

House Bill 3107
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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

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

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

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

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

(1) cast lots not later than the day before the date the authority must order the second election under Subsection (b); or

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

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

SENATE VERSION (IE)

SECTION 1. Same as House version.

SECTION 2. Same as House version.

SECTION 3. Same as House version.

CONFERENCE

House Bill 3107
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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

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

(d) A runoff election for a special election to fill a vacancy in Congress or a special election to fill a vacancy in the legislature, except an election ordered as an emergency election under Section 41.0011 or an election held as an expedited election under Section 203.013, [to which Section 401.104 applies] shall be held not earlier than the 70th day or later than the 77th day after the date the final canvass of the main election is completed.

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

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

SENATE VERSION (IE)

SECTION 4. Same as House version.

SECTION 5. Same as House version.

CONFERENCE

House Bill 3107
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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

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

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

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

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

(c) In addition to any other notice given, notice of an election ordered by the governor, by a county authority, ~~[commissioners court]~~ or by an authority of a city or school district must be given by the method prescribed by Subsection (a)(1).

SENATE VERSION (IE)

SECTION 6. Same as House version.

SECTION 7. Same as House version.

SECTION 8. Same as House version.

CONFERENCE

House Bill 3107
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SECTION 9. Section 4.004(a), Election Code, is amended to read as follows:

- (a) The notice of a general or special election must state:
- (1) the nature and date of the election;
 - (2) except as provided by Subsection (c), the location of each polling place;
 - (3) the hours that the polls will be open; ~~and~~
 - (4) the Internet website of the authority conducting the election; and
 - (5) any other information required by other law.

SECTION 10. Section 13.002(i), Election Code, is amended to read as follows:

- (i) An applicant who wishes to receive an exemption from the requirements of Section 63.001(b) on the basis of disability must submit ~~[include with the person's application]~~:
- (1) written documentation:
 - (A) from the United States Social Security Administration evidencing the applicant has been determined to have a disability; or
 - (B) from the United States Department of Veterans Affairs evidencing the applicant has a disability rating of at least 50 percent; and
 - (2) a statement in a form prescribed by the secretary of state that the applicant does not have a form of identification acceptable under Section 63.0101.

SECTION 11. Section 13.004(c), Election Code, as amended by Chapters 469 (H.B. 4173), 489 (H.B. 3100), and

SENATE VERSION (IE)

SECTION 9. Same as House version.

SECTION 10. Same as House version.

SECTION 11. Same as House version.

CONFERENCE

House Bill 3107
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

1146 (H.B. 2910), Acts of the 86th Legislature, Regular Session, 2019, is reenacted and amended to read as follows:

(c) The following information furnished on a registration application is confidential and does not constitute public information for purposes of Chapter 552, Government Code:

- (1) a social security number;
- (2) a Texas driver's license number;
- (3) a number of a personal identification card issued by the Department of Public Safety;
- (4) ~~[an indication that an applicant is interested in working as an election judge;~~

~~[(5)]~~ the residence address of the applicant, if the applicant is a federal judge or state judge, the spouse of a federal judge or state judge, the spouse of a peace officer as defined by Article 2.12, Code of Criminal Procedure, or an individual to whom Section 552.1175, Government Code, or Section 521.1211, Transportation Code, applies and the applicant:

(A) included an affidavit with the registration application describing the applicant's status under this subdivision, if the applicant is a federal judge or state judge or the spouse of a federal judge or state judge;

(B) provided the registrar with an affidavit describing the applicant's status under this subdivision, if the applicant is a federal judge or state judge or the spouse of a federal judge or state judge; or

(C) provided the registrar with a completed form approved by the secretary of state for the purpose of notifying the registrar of the applicant's status under this subdivision;

(5) ~~[(6)]~~ the residence address of the applicant, if the applicant, the applicant's child, or another person in the applicant's household is a victim of family violence as

SENATE VERSION (IE)

CONFERENCE

House Bill 3107
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

defined by Section 71.004, Family Code, who provided the registrar with:

(A) a copy of a protective order issued under Chapter 85, Family Code, or a magistrate's order for emergency protection issued under Article 17.292, Code of Criminal Procedure; or

(B) other independent documentary evidence necessary to show that the applicant, the applicant's child, or another person in the applicant's household is a victim of family violence;

~~(6)~~ ~~[(7)]~~ the residence address of the applicant, if the applicant, the applicant's child, or another person in the applicant's household is a victim of sexual assault or abuse, stalking, or trafficking of persons who provided the registrar with:

(A) a copy of a protective order issued under Subchapter A or B, Chapter 7B, Code of Criminal Procedure, or a magistrate's order for emergency protection issued under Article 17.292, Code of Criminal Procedure; or

(B) other independent documentary evidence necessary to show that the applicant, the applicant's child, or another person in the applicant's household is a victim of sexual assault or abuse, stalking, or trafficking of persons;

~~(7)~~ ~~[(8)]~~ the residence address of the applicant, if the applicant:

(A) is a participant in the address confidentiality program administered by the attorney general under Subchapter B, Chapter 58, Code of Criminal Procedure; and

(B) provided the registrar with proof of certification under Article 58.059, Code of Criminal Procedure; or

House Bill 3107
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

(8) [(9)] the telephone number of any applicant submitting documentation under Subdivision (4), (5), (6), or (7)~~[-or (8)]~~.

SECTION 12. Section 13.072(d), Election Code, is amended to read as follows:

(d) If an application clearly indicates that the applicant resides in another county, the registrar shall forward the application to the other county's registrar not later than the second day after the date the application is received ~~[and, if the other county is not contiguous, shall deliver written notice of that action to the applicant not later than the seventh day after the date the application is received]~~. The date of submission of a completed application to the wrong registrar is considered to be the date of submission to the proper registrar for purposes of determining the effective date of the registration.

