

AN ACT

relating to certain election processes and procedures.

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

SECTION 1. Section 1.006, Election Code, is amended to read as follows:

Sec. 1.006. EFFECT OF WEEKEND OR HOLIDAY. (a) If the last day for performance of an act is a Saturday, Sunday, or legal state or national holiday, the act is timely if performed on the next regular business day, except as otherwise provided by this code.

(b) If the last day for performance of an act is extended under Subsection (a), the extended date is used to determine any other dates and deadlines, and the dates or times of any related procedures, that are expressly required to be made on a date or at a time determined in relation to the last day for performance of the act.

(c) A declaration of ineligibility of a candidate is considered to be the performance of an act under this section for purposes of causing the candidate's name to be omitted from the ballot.

(d) The filing of a document, including a withdrawal request or resignation, is considered to be the performance of an act under this section for purposes of creating a vacancy to be filled at a subsequent election.

(e) The death of a person is not considered to be the

1 performance of an act under this section.

2 SECTION 2. Section 2.025, Election Code, is amended to read
3 as follows:

4 Sec. 2.025. RUNOFF ELECTION DAY. (a) Except as otherwise
5 provided by this code [~~Subsection (b)~~], a runoff election shall be
6 held not earlier than the 20th or later than the 45th [~~30th~~] day
7 after the date the final canvass of the main election is completed.

8 (b) A runoff election date later than [~~may be held after~~]
9 the period prescribed by Subsection (a) may be prescribed by a
10 home-rule city charter [~~law but not later than the 45th day after~~
11 ~~the date the final canvass of the main election is completed only~~
12 ~~to~~

13 [~~(1) permit a joint runoff election to be held with~~
14 ~~another political subdivision in accordance with Chapter 271, or~~

15 [~~(2) avoid holding the runoff on~~

16 [~~(A) a legal state or national holiday, or~~

17 [~~(B) a weekend day within three days of a legal~~
18 ~~state or national holiday]~~.

19 (c) This section [~~Subsection (b)~~] supersedes a law outside
20 this subchapter to the extent of a conflict notwithstanding Section
21 2.022.

22 SECTION 3. Section 2.051(b), Election Code, is amended to
23 read as follows:

24 (b) In the case of an election in which any members of the
25 political subdivision's governing body are elected from
26 territorial units such as single-member districts, this subchapter
27 applies to the election in a particular territorial unit

1 ~~[single-member district]~~ if [+

2 ~~[(1)]~~ each candidate whose name is to appear on the
 3 ballot in that territorial unit ~~[district]~~ is unopposed and no
 4 at-large proposition or opposed at-large race is to appear on the
 5 ballot. This subchapter applies to an unopposed at-large race in
 6 such an election regardless of whether an opposed race is to appear
 7 on the ballot in a particular territorial unit ~~[, and~~

8 ~~[(2) the requirements prescribed by Subsection (a) are~~
 9 ~~otherwise met].~~

10 SECTION 4. Section 2.053(c), Election Code, is amended to
 11 read as follows:

12 (c) A certificate of election shall be issued to each
 13 candidate in the same manner and at the same time as provided for a
 14 candidate elected at the election. The candidate must qualify for
 15 the office in the same manner as provided for a candidate elected at
 16 the election.

17 SECTION 5. Section 13.072(c), Election Code, is amended to
 18 read as follows:

19 (c) Except as provided by Subsection (d) ~~[or (e)]~~, if the
 20 registrar determines that an application does not comply with
 21 Section 13.002 or does not indicate that the applicant is eligible
 22 for registration, the registrar shall reject the application.

23 SECTION 6. Section 13.073, Election Code, is amended by
 24 adding Subsection (c) to read as follows:

25 (c) If the registrar rejects an application for
 26 incompleteness but receives a completed application not later than
 27 the 10th day after the date the notice is delivered under Subsection

1 (a) or the date the incomplete application is returned under
2 Subsection (b), as applicable, the original date of submission of
3 the incomplete application is considered to be the date of
4 submission to the registrar for the purpose of determining the
5 effective date of registration.

6 SECTION 7. Section 15.025, Election Code, is amended to
7 read as follows:

8 Sec. 15.025. EFFECTIVE DATE OF CERTAIN CHANGES IN
9 REGISTRATION INFORMATION [~~IN PRECINCT OF NEW RESIDENCE~~].

10 (a) Except as provided by Subsections (b) and (d), the [~~The~~]
11 registration of a voter described by this subsection whose
12 information [~~residence~~] is changed on the registration records [~~to~~
13 ~~another county election precinct in the same county~~] becomes
14 effective as to the change [~~in the precinct of new residence~~] on the
15 30th day after:

16 (1) the date the voter submits to the registrar
17 [~~receives~~] a notice of a change in registration information under
18 Section 15.021 or a [~~voter's~~] response under Section 15.053,
19 indicating the change [~~of residence~~]; or

20 (2) the date the voter submits a statement of
21 residence to an election officer under Section 63.0011 or a
22 registration application or change of address to an agency employee
23 under Chapter 20, indicating the change [~~of residence~~].

