statewide, or district office.

SECTION 9.22. Section 163.006(d), Election Code, is amended to read as follows:

(d) Before January 15 of each year in which political parties hold precinct conventions under this title, the secretary of state shall deliver written notice of the requirements of this section to the state chair of each party that had a nominee for a federal, statewide, or district office on the most recent general election ballot.

SECTION 9.23. Section 172.059(b), Election Code, is amended to read as follows:

(b) A withdrawal request for the runoff primary must be filed with the state chair, for a federal, statewide, or district office, or with the county chair, for a county or precinct office.

SECTION 9.24. Section 172.121(a), Election Code, is amended to read as follows:

(a) The state chair shall certify on the secretary of state's website for placement on the runoff primary election ballot the name of each general primary candidate for a federal, statewide, or district office who is to be a candidate in the runoff.

SECTION 9.25. Section 172.122(a), Election Code, is amended to read as follows:

(a) The state chair shall certify by posting on the secretary of state's website the name and address of each primary

candidate who is nominated for a federal, statewide, or district office. The state chair shall execute and file digitally with the secretary of state an affidavit certifying that the returns posted on the secretary of state's website are the correct and complete returns. The secretary of state shall adopt by rule a process to allow the chair to submit the affidavit digitally.

SECTION 9.26. Section 173.063, Election Code, is amended to read as follows:

Sec. 173.063. FEE RETAINED BY STATE CHAIR. The state chair shall deposit in the state primary fund each filing fee accompanying an application for a place on the ballot filed with the state chair:

(1) for a federal office;

(1-a) for a statewide office; or

(2) for a district office if the application is filed after the regular filing deadline.

SECTION 9.27. Section 181.0311(a), Election Code, as effective September 1, 2021, is amended to read as follows:

(a) In addition to any other requirements, to be considered for nomination by convention, a candidate must:

(1) pay a filing fee to the secretary of state for a federal, statewide, or district office or the county judge for a county or precinct office; or

(2) submit to the secretary of state for a federal, statewide, or district office or the county judge for a county or precinct office a petition in lieu of a filing fee that satisfies the requirements prescribed by Subsection (e) and Section 141.062.

SECTION 9.28. Section 181.032(a), Election Code, is amended to read as follows:

(a) An application for nomination by a convention must be filed with:

(1) the state chair, for a federal, statewide, or district office; or

(2) the county chair, for a county or precinct office.

SECTION 9.29. Section 181.068(b), Election Code, is amended to read as follows:

(b) Not later than the 20th day after the date of the convention making the nomination, the presiding officer shall deliver the certification to:

(1) the authority responsible for having the official general election ballot prepared in the county, for certification of a county or precinct office; or

(2) the secretary of state, for certification of a federal, statewide, or district office.

SECTION 9.30. Sections 231.008(b) and (c), Election Code, are amended to read as follows:

(b) If the judgment in a contest for an office affects the preparation of the ballot for a succeeding election, the clerk shall deliver a copy to the authority responsible for having the official ballot prepared or, in the case of a federal, statewide, or district office, to the authority responsible for certifying the names of the candidates for placement on the ballot.

(c) If the judgment orders that a new general or special election be held, the clerk shall deliver a copy to the authority responsible for ordering the election. If the judgment orders a new primary election, the clerk shall deliver a copy to the state chair of the appropriate political party, in the case of a federal, statewide, or district office, or to the county chair, in the case of a county or precinct office.

SECTION 9.31. Section 232.013(d), Election Code, is amended to read as follows:

(d) If the contested election is a primary, the district

clerk shall deliver a certified copy of the order setting the date of the runoff to the state chair of the political party in the case of a federal, statewide, or district office or to the county chair in the case of a county or precinct office.

SECTION 9.32. Section 232.048(c), Election Code, is amended to read as follows:

(c) The candidate receiving the most votes in a new election ordered by a court in a primary election contest is the political party's nominee, regardless of whether the candidate receives a majority vote, if the date of the final canvass of the court-ordered primary is on or after:

(1) the 85th day before the date of the succeeding general election in the case of a federal, statewide, or district office; or

(2) the 75th day before the date of the succeeding general election in the case of a county or precinct office.

SECTION 9.33. Section 252.005, Election Code, is amended to read as follows:

Sec. 252.005. AUTHORITY WITH WHOM APPOINTMENT FILED: CANDIDATE. An individual must file a campaign treasurer appointment for the individual's own candidacy with:

(1) the commission, if the appointment is made for candidacy for:

(A) a federal office;

(A-1) a statewide office;

(B) a district office filled by voters of more than one county;

(C) a judicial district office filled by voters of only one county;

(D) state senator;

(E) state representative; or

(F) the State Board of Education;

(2) the county clerk, if the appointment is made for candidacy for a county office, a precinct office, or a district office other than one included in Subdivision (1);

(3) the clerk or secretary of the governing body of the political subdivision or, if the political subdivision has no clerk or secretary, with the governing body's presiding officer, if the appointment is made for candidacy for an office of a political subdivision other than a county;

(4) the county clerk if:

(A) the appointment is made for candidacy for an office of a political subdivision other than a county;

(B) the governing body for the political subdivision has not been formed; and

(C) no boundary of the political subdivision crosses a boundary of the county; or

(5) the commission if:

(A) the appointment is made for candidacy for an office of a political subdivision other than a county;

(B) the governing body for the political subdivision has not been formed; and

(C) the political subdivision is situated in more than one county.