SECTION 13. Section 13.142(a), Election Code, is amended to read as follows:

(a) After approval of a registration application, the registrar shall:

- (1) prepare a voter registration certificate ~~[in duplicate]~~ and issue the original certificate to the applicant; and
- (2) enter the applicant's county election precinct number and registration number on the applicant's registration application.

SENATE VERSION (IE)

SECTION 12. Same as House version.

SECTION 13. Same as House version.

CONFERENCE

House Bill 3107
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SECTION 14. Section 13.143(d-2), Election Code, is amended to read as follows:

(d-2) For a registration application submitted by telephonic facsimile machine to be effective, a copy of the original registration application containing the voter's original signature must be submitted by personal delivery or mail and be received by the registrar not later than the fourth business day after the transmission by telephonic facsimile machine is received.

SECTION 15. Section 15.001(a), Election Code, is amended to read as follows:

- (a) Each voter registration certificate issued must contain:
- (1) the voter's name in the form indicated by the voter, subject to applicable requirements prescribed by Section 13.002 and by rule of the secretary of state;
 - (2) the voter's residence address or, if the residence has no address, the address at which the voter receives mail and a concise description of the location of the voter's residence;
 - (3) the [~~month, day, and~~] year of the voter's birth;
 - (4) the number of the county election precinct in which the voter resides;
 - (5) the voter's effective date of registration if an initial certificate;
 - (6) the voter's registration number;
 - (7) an indication of the period for which the certificate is issued;
 - (8) a statement explaining the circumstances under which the voter will receive a new certificate;
 - (9) a space for stamping the voter's political party affiliation;

SENATE VERSION (IE)

SECTION 14. Same as House version.

SECTION 15. Same as House version.

CONFERENCE

House Bill 3107
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

- (10) a statement that voting with the certificate by a person other than the person in whose name the certificate is issued is a felony;
- (11) a space for the voter's signature;
- (12) a statement that the voter must sign the certificate personally, if able to sign, immediately on receipt;
- (13) a space for the voter to correct the information on the certificate followed by a signature line;
- (14) the statement: "If any information on this certificate changes or is incorrect, correct the information in the space provided, sign below, and return this certificate to the voter registrar.";
- (15) the registrar's mailing address and telephone number; and
- (16) the jurisdictional or distinguishing number for the following territorial units in which the voter resides, as determined by the voter registrar:
 - (A) congressional district;
 - (B) state senatorial district;
 - (C) state representative district;
 - (D) commissioners precinct;
 - (E) justice precinct;
 - (F) city election precinct; and
 - (G) school district election precinct.

SECTION 16. Section 15.022(a), Election Code, is amended to read as follows:

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

SENATE VERSION (IE)

SECTION 16. Same as House version.

CONFERENCE

House Bill 3107
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

- (1) after receipt of a notice of a change in registration information under Section 15.021;
- (2) after receipt of a voter's reply to a notice of investigation given under Section 16.033;
- (3) after receipt of any affidavits executed under Section 63.006, following an election;
- (4) after receipt of a voter's statement of residence executed under Section 63.0011;
- (5) before the effective date of the abolishment of a county election precinct or a change in its boundary;
- (6) after receipt of United States Postal Service information indicating an address reclassification;
- (7) after receipt of a voter's response under Section 15.053;
- [ØF]
- (8) after receipt of a registration application or change of address under Chapter 20; or
- (9) after notification of a data entry error of which the voter registrar is made aware under Section 63.0051.

SECTION 17. Section 15.023, Election Code, is amended to read as follows:

Sec. 15.023. TIME FOR CERTAIN DELETIONS FROM SUSPENSE LIST. If the name of a voter [~~whose residence is changed~~] on the list of registered voters [~~registration records to another county election precinct in the same county~~] appears on the suspense list, the voter's name shall be deleted from the list on the date the voter provides:

- (1) a completed application to register to vote in accordance with Section 13.002; or

SENATE VERSION (IE)

SECTION 17. Same as House version.

CONFERENCE

House Bill 3107
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

~~(2) a correction of information under Section 15.021(d) [voter's registration in the precinct of new residence becomes effective].~~

SECTION 18. Section 15.051(d), Election Code, is amended to read as follows:

(d) The registrar shall maintain with the voter's record an indication that a confirmation notice was sent to the voter ~~[a list of the confirmation notices mailed to voters, which for each notice must include the voter's name and the date the notice is mailed. The registrar shall maintain and retain the list in accordance with rules prescribed by the secretary of state].~~

SECTION 19. Section 15.053(a), Election Code, is amended to read as follows:

(a) ~~The~~ [Not later than the 30th day after the date a confirmation notice is mailed, the] voter shall submit to the registrar a written, signed response to the notice that confirms the voter's current residence. The response must contain all of the information that a person must include in an application to register to vote under Section 13.002.

SECTION 20. Section 15.082(b), Election Code, is amended to read as follows:

(b) The ~~[fee for each]~~ list shall be provided in accordance with Chapter 552, Government Code ~~[or portion of a list furnished under this section may not exceed the actual expense incurred in reproducing the list or portion for the~~

SENATE VERSION (IE)

SECTION 18. Same as House version.

SECTION 19. Same as House version.

SECTION 20. Same as House version.

