

1 AN ACT

2 relating to certain election practices and procedures.

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

4 SECTION 1. Section 4.004(a), Election Code, is amended to
5 read as follows:

6 (a) The notice of a general or special election must state:

7 (1) the nature and date of the election;

8 (2) except as provided by Subsection (c), the location
9 of each polling place [~~, including each early voting polling place~~];

10 (3) the hours that the polls will be open; and

11 (4) any other information required by other law.

12 SECTION 2. Section 13.031(d), Election Code, is amended to
13 read as follows:

14 (d) To be eligible for appointment as a volunteer deputy
15 registrar, a person must:

16 (1) be 18 years of age or older; [~~and~~]

17 (2) not have been finally convicted of a felony or, if
18 so convicted, must have:

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

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

24 (3) not have been finally convicted of an offense

1 under Section 32.51, Penal Code.

2 SECTION 3. Section 18.064, Election Code, is amended to
3 read as follows:

4 Sec. 18.064. SANCTION FOR NONCOMPLIANCE. If a registrar
5 fails to substantially comply with Section 15.083, 16.032,
6 [~~18.042~~] or 18.061 or with rules adopted by the secretary of state
7 implementing the statewide computerized voter registration list,
8 the registrar is not entitled to receive state funds for financing
9 voter registration in the county.

10 SECTION 4. Section 18.065(a), Election Code, is amended to
11 read as follows:

12 (a) The secretary of state shall monitor each registrar for
13 substantial compliance with Sections 15.083, 16.032, [~~18.042~~] and
14 18.061 and with rules implementing the statewide computerized voter
15 registration list.

16 SECTION 5. Subchapter C, Chapter 18, Election Code, is
17 amended by adding Section 18.068 to read as follows:

18 Sec. 18.068. VOTING HISTORY. Not later than the 30th day
19 after the date of the primary, runoff primary, or general election
20 or any special election ordered by the governor, the registrar
21 shall electronically submit to the secretary of state the record of
22 each voter participating in the election.

23 SECTION 6. Section 19.002(d), Election Code, is amended to
24 read as follows:

25 (d) The comptroller may not issue a warrant if on June 1 of
26 the year in which the warrant is to be issued the most recent notice
27 received by the comptroller from the secretary of state under

1 Section 18.065 indicates that the registrar is not in substantial
2 compliance with Section 15.083, 16.032, [~~18.042,~~] or 18.065 or with
3 rules implementing the registration service program.

4 SECTION 7. Section 31.006, Election Code, is amended to
5 read as follows:

6 Sec. 31.006. REFERRAL OF COMPLAINT TO ATTORNEY GENERAL.

7 (a) If, after receiving a complaint alleging criminal conduct in
8 connection with an election, the secretary of state determines that
9 there is reasonable cause to suspect that the alleged criminal
10 conduct occurred, the secretary shall promptly refer the complaint
11 to the attorney general. The secretary shall deliver to the
12 attorney general all pertinent documents in the secretary's
13 possession.

14 (b) The documents submitted to the attorney general under
15 Subsection (a) are not considered public information until the
16 attorney general has completed the investigation or has made a
17 determination that the complaint referred does not warrant an
18 investigation.

19 SECTION 8. Section 31.092(b), Election Code, is amended to
20 read as follows:

21 (b) The county election officer may contract with the county
22 executive committee of a political party holding a primary election
23 in the county to perform election services, as provided by this
24 subchapter, in the party's general primary election or runoff
25 primary election, or both. [~~To be binding, a contract under this~~
26 ~~subsection must be approved in writing by the secretary of state,~~
27 ~~and the execution of a contract is not completed until written~~

1 ~~approval is obtained.]~~

2 SECTION 9. Section 31.093(a), Election Code, is amended to
3 read as follows:

4 (a) If requested to do so by a political subdivision or
5 political party, the county elections administrator shall enter
6 into a contract to furnish the election services requested, in
7 accordance with a cost schedule agreed on by the contracting
8 parties. ~~[If the contracting parties are unable to reach an
9 agreement, on referral by either party, the secretary of state
10 shall either prescribe terms that the administrator must accept or
11 instruct the administrator to decline to enter into a contract with
12 the requesting party.]~~

13 SECTION 10. Section 32.002(c), Election Code, is amended to
14 read as follows:

15 (c) The presiding judge and alternate presiding judge must
16 be affiliated or aligned with different political parties, subject
17 to this subsection. Before July of each year in a county to which
18 Subsection (a)(1) applies or before August of each year in a county
19 to which Subsection (a)(2) applies, the county chair of a political
20 party whose candidate for governor received the highest or second
21 highest number of votes in the county in the most recent
22 gubernatorial general election shall submit in writing to the
23 commissioners court a list of names of persons in order of
24 preference for each precinct who are eligible for appointment as an
25 election judge. The county chair may supplement the list of names
26 of persons until the 20th day before a general election or the 15th
27 day before a special election in case an appointed election judge