24 (b) A change in registration information covered by this
25 section is effective for purposes of early voting if it will be
26 effective on election day.

27 (c) For purposes of determining the effective date of a

1 change in registration information covered by this section, a
2 document submitted by mail is considered to be submitted to the
3 registrar on the date it is placed with postage prepaid and properly
4 addressed in the United States mail. The date indicated by the post
5 office cancellation mark is considered to be the date the document
6 was placed in the mail unless proven otherwise.

7 (d) If the 30th day before the date of an election is a
8 Saturday, Sunday, or legal state or national holiday, the document
9 is considered to be timely if it is submitted to the registrar on or
10 before the next regular business day.

11 SECTION 8. Sections 16.033(c) and (d), Election Code, are
12 amended to read as follows:

13 (c) The notice must include:

14 (1) a request for information relevant to determining
15 the voter's eligibility for registration; and

16 (2) a warning that the voter's registration is subject
17 to cancellation if the registrar does not receive an appropriate
18 reply on or before the 30th [~~60th~~] day after the date the notice is
19 mailed.

20 (d) Except as provided by Subsection (e), the registrar
21 shall cancel a voter's registration if:

22 (1) after considering the voter's reply, the registrar
23 determines that the voter is not eligible for registration;

24 (2) no reply is received from the voter on or before
25 the 30th [~~60th~~] day after the date the notice is mailed to the voter
26 under Subsection (b); or

27 (3) each notice mailed under Subsection (b) is

1 returned undelivered to the registrar with no forwarding
2 information available.

3 SECTION 9. Sections 16.0332(a) and (b), Election Code, are
4 amended to read as follows:

5 (a) After the registrar receives a list under Section
6 62.113, Government Code, of persons excused or disqualified from
7 jury service because of citizenship status, the registrar shall
8 deliver to each registered voter whose name [~~who~~] appears on the
9 list a written notice requiring the voter to submit to the registrar
10 [~~provide~~] proof of United States citizenship in the form of a
11 certified copy of the voter's birth certificate, United States
12 passport, or certificate of naturalization or any other [a] form
13 prescribed by the secretary of state. The notice shall be delivered
14 by forwardable mail to the mailing address on the voter's
15 registration application and to any new address of the voter known
16 to the registrar.

17 (b) If a voter fails to submit to [~~provide~~] the registrar
18 [~~with~~] proof of citizenship on or before the 30th [~~31st~~] day after
19 the date the notice is mailed [~~to the voter~~], the registrar shall
20 cancel the voter's registration.

21 SECTION 10. Section 16.036(a), Election Code, is amended
22 to read as follows:

23 (a) Immediately after cancellation of a voter's
24 registration under Section 16.031(a)(3), 16.033, [~~or~~] 16.0331, or
25 16.0332, the registrar shall deliver written notice of the
26 cancellation to the voter.

27 SECTION 11. Section 19.001(a), Election Code, is amended to

1 read as follows:

2 (a) Before May 15 of each year, the registrar shall prepare
3 and submit to the comptroller of public accounts a statement
4 containing:

5 (1) the total number of initial registrations for the
6 previous voting year;

7 (2) the total number of registrations canceled under
8 Sections 16.031(a)(1), ~~and~~ 16.033, and 16.0332 for the previous
9 voting year; and

10 (3) the total number of registrations for which
11 information was updated for the previous voting year.

12 SECTION 12. Section 32.091, Election Code, is amended by
13 amending Subsection (a) and adding Subsection (c) to read as
14 follows:

15 (a) Except as provided by Subsection (c), an ~~[An]~~ election
16 judge or clerk is entitled to compensation for services rendered at
17 a precinct polling place at an hourly rate not to exceed the amount
18 fixed by the appropriate authority, which amount must be at least
19 the federal minimum hourly wage. A judge or clerk may be compensated
20 at that rate for services rendered under Section 62.014(c).

21 (c) For a primary or runoff primary election, the minimum
22 hourly rate is the greater of the maximum rate provided by
23 Subsection (a) or, if the election officer attended a training
24 program as provided by Subchapter F, §7.