CONFERENCE

House Bill 3107
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

~~person requesting it and shall be uniform for each type of copy furnished. The registrar shall make reasonable efforts to minimize the reproduction expenses].~~

SECTION 21. Section 16.031(a), Election Code, is amended to read as follows:

(a) The registrar shall cancel a voter's registration immediately on receipt of:

(1) notice under Section 13.072(b), ~~[or]~~ 15.021, or 18.0681(d) or a response under Section 15.053 that the voter's residence is outside the county;

(2) an abstract of the voter's death certificate under Section 16.001(a) or an abstract of an application indicating that the voter is deceased under Section 16.001(b);

(3) an abstract of a final judgment of the voter's total mental incapacity, partial mental incapacity without the right to vote, conviction of a felony, or disqualification under Section 16.002, 16.003, or 16.004;

(4) notice under Section 112.012 that the voter has applied for a limited ballot in another county;

(5) notice from a voter registration official in another state that the voter has registered to vote outside this state;

(6) notice from the early voting clerk under Section 101.053 that a federal postcard application submitted by an applicant states a voting residence address located outside the registrar's county; or

(7) notice from the secretary of state that the voter has registered to vote in another county, as determined by the voter's driver's license number or personal identification card number issued by the Department of Public Safety or social security number.

SENATE VERSION (IE)

SECTION 21. Same as House version.

CONFERENCE

House Bill 3107
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

SECTION 22. Section 16.032, Election Code, is amended to read as follows:

Sec. 16.032. CANCELLATION FOLLOWING END OF SUSPENSE LIST PERIOD. If on November 30 following the second general election for state and county officers that occurs after the date the voter's name is entered on the suspense list a registered voter's name appears on the suspense list, the registrar shall cancel the voter's registration unless the name is to be deleted from the list under Section 15.022 or 15.023.

SECTION 22. Same as House version.

SECTION 23. Section 16.0921(a), Election Code, is amended to read as follows:

(a) Except as provided by Subsection (c), on the filing of a sworn statement under Section 16.092 alleging a ground based on residence, the registrar shall promptly deliver to the voter whose registration is challenged a confirmation notice in accordance with Section 15.051, unless the residential address provided in the challenge for the voter is different from the voter's current residential address indicated on the registration records.

SECTION 23. Same as House version.

SECTION 24. Section 18.002(c), Election Code, is amended to read as follows:

(c) An additional copy of each list shall be furnished for use in early voting and as needed in order to ensure all voters eligible to vote in an election appear correctly on the original list.

SECTION 24. Same as House version.

House Bill 3107
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

SECTION 25. Section 18.003(c), Election Code, is amended to read as follows:

(c) An additional copy of each list shall be furnished for use in early voting and as needed in order to ensure all voters eligible to vote in an election appear correctly on the original list.

SECTION 25. Same as House version.

SECTION 26. Section 18.005(a), Election Code, is amended to read as follows:

(a) Each original and supplemental list of registered voters must:

- (1) contain the voter's name, date of birth, and registration number as provided by the statewide computerized voter registration list;
- (2) contain the voter's residence address, except as provided by Subsections (b) and (c) [~~or Section 18.0051~~];
- (3) be arranged alphabetically by voter name; and
- (4) contain the notation required by Section 15.111.

SECTION 26. Same as House version.

SECTION 27. Sections 18.061(b) and (d), Election Code, are amended to read as follows:

- (b) The statewide computerized voter registration list must:
- (1) contain the name and registration information of each voter registered in the state;
 - (2) assign a unique identifier to each registered voter; and
 - (3) be available to any county election official in the state through immediate electronic access.

SECTION 27. Same as House version.

House Bill 3107
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

(d) The secretary of state may contract with counties to provide them with electronic data services to facilitate the implementation and maintenance of the statewide computerized voter registration list. The secretary shall use funds collected under the contracts to defray expenses incurred in implementing and maintaining the statewide computerized voter registration list.

SECTION 28. Section 18.0681(d), Election Code, is amended to read as follows:

(d) If the secretary of state determines that a voter on the registration list has more than one registration record on file based on a strong match, the secretary shall send notice of the determination to the voter registrar of the [each] county with the oldest registration record in which the voter is registered to vote. If the voter records identified are:

- (1) located in the same county, the voter registrar may merge the records following a determination that each record belongs to the same voter using the procedure for the correction of registration records under Section 15.022; or
- (2) located in more than one county, the registrar of the county with the oldest record may deliver a written confirmation notice in accordance with Section 15.051 or cancel the registration of the voter in accordance with Section 16.031(a)(1), provided that the voter's record in the county with the newest registration record is not on the suspense list.

SECTION 29. Section 18.069, Election Code, is amended to read as follows:

SENATE VERSION (IE)

SECTION 28. Same as House version.

SECTION 29. Same as House version.

CONFERENCE

House Bill 3107
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

Sec. 18.069. VOTING HISTORY. Not later than the 30th day after the date of the primary, runoff primary, or general election or any special election ordered by the governor, the general custodian of election records ~~[registrar]~~ shall electronically submit to the secretary of state the record of each voter participating in the election. The record must include a notation of whether the voter voted on election day, voted early by personal appearance, voted early by mail under Chapter 86, or voted early by mail under Chapter 101.

No equivalent provision.

No equivalent provision.

SENATE VERSION (IE)

SECTION __. The heading to Section 31.005, Election Code, is amended to read as follows:
Sec. 31.005. PROTECTION OF VOTING RIGHTS; ENFORCEMENT. [FA1]

SECTION __. Section 31.005, Election Code, is amended by amending Subsection (b) and adding Subsection (c) to read as follows:
(b) The secretary of state may order ~~[If the secretary determines that]~~ a person performing official functions in the administration of any part of the electoral processes to correct offending conduct if the secretary determines that the person is exercising the powers vested in that person in a manner that:
(1) impedes the free exercise of a citizen's voting rights; or
(2) unless acting under an order of a court of competent jurisdiction, delays or cancels an election that the person does not have specific statutory authority to delay or cancel.
(c) ~~[, the secretary may order the person to correct the offending conduct.]~~ If a [the] person described by

CONFERENCE

House Bill 3107
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

Subsection (b) fails to comply with an order from the secretary of state under this section, the secretary may seek enforcement of the order by a temporary restraining order or a writ of injunction or mandamus obtained through the attorney general. [FA1]

SECTION 30. Section 31.093(a), Election Code, is amended to read as follows:

(a) Subject to Section 41.001(d), if [H] requested to do so by a political subdivision, the county elections administrator shall enter into a contract to furnish the election services requested, in accordance with a cost schedule agreed on by the contracting parties.