1 becomes unable to serve. The commissioners court shall appoint the
2 first person meeting the applicable eligibility requirements from
3 the list submitted in compliance with this subsection by the party
4 with the highest number of votes in the precinct as the presiding
5 judge and the first person meeting the applicable eligibility
6 requirements from the list submitted in compliance with this
7 subsection by the party with the second highest number of votes in
8 the precinct as the alternate presiding judge. If the candidates
9 for governor of two political parties received the same number of
10 votes in the precinct, the first person meeting the applicable
11 eligibility requirements from the list submitted by the party whose
12 candidate for governor received the highest number of votes in the
13 county shall be appointed as the presiding judge and the first
14 person meeting the applicable eligibility requirements from the
15 list submitted by the party whose candidate for governor received
16 the second highest number of votes in the county shall be appointed
17 as the alternate presiding judge. The commissioners court may
18 reject the list if the persons whose names are submitted on the list
19 are determined not to meet the applicable eligibility requirements.

20 SECTION 11. Section 33.006(b), Election Code, is amended to
21 read as follows:

22 (b) A certificate of appointment must:

23 (1) be in writing and signed by the appointing
24 authority or, for an appointment for a write-in candidate under
25 Section 33.004, by each of the voters making the appointment;

26 (2) indicate the capacity in which the appointing
27 authority is acting;

1 (3) state the name, residence address, and voter
2 registration number of the appointee and be signed by the
3 appointee;

4 (4) identify the election and the precinct polling
5 place or other location at which the appointee is to serve;

6 (5) in an election on a measure, identify the measure
7 if more than one is to be voted on and state which side of the
8 measure the appointee represents; and

9 (6) contain an affidavit executed by the appointee
10 stating that the appointee will not have possession of a device
11 capable [~~any mechanical or electronic means~~] of recording images or
12 sound or that the appointee will disable or deactivate the device
13 while serving as a watcher.

14 SECTION 12. Section 33.051(c), Election Code, is amended to
15 read as follows:

16 (c) A watcher may not be accepted for service if the watcher
17 has possession of a device capable [~~any mechanical or electronic~~
18 ~~means~~] of recording images or sound unless the watcher agrees to
19 disable or deactivate the device. The presiding judge may inquire
20 whether a watcher has possession of any prohibited recording device
21 before accepting the watcher for service.

22 SECTION 13. Section 66.058, Election Code, is amended by
23 amending Subsection (a) and adding Subsection (h) to read as
24 follows:

25 (a) Except as otherwise provided by this code, the precinct
26 election records shall be preserved by the authority to whom they
27 are distributed:

1 (1) in an election involving a federal office, for at
2 least 22 months after election day in accordance with federal law;
3 or
4 (2) in an election not involving a federal office, for
5 at least six months after election day.

6 (h) For the preservation of precinct election records in an
7 election involving a federal office, the secretary of state shall
8 instruct the affected authorities on the actions necessary to
9 comply with federal law and otherwise implement this section.

10 SECTION 14. Section 84.007(b), Election Code, is amended to
11 read as follows:

12 (b) An application must be submitted to the early voting
13 clerk by:

- 14 (1) mail;
- 15 (2) common or contract carrier; or
- 16 (3) telephonic facsimile machine, [~~if the applicant is~~
17 ~~absent from the county and~~] if a machine is available in the clerk's
18 office.

19 SECTION 15. Section 85.004, Election Code, is amended to
20 read as follows:

21 Sec. 85.004. PUBLIC NOTICE OF MAIN POLLING PLACE LOCATION.
22 The election order and the election notice must state the location
23 of the main [~~each~~] early voting polling place.

24 SECTION 16. Sections 85.032(b), (d), and (f), Election
25 Code, are amended to read as follows:

26 (b) The ballot box in which voters deposit their marked
27 early voting ballots must have two locks, each with a different key,

1 and must be designed and constructed so that the box can be sealed
2 to detect any unauthorized opening of the box and that the ballot
3 slot can be sealed to prevent any unauthorized deposit in the box.
4 The seals for the boxes must be serially numbered for each election.
5 The procedures prescribed by Sections 127.064, 127.065, 127.066,
6 and 127.068 governing the use of sealed ballot boxes in electronic
7 voting system elections apply to the use of sealed ballot boxes
8 under this title to the extent those procedures can be made
9 applicable [~~with references to the central counting station being~~
10 ~~applied to the early voting ballot board~~]. The secretary of state
11 shall prescribe any procedures necessary to implement the use of
12 sealed ballot boxes in early voting.