25 SECTION 13. Section 32.111, Election Code, is amended to
26 read as follows:

27 Sec. 32.111. TRAINING STANDARDS FOR ELECTION JUDGES. (a)

1 The secretary of state shall [~~governing body of a political~~
2 ~~subdivision that holds elections or the county executive committee~~
3 ~~of a political party that holds primary elections may~~]:

4 (1) adopt [~~minimum~~] standards of training in election
5 law and procedure for presiding or alternate election judges
6 [~~serving in its elections~~]; [and]

7 (2) develop materials for a standardized curriculum
8 for that training; and

9 (3) distribute the materials as necessary to the
10 governing bodies of political subdivisions that hold elections and
11 to each county executive committee of a political party that holds a
12 primary election [~~require that a person meet those standards before~~
13 ~~appointment or service as a judge~~].

14 (b) The [~~Minimum~~] training standards may include required
15 attendance at appropriate training programs or the passage of an
16 examination at the end of a training program.

17 SECTION 14. Section 32.112, Election Code, is amended to
18 read as follows:

19 Sec. 32.112. EXPENSE OF TRAINING JUDGES. The governing
20 body of a political subdivision may appropriate funds to:

21 (1) compensate its election judges, early voting
22 clerk, and deputy early voting clerks in charge of early voting
23 polling places for attending a training program required under
24 Section 32.111 [~~programs~~], at an hourly rate not to exceed the
25 maximum rate of compensation of an election judge for services
26 rendered at a precinct polling place or, if applicable, for
27 attending a training program under Section 32.114; and

1 (2) pay the expenses of conducting the programs.

2 SECTION 15. Sections 32.113(a) and (b), Election Code, are
3 amended to read as follows:

4 (a) The governing body of a political subdivision other than
5 a county may, and the county executive committee of a political
6 party shall, provide training [~~programs~~] for its election officers
7 using the standardized training program and materials developed and
8 provided by the secretary of state under Section 32.111.

9 (b) A political subdivision or county executive committee
10 may conduct its training [~~programs~~] independently or jointly with
11 other entities.

12 SECTION 16. Section 32.114, Election Code, is amended by
13 amending Subsection (a) and adding Subsection (e) to read as
14 follows:

15 (a) The county clerk shall provide one or more sessions of
16 [~~a~~] training using the standardized training program and materials
17 developed and provided by the secretary of state under Section
18 32.111 [~~program~~] for the election judges and clerks appointed to
19 serve in elections ordered by the governor or a county authority.
20 Each election judge shall complete the training program.

21 (e) An election judge, early voting clerk, or deputy early
22 voting clerk in charge of an early voting polling place is entitled
23 to compensation for attending the training program at an hourly
24 rate not to exceed \$7.

25 SECTION 17. Section 67.003, Election Code, is amended to
26 read as follows:

27 Sec. 67.003. TIME FOR LOCAL CANVASS. Each local canvassing

1 authority shall convene to conduct the local canvass at the time set
 2 by the canvassing authority's presiding officer:

3 (1) on the seventh day after election day for:

4 (A) the general election for state and county
 5 officers; or

6 (B) an election of a political subdivision that
 7 is held jointly with an election of:

8 (i) a county; or

9 (ii) one or more other political
 10 subdivisions under an election services contract with the county
 11 election officer; or

12 (2) not earlier than the third day or later than the
 13 sixth day after election day for an election other than an [~~the~~
 14 ~~general~~] election described by Subdivision (1) [~~for state and~~
 15 ~~county officers~~].

16 SECTION 18. Section 83.006(b), Election Code, is amended
 17 to read as follows:

18 (b) To be eligible for appointment as early voting clerk
 19 under this section, a person must meet the requirements for
 20 eligibility for service as a presiding election judge, except that:

21 (1) an appointee must be a qualified voter of the
 22 political subdivision and is not required to be a qualified voter of
 23 any other particular territory; ~~and~~

24 (2) in an election in which an officer of the political
 25 subdivision is a candidate, an appointee's status as an employee of
 26 the political subdivision does not make the appointee ineligible
 27 for appointment as the clerk; and

1 (3) an appointee who is a permanent employee of the
2 political subdivision and a qualified voter of any territory is not
3 required to be a qualified voter of the political subdivision.

4 SECTION 19. Section 83.007(b), Election Code, is amended to
5 read as follows:

6 (b) To be eligible for appointment as early voting clerk
7 under this section, a person must meet the requirements for
8 eligibility for service as a presiding election judge, except that:

9 (1) an [the] appointee must be a qualified voter of the
10 territory covered by the election and is not required to be a
11 qualified voter of any other particular territory; and

12 (2) an appointee who is a permanent employee of the
13 authority ordering the election and a qualified voter of any
14 territory is not required to be a qualified voter of the territory
15 covered by the election.