SECTION 30. Same as House version.

SECTION 31. Section 31.096, Election Code, is amended to read as follows:

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

- (1) the authority with whom applications of candidates for a place on a ballot are filed;
- (2) the authority with whom documents are filed under Title 15; or
- (3) the political subdivision's requirement to maintain office hours under Section 31.122 [~~authority to serve as custodian of voted ballots or other election records, except that a contract with a political subdivision other than a city may provide that the county election officer will be the custodian of voted ballots~~].

SECTION 31. Same as House version.

House Bill 3107
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SECTION 32. Section 31.124(a), Election Code, is amended to read as follows:

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

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

(2) the lists provided by each political party under Section 87.002(c); ~~and~~

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

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

SECTION 33. Section 32.114(a), Election Code, is amended to read as follows:

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

SENATE VERSION (IE)

SECTION 32. Same as House version.

SECTION 33. Same as House version.

CONFERENCE

House Bill 3107
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SECTION 34. Section 33.054, Election Code, is amended to read as follows:

Sec. 33.054. HOURS OF SERVICE AT EARLY VOTING BALLOT BOARD MEETING OR SIGNATURE VERIFICATION COMMITTEE MEETING. (a) A watcher serving at the meeting place of an early voting ballot board or signature verification committee may be present at any time the board or committee is processing or counting ballots and until the board or committee completes its duties. The watcher may serve during the hours the watcher chooses, except as provided by Subsection (b).

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

SECTION 35. Sections 41.001(a) and (b), Election Code, are amended to read as follows:

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

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

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

- (1) a runoff election;
- (2) an election to resolve a tie vote;

SENATE VERSION (IE)

SECTION 34. Same as House version.

SECTION 35. Same as House version.

CONFERENCE

House Bill 3107
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

- (3) an election held under an order of a court or other tribunal;
- (4) an emergency election ordered under Section 41.0011 or any resulting runoff;
- (5) an expedited election to fill a vacancy in the legislature held under Section 203.013;
- (6) an election held under a statute that expressly provides that the requirement of Subsection (a) does not apply to the election; or
- (7) the initial election of the members of the governing body of a newly incorporated city.

SECTION 36. Sections 43.007(a) and (m), Election Code, are amended to read as follows:

- (a) The secretary of state shall implement a program to allow each commissioners court participating in the program to eliminate county election precinct polling places and establish countywide polling places for:
 - (1) any election required to be conducted by the county [~~each general election for state and county officers~~];
 - (2) any election held as part of a joint election agreement with a county under Chapter 271 [~~each election held on the uniform election date in May and any resulting runoff~~];
 - (3) any election held under contract for election services with a county under Subchapter D, Chapter 31 [~~each election on a proposed constitutional amendment~~];
 - (4) each primary election and runoff primary election if:
 - (A) the county chair or county executive committee of each political party participating in a joint primary election under Section 172.126 agrees to the use of countywide polling places; or

SENATE VERSION (IE)

SECTION 36. Same as House version.

CONFERENCE

House Bill 3107
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

(B) the county chair or county executive committee of each political party required to nominate candidates by primary election agrees to use the same countywide polling places; and

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

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

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

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

SECTION 37. Section 52.070, Election Code, is amended by amending Subsections (a), (b), and (e) and adding Subsection (f) to read as follows:

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

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

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

SENATE VERSION (IE)

CONFERENCE

SECTION 37. Same as House version.

House Bill 3107
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

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

SECTION 38. Section 52.094(d), Election Code, is amended to read as follows:

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

(1) written notice:

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

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

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

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

No equivalent provision.

SECTION 38. Same as House version.

SECTION __. Section 63.0011, Election Code, is amended by adding Subsection (c-1) to read as follows:

(c-1) The statement described by Subsection (c) must include a field for the voter to enter the voter's current county of residence. [FA2]

House Bill 3107
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

SECTION 39. Chapter 63, Election Code, is amended by adding Sections 63.005 and 63.0051 to read as follows:

Sec. 63.005. REGISTRATION OMISSIONS LIST. (a) A registration omissions list shall be maintained by an election officer at the polling place.

(b) With respect to each voter who is accepted for voting but whose name is not on the list of registered voters for the precinct in which the voter is accepted, the election officer shall record:

(1) the voter's name, residence address, and voter registration number, if known; and

(2) a notation of the section of this code under which the voter is accepted that provides for accepting voters who are not on the list.

Sec. 63.0051. CONFIRMING REGISTRATION STATUS OF VOTER. (a) If the name of a voter who is offering to vote is not on the precinct list of registered voters, an election officer may contact the voter registrar regarding the voter's registration status.

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

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

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

SECTION 39. Same as House version.

House Bill 3107
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

- (2) an error in the voter registration record caused the voter's name to not appear on the list of registered voters, and the error has been corrected under Section 15.022; or
- (3) the voter's name has been inadvertently left off the list of registered voters for the precinct.
- (d) After the voter is accepted under Subsection (c), an election officer shall enter the voter's name on the registration omissions list.
- (e) The voter shall be accepted for provisional voting under Section 63.011 if the election officer cannot determine that the voter is a registered voter of the territory covered by the election in which the voter is offering to vote.

SECTION 40. Section 65.052, Election Code, is amended to read as follows:

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

SECTION 41. Subchapter B, Chapter 65, Election Code, is amended by adding Section 65.0581 to read as follows:

Sec. 65.0581. PUBLIC INSPECTION OF PROVISIONAL VOTING RECORDS. Provisional voting records are not available for public inspection until the first business day after the date the early voting ballot board completes the

SENATE VERSION (IE)

SECTION 40. Same as House version.