13 (d) Each custodian shall retain possession of the key
14 entrusted to the custodian until it is delivered to the presiding
15 judge of the central counting station [~~early voting ballot board~~
16 ~~under Subchapter B, Chapter 87~~].

17 (f) The secretary of state shall prescribe procedures
18 providing for the security of the voted early voting ballots from
19 the last day of voting by personal appearance at a polling place
20 until the day the ballots are counted. [~~The procedures must include~~
21 ~~security measures covering the transfer of the ballots between the~~
22 ~~early voting clerk and the early voting ballot board.~~]

23 SECTION 17. Section 87.021, Election Code, is amended to
24 read as follows:

25 Sec. 87.021. BALLOTS AND OTHER MATERIALS DELIVERED TO
26 BOARD. The early voting clerk shall deliver to the early voting
27 ballot board:

1 (1) in an election in which regular paper ballots are
2 used for early voting by personal appearance, each ballot box, in
3 accordance with Section 85.032(b), containing the early voting
4 ballots voted by personal appearance and the clerk's key to each
5 box;

6 (2) the jacket envelopes containing the early voting
7 ballots voted by mail, regardless of the ballot type or voting
8 system used;

9 (3) the poll lists prepared in connection with early
10 voting by personal appearance;

11 (4) the list of registered voters used in conducting
12 early voting; and

13 (5) a ballot transmittal form that includes a
14 statement of the number of early voting ballots voted by mail,
15 regardless of the ballot type or voting system used, that are
16 delivered to the early voting ballot board, and in an election in
17 which regular paper ballots are used for early voting by personal
18 appearance, the number of names appearing on the poll lists
19 prepared in connection with early voting by personal appearance.

20 SECTION 18. Subchapter B, Chapter 87, Election Code, is
21 amended by adding Section 87.0211 to read as follows:

22 Sec. 87.0211. ELECTRONIC DELIVERY OF MATERIALS RECORDED
23 ELECTRONICALLY. If ballot materials and ballot applications are
24 recorded electronically as provided by Section 87.126, the early
25 voting clerk may deliver those materials to the early voting ballot
26 board through electronic means.

27 SECTION 19. Section 87.0221(a), Election Code, is amended

1 to read as follows:

2 (a) In an election in which regular paper ballots are used
3 for early voting by personal appearance or by mail, the materials
4 may be delivered to the board between the end of the period for
5 early voting by personal appearance and the closing of the polls on
6 election day, or as soon after closing as practicable, at the time
7 or times specified by the presiding judge of the board.

8 SECTION 20. Section 87.023(a), Election Code, is amended to
9 read as follows:

10 (a) In an election in which early voting ballots are to be
11 counted by automatic tabulating equipment at a central counting
12 station, the ballots voted by mail to be automatically counted may
13 be delivered to the board between the end of the period for early
14 voting by personal appearance and the closing of the polls on
15 election day, or as soon after closing as practicable, at intervals
16 specified by the presiding judge of the board.

17 SECTION 21. Section 87.027, Election Code, is amended by
18 adding Subsection (m) to read as follows:

19 (m) If ballot materials or ballot applications are recorded
20 electronically as provided by Section 87.126, the signature
21 verification committee may use an electronic copy of a carrier
22 envelope certificate or the voter's ballot application in making
23 the comparison under Subsection (i).

24 SECTION 22. Subchapter G, Chapter 87, Election Code, is
25 amended by adding Section 87.126 to read as follows:

26 Sec. 87.126. ELECTRONIC RECORDING OF BALLOT MATERIALS AND
27 APPLICATIONS. (a) The early voting clerk may electronically

1 record applications for a ballot to be voted by mail, jacket
2 envelopes, carrier envelopes, and ballots.

3 (b) The secretary of state may adopt rules providing
4 requirements for the electronic image quality and storage of the
5 electronic images of the documents described by Subsection (a).

6 SECTION 23. Section 101.013, Election Code, is amended to
7 read as follows:

8 Sec. 101.013. DESIGNATION OF SECRETARY OF STATE. (a) The
9 secretary of state is designated as the state office to provide
10 information regarding voter registration procedures and absentee
11 ballot procedures, including procedures related to the federal
12 write-in absentee ballot, to be used by persons eligible to vote
13 under the federal Uniformed and Overseas Citizens Absentee Voting
14 Act (42 U.S.C. Section 1973ff et seq.), as amended.

15 (b) The secretary of state is designated as the state
16 coordinator between military and overseas voters and county
17 election officials. A county election official shall:

18 (1) cooperate with the secretary of state to ensure
19 that military and overseas voters timely receive accurate balloting
20 materials that a voter is able to cast in time for the election; and

21 (2) otherwise comply with the federal Military and
22 Overseas Voter Empowerment Act (Pub. L. No. 111-84, Div. A, Title V,
23 Subt. H).