16 SECTION 20. Section 83.032(b), Election Code, is amended to
17 read as follows:

18 (b) For a temporary deputy to be eligible for appointment as
19 a deputy early voting clerk under this section, the temporary
20 deputy must meet the requirements for eligibility for service as a
21 presiding election judge, except that:

22 (1) an appointee is not required to be a qualified
23 voter of any particular territory other than the county, in the case
24 of an appointment by a county clerk, or the city, in the case of an
25 appointment by a city secretary; ~~and~~

26 (2) in an election in which the early voting clerk is a
27 candidate, an appointee's status as an employee of the clerk does

1 not make the appointee ineligible for appointment as a deputy early
2 voting clerk; and

3 (3) an appointee who is a permanent employee of the
4 county or city, as applicable, and a qualified voter of any
5 territory is not required to be a qualified voter of the county or
6 city, as applicable.

7 SECTION 21. Section 84.032, Election Code, is amended by
8 amending Subsection (b) and adding Subsection (e) to read as
9 follows:

10 (b) A request must:

11 (1) be in writing and signed by the applicant;
12 (2) specify the election for which the application was
13 made; and

14 (3) except as provided by Subsection (c), ~~(d)~~, or
15 (e), be received by the early voting clerk:

16 (A) not later than the third day before election
17 day; and

18 (B) if an early voting ballot sent to the
19 applicant is returned to the clerk as a marked ballot, before the
20 marked ballot's arrival at the address on the carrier envelope.

21 (e) An applicant may also submit a request at any time after
22 the early voting ballot is returned to the early voting clerk as a
23 marked ballot and before the ballot is delivered to the early voting
24 ballot board by appearing in person and executing an affidavit that
25 the applicant did not mark the ballot.

26 SECTION 22. Section 85.001(c), Election Code, is amended to
27 read as follows:

1 (c) If the date prescribed by Subsection (a) or (b) for
2 beginning the period is a Saturday, Sunday, or legal state holiday,
3 the early voting period begins [+

4 [~~(1)~~] on the next regular business day[~~, or~~
5 [~~(2)~~ on that Saturday or Sunday if early voting is
6 ~~ordered to be conducted on that day under Section 85.006~~].

7 SECTION 23. Section 86.003(c), Election Code, is amended to
8 read as follows:

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

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

16 (2) confinement in jail, in which case the address
17 must be the address of the jail or of a relative described by
18 Section 84.002(a)(4); or

19 (3) age or disability and the voter is living at a
20 hospital, nursing home or other long-term care facility, or
21 retirement center, or with a relative described by Section
22 84.002(a)(3), in which case the address must be the address of that
23 facility or relative.

24 SECTION 24. Section 86.007(d), Election Code, is amended to
25 read as follows:

26 (d) A marked ballot voted by mail that arrives after the
27 time prescribed by Subsection (a) shall be counted if:

1 (1) the ballot was cast from an address outside the
2 United States;

3 (2) the carrier envelope was placed for delivery
4 before the time the ballot is required to arrive under Subsection
5 (a); and

6 (3) the ballot arrives at the address on the carrier
7 envelope not later than:

8 (A) the fifth day after the date of:

9 (i) the general election for state and
10 county officers; or

11 (ii) an election of a political subdivision
12 that is held jointly with an election of:

13 (a) a county; or

14 (b) one or more political
15 subdivisions under an election services contract with the county
16 election officer; or

17 (B) the second day after the date of an election
18 other than an [the general] election described by Paragraph (A)
19 [for state and county officers].

20 SECTION 25. Section 87.0241, Election Code, is amended by
21 amending Subsection (b) and adding Subsection (c) to read as
22 follows:

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

24 (1) the polls open on election day; or

25 (2) in an election conducted by an authority of a
26 county with a population of 100,000 or more or conducted jointly
27 with such a county, the end of the period for early voting by

1 personal appearance.

2 (c) The secretary of state shall prescribe any procedures
3 necessary for implementing this section in regard to elections
4 described by Subsection (b)(2).

5 SECTION 26. Section 87.027, Election Code, is amended by
6 amending Subsections (a), (c), (d), (i), and (j) and adding
7 Subsection (a-1) to read as follows:

8 (a) Except as provided by Subsection (a-1), a [A] signature
9 verification committee may be appointed in any election. The early
10 voting clerk is the authority responsible for determining whether a
11 signature verification committee is to be appointed. If the clerk
12 determines that a committee is to be appointed, the clerk shall
13 issue a written order calling for the appointment. [~~Section~~
14 ~~87.0271 supersedes this section to the extent of a conflict.~~]

15 (a-1) A signature verification committee shall be appointed
16 in the general election for state and county officers on submission
17 to the early voting clerk of a written request for the committee by
18 at least 15 registered voters of the county. The request must be
19 submitted not later than the preceding October 1, and a request
20 submitted by mail is considered to be submitted at the time of its
21 receipt by the clerk.