SECTION 41. Same as House version.

CONFERENCE

House Bill 3107
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

verification and counting of provisional ballots under Section 65.051 and delivers the provisional ballots and other provisional voting records to the general custodian of election records.

SECTION 42. Chapter 82, Election Code, is amended by adding Section 82.008 to read as follows:

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

SECTION 43. Section 83.010, Election Code, is amended to read as follows:

Sec. 83.010. PUBLIC NOTICE OF CLERK'S MAILING ADDRESS. An election order and the election notice must state the early voting clerk's official mailing address or street address at which the clerk may receive delivery by common or contract carrier, if different, phone number, e-mail address, and Internet website, if the early voting clerk has an Internet website; ~~except for an election in which a county clerk or city secretary is the early voting clerk under Section 83.002 or 83.005~~].

SENATE VERSION (IE)

SECTION 42. Same as House version.

SECTION 43. Same as House version.

CONFERENCE

House Bill 3107
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SECTION 44. Section 84.002(a), Election Code, is amended to read as follows:

(a) An early voting ballot application must include:

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

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

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

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

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

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

(7) for an application for a ballot to be voted by mail on the ground of involuntary civil commitment, the address of the facility operated by or under contract with the Texas Civil Commitment Office or of a person related to the applicant

SENATE VERSION (IE)

SECTION 44. Same as House version.

CONFERENCE

House Bill 3107
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

within the degree of consanguinity described by Subdivision (3).

SECTION 45. Section 84.007(e), Election Code, is amended to read as follows:

(e) The early voting clerk shall designate an e-mail address for receipt of an application under Subsection (b)(4). The secretary of state shall include the e-mail address designated by each early voting clerk ~~[addresses]~~ on the secretary of state's website.

SECTION 46. Section 84.008(a), Election Code, is amended to read as follows:

(a) Except as otherwise provided by this code, an [An] applicant for a ballot to be voted by mail may submit the application by delivering it in person to the early voting clerk if the application is submitted not later than the date specified in Section 84.007(c) ~~[close of regular business in the clerk's office on the day before the first day of the period for early voting by personal appearance]~~.

SECTION 47. Section 84.011(a), Election Code, is amended to read as follows:

(a) The officially prescribed application form for an early voting ballot must include:
(1) immediately preceding the signature space the statement: "I certify that the information given in this application is true, and I understand that giving false information in this application is a crime.";

SENATE VERSION (IE)

SECTION 45. Same as House version.

SECTION 46. Section 84.008(a), Election Code, is amended to read as follows:

(a) Except as otherwise provided by this code, an [An] applicant for a ballot to be voted by mail may submit the application by delivering it in person to the early voting clerk if the application is submitted not later than the deadline provided by Section 84.007(c) ~~[close of regular business in the clerk's office on the day before the first day of the period for early voting by personal appearance]~~.

SECTION 47. Same as House version.

CONFERENCE

House Bill 3107
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

- (2) a statement informing the applicant of the offenses prescribed by Sections 84.003 and 84.004;
- (3) spaces for entering an applicant's voter registration number and county election precinct of registration, with a statement informing the applicant that failure to furnish that information does not invalidate the application; and
- (4) on an application for a ballot to be voted by mail:
 - (A) a space for an applicant applying on the ground of absence from the county of residence to indicate the date on or after which the applicant can receive mail at the address outside the county;
 - (B) a space for indicating the fact that an applicant whose application is signed by a witness cannot make the applicant's mark and a space for indicating the relationship or lack of relationship of the witness to the applicant;
 - (C) a space for entering an applicant's telephone number, with a statement informing the applicant that failure to furnish that information does not invalidate the application;
 - (D) a space or box for an applicant applying on the ground of age or disability to indicate that the address to which the ballot is to be mailed is the address of a facility or relative described by Section 84.002(a)(3), if applicable;
 - (E) a space or box for an applicant applying on the ground of confinement in jail or involuntary civil commitment to indicate that the address to which the ballot is to be mailed is the address of a relative described by Section 84.002(a)(4) or (7), if applicable;
 - (F) a space for an applicant applying on the ground of age or disability to indicate if the application is an application under Section 86.0015;
 - (G) spaces for entering the signature, printed name, and residence address of any person assisting the applicant;

SENATE VERSION (IE)

CONFERENCE

House Bill 3107
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

- (H) a statement informing the applicant of the condition prescribed by Section 81.005; and
- (I) a statement informing the applicant of the requirement prescribed by Section 86.003(c).

SECTION 48. Section 85.004, Election Code, is amended to read as follows:
Sec. 85.004. PUBLIC NOTICE OF MAIN POLLING PLACE LOCATION. The election order and the election notice must designate and state the location of the main early voting polling place.

SECTION 49. Section 85.007(d), Election Code, is amended to read as follows:
(d) Any notice required under this section must also be posted:
(1) on the Internet website of the authority ordering the election, if the authority maintains a website; and
(2) for a primary election or the general election for state and county officers, by the secretary of state on the secretary's Internet website.

SECTION 50. Section 85.062(d), Election Code, is amended to read as follows:
(d) In a primary election, the general election for state and county officers, or a special election to fill a vacancy in the legislature or in congress:
(1) the commissioners court of a county with a population of 400,000 or more shall establish one or more early voting

SENATE VERSION (IE)

SECTION 48. Same as House version.

SECTION 49. Same as House version.

SECTION 50. Same as House version.

CONFERENCE

House Bill 3107
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

polling places other than the main early voting polling place in each state representative district containing territory covered by the election, except that the polling place or places shall be established in the state senatorial or congressional district, as applicable, in a special election to fill a vacancy in the office of state senator or United States representative;

(2) the commissioners court of a county with a population of 120,000 or more but less than 400,000 shall establish one or more early voting polling places other than the main early voting polling place in each commissioners precinct containing territory covered by the election; and

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

No equivalent provision.