22 (c) Not later than the fifth day after the date the early
23 voting clerk issues the order calling for the appointment of a
24 signature verification committee, or not later than October 15 for
25 a committee required under Subsection (a-1), the appropriate
26 authority shall appoint the members of the committee and designate
27 one of the appointees as chair, subject to Subsection (d). The

1 authority shall fill a vacancy on the committee by appointment as
2 soon as possible after the vacancy occurs, subject to Subsection
3 (d). The early voting clerk shall post notice of the name and
4 residence address of each appointee. The notice must remain posted
5 continuously for the period beginning the day after the date of the
6 appointment and ending on the last day of the committee's operation
7 in the election.

8 (d) The early voting clerk shall determine the number of
9 members who are to compose the signature verification committee and
10 shall state that number in the order calling for the committee's
11 appointment. A committee must consist of not fewer than five
12 members. In an election [and, in elections] in which party
13 alignment is indicated on the ballot, each county chair of a
14 political party with a nominee or aligned candidate on the ballot
15 shall submit to the appointing authority a list of names of persons
16 eligible to serve on the signature verification committee. The
17 authority shall appoint at least two persons from each list to serve
18 as members of the committee. The same number of members must be
19 appointed from each list. The authority shall appoint the chair of
20 the committee from the list provided by the political party whose
21 nominee for governor received the most votes in the county in the
22 most recent gubernatorial general election. A vacancy on the
23 committee shall be filled by appointment from the original list or
24 from a new list submitted by the appropriate county chair [must be
25 balanced as equally as possible by members of each political party
26 required to nominate candidates by primary election].

27 (i) The signature verification committee shall compare the

1 signature on each carrier envelope certificate, except those signed
2 for a voter by a witness, with the signature on the voter's ballot
3 application to determine whether the signatures are those of the
4 same person. The committee may also compare the signatures with the
5 signature on the voter's registration application to confirm that
6 the signatures are those of the same person [~~match~~] but may not use
7 the registration application signature to determine that the
8 signatures are not those of the same person [~~do not match~~]. A
9 determination under this subsection that the signatures are not
10 those of the same person [~~do not match~~] must be made by a majority
11 vote of the committee's membership. The committee shall place the
12 jacket envelopes, carrier envelopes, and applications of voters
13 whose signatures are not those of the same person [~~do not match~~] in
14 separate containers from those of voters whose signatures are those
15 of the same person [~~match~~]. The committee chair shall deliver the
16 sorted materials to the early voting ballot board at the time
17 specified by the board's presiding judge but within the period
18 permitted for the early voting clerk's delivery of early voting
19 ballots to the board.

20 (j) If a signature verification committee is appointed, the
21 early voting ballot board shall follow the same procedure for
22 accepting the early voting ballots voted by mail as in an election
23 without a signature verification committee, except that the board
24 may not determine whether a voter's signatures on the carrier
25 envelope certificate and ballot application are those of the same
26 person [~~match~~] if the committee has determined that the signatures
27 are those of the same person [~~match~~]. If the committee has

1 determined that the signatures are not those of the same person [~~do~~
2 ~~not match~~], the board may make a determination that the signatures
3 are those of the same person [~~match~~] by a majority vote of the
4 board's membership.

5 SECTION 27. Section 87.041(b), Election Code, is amended to
6 read as follows:

7 (b) A ballot may be accepted only if:

8 (1) the carrier envelope certificate is properly
9 executed;

10 (2) neither the voter's signature on the ballot
11 application nor the signature on the carrier envelope certificate
12 is determined to have been executed by a person other than the
13 voter, unless signed by a witness;

14 (3) the voter's ballot application states a legal
15 ground for early voting by mail;

16 (4) the voter is registered to vote, if registration
17 is required by law;

18 (5) the address to which the ballot was mailed to the
19 voter, as indicated by the application, was outside the voter's
20 county of residence, if the ground for early voting is absence from
21 the county of residence; [~~and~~]

22 (6) for a voter to whom a statement of residence form
23 was required to be sent under Section 86.002(a), the statement of
24 residence is returned in the carrier envelope and indicates that
25 the voter satisfies the residence requirements prescribed by
26 Section 63.0011; and

27 (7) the address to which the ballot was mailed to the

1 voter is an address that is otherwise required by Sections 84.002
2 and 86.003.