No equivalent provision.

SENATE VERSION (IE)

SECTION __. The heading to Section 85.064, Election Code, is amended to read as follows:
Sec. 85.064. DAYS AND HOURS FOR VOTING:
TEMPORARY BRANCH IN POPULOUS COUNTY.
[FA3]

SECTION __. Section 85.064, Election Code, is amended by adding Subsection (a) to read as follows:

CONFERENCE

House Bill 3107
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

(a) This section applies only to an election in which the territory served by the early voting clerk is situated in a county with a population of 100,000 or more. In an election in which the territory served by the clerk is situated in more than one county, this section applies if the sum of the populations of the counties is 100,000 or more. [FA3]

No equivalent provision.

SECTION __. Subchapter C, Chapter 85, Election Code, is amended by adding Section 85.065 to read as follows:

Sec. 85.065. DAYS AND HOURS FOR VOTING: TEMPORARY BRANCH IN LESS POPULOUS COUNTY. (a) This section applies only to an election in which the territory served by the early voting clerk is situated in a county with a population under 100,000. In an election in which the territory served by the clerk is situated in more than one county, this section applies if the sum of the populations of the counties is under 100,000.

(b) Except as provided by Subsection (c), voting at a temporary branch polling place may be conducted on any days and during any hours of the period for early voting by personal appearance, as determined by the authority establishing the branch. The authority authorized under Section 85.006 to order early voting on a Saturday or Sunday may also order, in the manner prescribed by that section, early voting to be conducted on a Saturday or Sunday at any one or more of the temporary branch polling places.

(c) Voting at a temporary branch polling place must be conducted on at least two consecutive business days and for at least eight consecutive hours on each of those days.

House Bill 3107
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

(d) The schedules for conducting voting are not required to be uniform among the temporary branch polling places.
[FA3]

No equivalent provision.

SECTION __. Section 85.068(a), Election Code, is amended to read as follows:

(a) The early voting clerk shall post notice for each election stating any dates and the hours that voting on Saturday or Sunday will be conducted under Section 85.064(d) or 85.065(b), if the early voting clerk is a county clerk or city secretary under Section 83.002 or 83.005. [FA3]

SECTION 51. Section 86.0015(c), Election Code, is amended to read as follows:

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

SECTION 51. Same as House version.

SECTION 52. Section 86.002(f), Election Code, is amended to read as follows:

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

SECTION 52. Same as House version.

House Bill 3107
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

- (1) a notice of the clerk's physical address for purposes of return by common or contract carrier or personal delivery in accordance with Section 86.006(a-1); and
(2) the list of declared write-in candidates for the election, if applicable.

SECTION 53. Sections 86.003(c) and (d), Election Code, are amended to read as follows:

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

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

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

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

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

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

SENATE VERSION (IE)

SECTION 53. Same as House version.

CONFERENCE

House Bill 3107
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SECTION 54. Section 86.009, Election Code, is amended by amending Subsection (e) and adding Subsection (f) to read as follows:

(e) Except as provided by Subsection (f), a [A] voter's defective ballot that is timely returned to the clerk as a marked ballot shall be treated as:

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

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

(f) A ballot to be voted by mail under Chapter 101 corrected under this section may be counted if it is timely returned as required by Section 101.057.

SECTION 55. Section 87.0222(a), Election Code, is amended to read as follows:

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

SENATE VERSION (IE)

SECTION 54. Same as House version.

SECTION 55. Same as House version.

CONFERENCE

House Bill 3107
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SECTION 56. Section 87.0241(b), Election Code, is amended to read as follows:

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

- (1) the polls open on election day; or
- (2) in an election conducted by an authority of a county with a population of 100,000 or more, or conducted jointly with such a county or conducted with such a county through a contract for election services, the end of the period for early voting by personal appearance.

SECTION 57. Section 87.102(b), Election Code, is amended to read as follows:

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

SECTION 58. Section 101.001, Election Code, is amended to read as follows:

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

- (1) the person is qualified to vote in this state or, if not registered to vote in this state, would be qualified if registered; and
- (2) the person is:
 - (A) a member of the armed forces of the United States, or the spouse or a dependent of a member;
 - (B) a member of the merchant marine of the United States, or the spouse or a dependent of a member;

SENATE VERSION (IE)

SECTION 56. Same as House version.

No equivalent provision.

SECTION 57. Same as House version.

CONFERENCE

House Bill 3107
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

(B-1) a member of the Texas National Guard or the National Guard of another state or 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 the spouse or dependent of a member; or

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

SECTION 59. Section 101.003(1), Election Code, is amended to read as follows:

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

SECTION 60. Section 101.008, Election Code, is amended to read as follows:

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

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

SENATE VERSION (IE)

SECTION 58. Same as House version.

SECTION 59. Same as House version.

CONFERENCE

House Bill 3107
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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

SECTION 61. Sections 101.052(a-1) and (c), Election Code, are amended to read as follows:

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

- (1) mail; [øf]
- (2) electronic transmission of an image of the application under procedures prescribed by the secretary of state;
- (3) in-person delivery in accordance with Section 84.008; or
- (4) common or contract carrier.

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

- (1) the applicant is eligible to vote in an election occurring in January or February of the next calendar year; and
- (2) the application is submitted in the last 60 days of a calendar year but not earlier than the 60th day before the date of the January or February election [A federal postcard application requesting a ballot for an election to be held in January or February may be submitted in the preceding calendar year but not earlier than the earliest date for submitting a regular application for a ballot to be voted by mail].

SECTION 62. Section 101.054(c), Election Code, is amended to read as follows:

(c) An application shall be treated as if it requests a ballot for a runoff election that results from an election for which a ballot is requested, including a runoff election that occurs in the next calendar year.

SENATE VERSION (IE)

SECTION 60. Same as House version.

SECTION 61. Same as House version.

CONFERENCE

House Bill 3107
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

SECTION 63. Section 101.056(a), Election Code, is amended to read as follows:

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

SECTION 62. Same as House version.

SECTION 64. Section 101.057(b), Election Code, is amended to read as follows:

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

SECTION 63. Same as House version.

SECTION 65. Section 101.058, Election Code, is amended to read as follows:

Sec. 101.058. OFFICIAL CARRIER ENVELOPE. The officially prescribed carrier envelope for voting under this subchapter shall be prepared so that it can be mailed free of United States postage, as provided by the federal Uniformed and Overseas Citizens Absentee Voting Act (52 U.S.C.

SECTION 64. Same as House version.

House Bill 3107
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

~~Sections 20301 through 20311) [(42 U.S.C. Section 1973ff et seq.)], and must contain the label prescribed by Section 101.056(a) for the envelope in which the balloting materials are sent to a voter. The secretary of state shall provide early voting clerks with instructions on compliance with this section.~~

SECTION 66. Section 101.102(b), Election Code, is amended to read as follows:

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

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

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

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

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

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

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

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

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

SENATE VERSION (IE)

SECTION 65. Same as House version.

CONFERENCE

House Bill 3107
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SECTION 67. Section 101.107(a), Election Code, is amended to read as follows:

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

SECTION 68. Section 102.002, Election Code, is amended to read as follows:

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

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

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

(signature of physician,
chiropractor, or practitioner)"

SECTION 69. Section 113.003, Election Code, is amended to read as follows:

SENATE VERSION (IE)

SECTION 66. Same as House version.

SECTION 67. Same as House version.

SECTION 68. Same as House version.

CONFERENCE

House Bill 3107
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

Sec. 113.003. SUBMITTING APPLICATION FOR MAIL BALLOT. An application for a presidential ballot to be voted by mail must be submitted to the early voting clerk serving the county of the applicant's most recent registration to vote by the deadline prescribed by Section 84.007.

SECTION 70. Section 141.032(g), Election Code, is amended to read as follows:

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

- (1) a candidate may not amend an application filed under Section 141.031; and
- (2) the authority with whom the application is filed may not accept an amendment to an application filed under Section 141.031.

SECTION 71. Section 141.034(a), Election Code, is amended to read as follows:

(a) An application for a place on the ballot may not be challenged for compliance with the applicable requirements as to form, content, and procedure after the 50th day before the date of [~~day before any ballot to be voted early by mail is mailed to an address in the authority's jurisdiction for~~] the election for which the application is made.

SECTION 72. The heading to Section 141.040, Election Code, is amended to read as follows:

Sec. 141.040. NOTICE OF DEADLINES AND FILING METHODS.

SENATE VERSION (IE)

SECTION 69. Same as House version.

SECTION 70. Same as House version.

SECTION 71. Same as House version.

CONFERENCE

House Bill 3107
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

SECTION 73. Section 141.040, Election Code, is amended by adding Subsection (c) to read as follows:

(c) An authority shall designate an e-mail address in the notice required by this section for the purpose of filing an application for a place on the ballot under Section 143.004.

SECTION 72. Same as House version.

SECTION 74. Section 141.063, Election Code, is amended by adding Subsection (e) to read as follows:

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

SECTION 73. Same as House version.

SECTION 75. Chapter 141, Election Code, is amended by adding Subchapter D, and a heading is added to that subchapter to read as follows:

SUBCHAPTER D. COERCION OF CANDIDACY

SECTION 74. Same as House version.

SECTION 76. Section 2.054, Election Code, is transferred to Subchapter D, Chapter 141, Election Code, as added by this Act, redesignated as Section 141.101, Election Code, and amended to read as follows:

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

SECTION 75. Same as House version.

House Bill 3107
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

- (1) not file an application for a place on the ballot or a declaration of write-in candidacy; or
- (2) withdraw as a candidate.
- (b) In this section, "coercion" has the meaning assigned by Section 1.07, Penal Code.
- (c) An offense under this section is a Class A misdemeanor unless the intimidation or coercion is a threat to commit a felony, in which event it is a felony of the third degree.

SECTION 77. Section 143.004, Election Code, is amended to read as follows:

Sec. 143.004. APPLICATION REQUIRED. (a) Subject to Section 143.005, to be entitled to a place on the ballot, a candidate must make an application for a place on the ballot. (b) An application, other than an application required to be accompanied by fee, may be filed through e-mail transmission of the completed application in a scanned format to the e-mail address designated by the filing authority in the notice required under Section 141.040.

SECTION 78. Section 144.003(a), Election Code, is amended to read as follows:

(a) Except as otherwise provided by law, to be entitled to a place on the ballot, a candidate must make an application for a place on the ballot. An application, other than an application required to be accompanied by fee, may be filed through e-mail transmission of the completed application in a scanned format to the e-mail address designated by the filing authority in the notice required under Section 141.040.

SENATE VERSION (IE)

SECTION 76. Same as House version.

SECTION 77. Same as House version.

CONFERENCE

House Bill 3107
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SECTION 79. Section 145.003, Election Code, is amended by adding Subsection (j) to read as follows:

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

SECTION 80. Section 192.033(d), Election Code, is amended to read as follows:

(d) In conjunction with the certification required under Subsection (a), the secretary of state shall include appropriate ballot translation language, as applicable, for each language certified statewide or in a specific county by the director of the census under the federal Voting Rights Act (52 U.S.C. Section 10503) [42 U.S.C. Section 1973aa-1a].

SECTION 81. Subchapter B, Chapter 201, Election Code, is amended by adding Section 201.030 to read as follows:
Sec. 201.030. VACANCY RESULTING FROM RECALL ELECTION. For cities conducting recall elections, a vacancy in the officer's office occurs on the date of the final canvass of a successful recall election.