3 SECTION 28. Section 87.101, Election Code, is amended to
4 read as follows:

5 Sec. 87.101. [~~PREPARATION OF BALLOTS,~~] DELIVERY OF BALLOTS
6 TO COUNTING STATION. [~~(a)~~] On the direction of the presiding
7 judge, the early voting ballot board[~~, in accordance with Section~~
8 ~~85.032(b),~~] shall deliver to the central counting station [~~open~~]
9 the container for the early voting electronic system ballots that
10 are to be counted by automatic tabulating equipment at a central
11 counting station. The board shall make the delivery without
12 opening the container and[~~, remove the ballots from the container,~~
13 ~~and remove any ballots enclosed in ballot envelopes from their~~
14 ~~envelopes.~~

15 [~~(b) On the direction of the presiding judge, the early~~
16 ~~voting ballot board may prepare the ballots for delivery to the~~
17 ~~central counting station at any time after they are received and~~
18 ~~shall deliver them]~~ in accordance with the procedure applicable to
19 electronic system ballots cast at a precinct polling place.

20 SECTION 29. Section 87.1231(a), Election Code, is amended
21 to read as follows:

22 [~~(a)~~] Not later than the time of the local canvass, the
23 early voting clerk shall deliver to the local canvassing authority
24 a report of the total number of early voting votes for each
25 candidate or measure by election precinct. The report may reflect
26 the total for votes by mail and the total for votes by personal
27 appearance.

1 SECTION 30. Section 87.125(a), Election Code, is amended to
2 read as follows:

3 (a) The early voting ballot board shall convene to count
4 ballots voted by mail described by Section 86.007(d) at the time set
5 by the presiding judge of the board ~~[on]~~:

6 (1) on the sixth day after the date of:

7 (A) the ~~[a]~~ general election for state and county
8 officers; or

9 (B) an election of a political subdivision that
10 is held jointly with an election of:

11 (i) a county; or

12 (ii) one or more political subdivisions
13 under an election services contract with the county election
14 officer;

15 (2) on the second ~~[fifth]~~ day after the date of a
16 primary ~~[or special]~~ election, at a time following the last mail
17 delivery, or on an earlier day or at an earlier time if the early
18 voting clerk certifies that all ballots mailed from outside the
19 United States have been received; or

20 (3) not earlier than the third day or later than the
21 fifth day after the date of an election other than an election
22 described by Subdivision (1) or (2).

23 SECTION 31. Section 102.003(b), Election Code, is amended
24 to read as follows:

25 (b) An application may be submitted after the last day of
26 the period for early voting by personal appearance and before 5 ~~[2]~~
27 p.m. on election day.

1 SECTION 32. Section 104.003, Election Code, is amended to
2 read as follows:

3 Sec. 104.003. TIME AND PLACE FOR VOTING. Voting under this
4 chapter shall be conducted on election day, beginning at 7 [8] a.m.
5 and concluding at 7 [2] p.m., at the main early voting polling
6 place [~~except that the voting shall begin at 7 a.m. and conclude at~~
7 ~~7 p.m. in an election in which mechanical voting machines are used~~].
8 However, if the early voting ballots voted by mail are processed at
9 a location other than the main early voting polling place, the early
10 voting clerk may require the voting to be conducted at that
11 location.

12 SECTION 33. Section 112.002, Election Code, is amended by
13 amending Subsection (a) and adding Subsections (c) and (d) to read
14 as follows:

15 (a) After changing residence to another county, a person is
16 eligible to vote a limited ballot by personal appearance during the
17 early voting period or by mail if:

18 (1) the person would have been eligible to vote in the
19 county of former residence on election day if still residing in that
20 county; and

21 (2) [~~the date of the election is not more than 90 days~~
22 ~~after the new residence is established, and~~

23 [~~3~~] a voter registration for the person in the
24 county of new residence is not effective on or before election day.

25 (c) Before being accepted for voting under this chapter, the
26 voter must execute a statement including:

27 (1) a statement that the voter satisfies the

1 applicable requirements prescribed by Subsection (a);

2 (2) the voter's residence address or, if the residence
3 has no address, the address at which the voter receives mail and a
4 concise description of the voter's residence;

5 (3) the month, day, and year of the voter's birth; and

6 (4) the date the statement is executed.

7 (d) A statement executed under Subsection (c) shall be
8 submitted:

9 (1) to an election officer at the main early voting
10 polling place, if the person is voting by personal appearance; or

11 (2) with the person's application for a ballot to be
12 voted by mail, if the person is voting by mail.

13 SECTION 34. Section 127.066(c), Election Code, is amended
14 to read as follows:

15 (c) After the box is sealed, it shall be delivered to the
16 central counting station by two election officers [~~in accordance~~
17 ~~with the procedure for delivering ballot box no. 3 to the central~~
18 ~~counting station~~]. The officers shall deliver the box to the
19 presiding judge of the central counting station or to the judge's
20 designee.