SECTION 82. Section 203.004(b), Election Code, is amended to read as follows:

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

SENATE VERSION (IE)

SECTION 78. Same as House version.

SECTION 79. Same as House version.

SECTION 80. Same as House version.

SECTION 81. Same as House version.

CONFERENCE

House Bill 3107
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SECTION 83. Section 212.001, Election Code, is amended to read as follows:

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

- (1) be in writing;
- (2) identify the office or measure for which a recount is desired;
- (3) state the grounds for the recount;
- (4) state the side of the measure that the person requesting the recount represents, if applicable;
- (5) identify the election precincts, grouped by county or other appropriate territorial unit if the election involves more than one local canvassing authority, for which a recount is desired and must indicate the method of voting used in each precinct;
- (6) be signed by:
 - (A) the person requesting the recount or, if there is more than one, any one or more of them; or
 - (B) an agent of the person requesting the recount;
- (7) state each requesting person's name, residence address, and, if authorization to obtain the recount is based on eligibility to vote in the election, voter registration number, and county of registration if the election covers territory in more than one county;
- (8) designate an agent who is a resident of this state to receive notice under this title on behalf of the person requesting the recount if:
 - (A) the person requesting the recount is not a resident of this state; or
 - (B) there is more than one person requesting the recount;

SENATE VERSION (IE)

SECTION 82. Same as House version.

CONFERENCE

House Bill 3107
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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

(10) state the mailing address, e-mail address, if any, and at least one telephone number, if any, at which the opposing candidates for the office or their agents, identified by name, may receive notice given under this title; and

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

SECTION 84. Section 212.002(b), Election Code, is amended to read as follows:

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

SECTION 85. Section 212.028(a), Election Code, is amended to read as follows:

(a) Except as provided by Subsection (b), a petition for an initial recount must be submitted by ~~the later of:~~
~~[(1) 5 p.m. of the fifth day after election day; or~~
~~[(2)] 5 p.m. of the second day after the date the canvassing authority to whose presiding officer the petition must be submitted completes its canvass of the original election returns.~~

SECTION 86. Section 212.031(a), Election Code, is amended to read as follows:

SENATE VERSION (IE)

SECTION 83. Same as House version.

SECTION 84. Same as House version.

SECTION 85. Same as House version.

CONFERENCE

House Bill 3107
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

(a) If a recount petition complies with the applicable requirements, the recount coordinator shall approve the petition and note on the petition its approved status and the date of the approval. The recount coordinator shall immediately notify the recount supervisor of the approval. The recount supervisor shall, with the written approval of the recount coordinator, order the recount to be held on the later of [a date occurring not later than] the seventh day after the date the petition is determined to comply with the applicable requirements or the day after all ballots have been delivered to the general custodian of election records.

SECTION 87. Section 212.083, Election Code, is amended to read as follows:

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

~~[(1) 2 p.m. of the third day after election day; or~~

~~[(2)] 2 p.m. of the first day after the date of the local canvass.~~

SECTION 88. Section 212.112, Election Code, is amended to read as follows:

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

(1) \$60 for each of the entity's election day polling places ~~[precinct]~~ in which regular paper ballots were used; and

(2) \$100 for each of the entity's election day polling places ~~[precinct]~~ in which an electronic voting system was used.

SENATE VERSION (IE)

SECTION 86. Same as House version.

SECTION 87. Section 212.112, Election Code, is amended to read as follows:

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

(1) \$60 for each election day polling location or precinct, whichever results in a smaller amount, in which regular paper ballots were used; and

(2) \$100 for each election day polling location or precinct, whichever results in a smaller amount, in which an electronic voting system was used.

CONFERENCE

House Bill 3107
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

SECTION 89. Section 216.003, Election Code, is amended to read as follows:

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

SECTION 90. Section 272.009, Election Code, is amended by adding Subsection (c) to read as follows:

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

- (1) be a qualified voter of the state and satisfy any additional eligibility requirements prescribed by written order of the commissioners court; or
- (2) meet the eligibility requirements of a student election clerk under Section 32.0511.

SECTION 91. Section 277.002, Election Code, is amended by adding Subsection (f) to read as follows:

(f) The signer's residence address and the address listed on the signer's registration are not required to be the same if the signer is eligible to vote under Section 11.004 or 112.002.

SECTION 92. Section 277.0024, Election Code, is amended to read as follows:

SECTION 88. Same as House version.

SECTION 89. Same as House version.

SECTION 90. Same as House version.

SECTION 91. Same as House version.

House Bill 3107
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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

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

- (1) is otherwise eligible to vote in the territory; and
- (2) provides a residence address located in the territory.

SECTION 93. The following provisions of the Election Code are repealed:

- (1) Sections 15.082(c) and (d);
- (2) Subchapter F, Chapter 15;
- (3) Section 18.0051;
- (4) Section 18.008(c);
- (5) Section 31.099(b);
- (6) Section 42.061(c);
- (7) Section 84.008(b);
- (8) Section 87.101; and
- (9) Section 105.002.

No equivalent provision.

SENATE VERSION (IE)

SECTION 92. The following provisions of the Election Code are repealed:

- (1) Sections 15.082(c) and (d);
- (2) Subchapter F, Chapter 15;
- (3) Section 18.0051;
- (4) Section 18.008(c);
- (5) Section 31.099(b);
- (6) Section 42.061(c);
- (7) Section 84.008(b); and
- (8) Section 105.002.

SECTION __. As soon as practicable after the effective date of this Act, the secretary of state shall adopt a statement of residence form as required by Section 63.0011, Election Code, as amended by this Act. [FA2]

CONFERENCE

House Bill 3107
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

SECTION 94. This Act takes effect September 1, 2021.

SECTION 93. Same as House version.