21 SECTION 35. Chapter 144, Election Code, is amended by
22 adding Section 144.006 to read as follows:

23 Sec. 144.006. FILING DEADLINE FOR DECLARED WRITE-IN
24 CANDIDATE. Except as otherwise provided by law, a declaration of
25 write-in candidacy must be filed not later than 5 p.m. of the fifth
26 day after the date an application for a place on the ballot is
27 required to be filed in an election in which:

1 (1) the filing deadline for an application for a place
 2 on the ballot is the 45th day before election day; and

3 (2) write-in votes may be counted only for names
 4 appearing on a list of declared write-in candidates.

5 SECTION 36. Section 172.024(a), Election Code, is amended
 6 to read as follows:

7 (a) The filing fee for a candidate for nomination in the
 8 general primary election is as follows:

- 9 (1) United States senator \$5,000 [~~\$4,000~~]
- 10 (2) office elected statewide, except United States
 11 senator 3,750 [~~3,000~~]
- 12 (3) United States representative 3,125 [~~2,500~~]
- 13 (4) state senator 1,250 [~~1,000~~]
- 14 (5) state representative 750 [~~600~~]
- 15 (6) member, State Board of Education 300 [~~250~~]
- 16 (7) chief justice or justice, court of appeals, other
 17 than a justice specified by Subdivision (8) 1,875 [~~1,500~~]
- 18 (8) chief justice or justice of a court of appeals that
 19 serves a court of appeals district in which a county with a
 20 population of more than 850,000 is wholly or partly
 21 situated 2,500 [~~2,000~~]
- 22 (9) district judge or judge specified by Section
 23 52.092(d) for which this schedule does not otherwise prescribe a
 24 fee 1,500 [~~1,200~~]
- 25 (10) district or criminal district judge of a court in
 26 a judicial district wholly contained in a county with a population
 27 of more than 850,000 2,500 [~~2,000~~]

- 1 (11) judge, statutory county court, other than a judge
- 2 specified by Subdivision (12) 1,500 [~~1,200~~]
- 3 (12) judge of a statutory county court in a county with
- 4 a population of more than 850,000 2,500 [~~2,000~~]
- 5 (13) district attorney, criminal district attorney,
- 6 or county attorney performing the duties of a district
- 7 attorney 1,250 [~~1,000~~]
- 8 (14) county commissioner, county clerk, sheriff,
- 9 county tax assessor-collector, county treasurer, or judge,
- 10 constitutional county court:
- 11 (A) county with a population of 200,000 or
- 12 more 1,250 [~~1,000~~]
- 13 (B) county with a population of under
- 14 200,000 750 [~~600~~]
- 15 (15) justice of the peace or constable:
- 16 (A) county with a population of 200,000 or
- 17 more 1,000 [~~800~~]
- 18 (B) county with a population of under
- 19 200,000 375 [~~300~~]
- 20 (16) county surveyor, inspector of hides and animals,
- 21 or public weigher 75 [~~50~~]
- 22 (17) office of the county government for which this
- 23 schedule does not otherwise prescribe a fee 750 [~~600~~]

24 SECTION 37. Sections 172.126(a) and (c), Election Code, are
25 amended to read as follows:

26 (a) The primary elections in a county may be conducted
27 jointly at the regular polling places designated for the general

1 election for state and county officers. The county clerk shall
2 supervise the overall conduct of the joint primary elections. This
3 section applies to the conduct of joint primary elections
4 notwithstanding and in addition to other applicable provisions of
5 this code. The decision to conduct a joint general primary election
6 or runoff primary election, as applicable, must be made by majority
7 vote of the full membership of the commissioners court and with the
8 unanimous approval of the county clerk and the county chair of each
9 political party required to nominate candidates by primary
10 election.

11 (c) One set of election officers shall conduct the primary
12 elections at each polling place. Not later than the second Monday
13 in December preceding the primary elections, each county chair
14 shall deliver to the county clerk a list of the names of the
15 election judges and clerks for that party. The presiding judge of
16 each party, or alternate judge if applicable, serves as a co-judge
17 for the precinct. If an eligible presiding co-judge and alternate
18 co-judge cannot be found to serve for a particular party in a
19 precinct, a joint primary may not be conducted in that precinct, and
20 that precinct must be consolidated with another precinct that has
21 an eligible presiding co-judge and alternate co-judge to serve for
22 each party. The county clerk shall appoint the election clerks in
23 accordance with rules prescribed by the secretary of state. The
24 secretary of state shall prescribe the maximum number of clerks
25 that may be appointed for each precinct. The early voting ballot
26 board and any central counting station shall also be composed of and
27 administered by one set of election officers that provides

1 representation for each party, and the secretary of state by rule
2 shall prescribe procedures consistent with this subsection for the
3 appointment of those officers.

4 SECTION 38. Section 173.005(a), Election Code, is amended
5 to read as follows:

6 [~~a~~] The maximum hourly rate payable with state funds in a
7 particular primary election year to election judges serving in a
8 primary election for attending training programs is the same as the
9 maximum rate prescribed by this code for [~~a political~~
10 ~~subdivision's~~] compensation for attending a training program for
11 election judges appointed to serve in elections ordered by the
12 governor or a county authority [~~of its election judges for the same~~
13 ~~activity~~].

14 SECTION 39. Section 173.011(b), Election Code, is amended
15 to read as follows:

16 (b) Any surplus remaining in a county primary fund shall be
17 remitted to the secretary of state [~~county clerk~~] immediately after
18 the final payment from the fund of the necessary expenses for
19 holding the primary elections for that year, but not later than July
20 1 following the applicable primary election. The surplus in the
21 primary fund shall be remitted regardless of whether state funds
22 were requested by the chair. [~~Any surplus primary funds received by~~
23 ~~the county clerk under this subsection may be used only for paying~~
24 ~~the remaining expenses of the joint primary election.~~]

25 SECTION 40. Section 212.001, Election Code, is amended to
26 read as follows:

27 Sec. 212.001. GENERAL REQUIREMENTS FOR RECOUNT

1 DOCUMENT. A recount document submitted under this title must:

2 (1) be in writing;

3 (2) identify the office or measure for which a recount
4 is desired;

5 (3) state the grounds for the recount;

6 (4) state the side of the measure that the person
7 requesting the recount represents, if applicable;

8 (5) identify the election precincts, grouped by county
9 or other appropriate territorial unit if the election involves more
10 than one local canvassing authority, for which a recount is desired
11 and must indicate the method of voting used in each precinct;

12 (6) be signed by:

13 (A) the person requesting the recount or, if
14 there is more than one, any one or more of them; or

15 (B) an agent of the person requesting the
16 recount;

17 (7) state each requesting person's name, residence
18 address, and, if authorization to obtain the recount is based on
19 eligibility to vote in the election, voter registration number, and
20 county of registration if the election covers territory in more
21 than one county;

22 (8) designate an agent who is a resident of this state
23 to receive notice under this title on behalf of the person
24 requesting the recount if:

25 (A) the person requesting the recount is not a
26 resident of this state; or

27 (B) there is more than one person requesting the

1 recount;

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

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

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

12 SECTION 41. Section 212.088(a), Election Code, is amended
13 to read as follows:

14 (a) If the deadline for submitting an expedited recount
15 petition falls on a Saturday, Sunday, or legal state holiday, the
16 deadline is extended to 10 [9] a.m. of the next regular business
17 day.

18 SECTION 42. Section 212.111(b), Election Code, is amended
19 to read as follows:

20 (b) The [~~Except as provided by Subsection (c), the~~] deposit
21 must be in the form of cash or a cashier's check or money order made
22 payable to the recount coordinator.

23 SECTION 43. Section 277.002(a), Election Code, is amended
24 to read as follows:

25 (a) For a petition signature to be valid, a petition must:

26 (1) contain in addition to the signature:

27 (A) the signer's printed name;

- 1 (B) the signer's:
2 (i) date of birth and residence address; or
3 (ii) [~~the signer's~~] voter registration
4 number and, if the territory from which signatures must be obtained
5 is situated in more than one county, the county of registration; and
6 (C) [~~the signer's residence address, and~~
7 [~~D~~] the date of signing; and
8 (2) comply with any other applicable requirements
9 prescribed by law.

10 SECTION 44. Sections 13.072(e), 15.026, 87.0271,
11 87.1231(b), 145.006, 173.005(b), and 212.111(c), Election Code,
12 are repealed.

13 SECTION 45. (a) This Act takes effect September 1, 2003.

14 (b) As they relate to the holding of an election, the
15 changes in law made by this Act apply only to an election ordered on
16 or after September 1, 2003.

David Bushurst

President of the Senate

Jim Cusick

Speaker of the House

I certify that H.B. No. 1695 was passed by the House on April 30, 2003, by a non-record vote; and that the House concurred in Senate amendments to H.B. No. 1695 on June 1, 2003, by a non-record vote.

Robert Honey
Chief Clerk of the House

I certify that H.B. No. 1695 was passed by the Senate, with amendments, on May 28, 2003, by the following vote: Yeas 31, Nays 0.

Patsy Saw
Secretary of the Senate

APPROVED: 21 JUN 03

Date

Rick Perry

Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
4:51 PM O'CLOCK

Ann Shea
JUN 22 2003
Secretary of State