24 (c) The secretary of state may adopt rules as necessary to
25 implement this section.

26 SECTION 24. Section 112.002(a), Election Code, is amended
27 to read as follows:

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

4 (1) the person would have been eligible to vote in the
5 county of former residence on election day if still residing in that
6 county;

7 (2) the person is registered to vote in the county of
8 former residence at the time the person:

9 (A) offers to vote in the county of new
10 residence; or

11 (B) submitted a voter registration application
12 in the county of new residence; and

13 (3) a voter registration for the person in the county
14 of new residence is not effective on or before election day.

15 SECTION 25. Section 127.007, Election Code, is amended to
16 read as follows:

17 Sec. 127.007. PLAN FOR COUNTING STATION OPERATION. (a) The
18 manager shall establish and implement a written plan for the
19 orderly operation of the central counting station.

20 (b) The plan required under this section must address the
21 process for comparing the number of voters who signed the
22 combination form with the number of votes cast for the entire
23 election.

24 SECTION 26. Section 127.201, Election Code, is amended by
25 adding Subsection (g) to read as follows:

26 (g) This section does not apply to the tabulation of
27 electronic voting system results for a voting system that uses

1 direct recording electronic voting machines.

2 SECTION 27. Section 129.023(c), Election Code, is amended
3 to read as follows:

4 (c) The general custodian of election records shall adopt
5 procedures for testing that:

6 (1) direct the testing board to cast votes;

7 (2) verify that each contest position, as well as each
8 precinct and ballot style, on the ballot can be voted and is
9 accurately counted [~~for each precinct and ballot style~~];

10 (3) include overvotes and undervotes for each race, if
11 applicable to the system being tested;

12 (4) include straight-party votes and crossover votes;

13 (5) include write-in votes, when applicable to the
14 election;

15 (6) include provisional votes, if applicable to the
16 system being tested;

17 (7) calculate the expected results from the test
18 ballots;

19 (8) ensure that each voting machine has any public
20 counter reset to zero and presented to the testing board for
21 verification before testing;

22 (9) require that, for each feature of the system that
23 allows disabled voters to cast a ballot, at least one vote be cast
24 and verified by a two-person testing board team using that feature;
25 and

26 (10) require that, when all votes are cast, the
27 general custodian of election records and the testing board observe

1 the tabulation of all ballots and compare the actual results to the
2 expected results.

3 SECTION 28. Section 141.040, Election Code, is amended to
4 read as follows:

5 Sec. 141.040. NOTICE OF DEADLINES. (a) The authority with
6 whom [~~Not later than the 30th day before the first day on which a~~
7 ~~candidate may file~~] an application for a place on the ballot under
8 this subchapter [~~, the authority with whom the application~~] must be
9 filed shall post notice of the dates of the filing period in a
10 public place in a building in which the authority has an office not
11 later than the 30th day before:

12 , (1) the first day on which a candidate may file the
13 application; or.

14 (2) the last day on which a candidate may file the
15 application, if this code does not designate a first day on which
16 the candidate may file the application.

17 (b) This section does not apply to an office filled at the
18 general election for state and county officers.

19 SECTION 29. Section 145.001, Election Code, is amended by
20 amending Subsection (b) and adding Subsection (d-1) to read as
21 follows:

22 (b) A [~~To be effective, a~~] withdrawal request must:

23 (1) be in writing and be signed and acknowledged by the
24 candidate; and

25 (2) be timely filed with the appropriate authority or
26 an agent of an authority only as expressly provided by this code.

27 (d-1) A withdrawal that is not filed in compliance with

1 Subsection (b) has no legal effect and is not considered filed.

2 SECTION 30. Section 145.005, Election Code, is amended to
3 read as follows:

4 Sec. 145.005. EFFECT OF VOTES CAST FOR DECEASED, WITHDRAWN,
5 OR INELIGIBLE CANDIDATE. (a) If the name of a deceased, withdrawn,
6 or ineligible candidate appears on the ballot under this chapter,
7 the votes cast for the candidate shall be counted and entered on the
8 official election returns in the same manner as for the other
9 candidates.

10 (b) If the deceased, withdrawn, or ineligible candidate
11 receives the vote required for election, the resulting vacancy
12 shall be filled in the regular manner.

13 (c) If the deceased, withdrawn, or ineligible candidate and
14 another candidate tie for the most votes in an election in which a
15 plurality vote is sufficient for election, the other candidate is
16 considered to be elected. If more than one other candidate is tied
17 with the deceased, withdrawn, or ineligible candidate, the winner
18 of the election shall be determined by resolving the tie between the
19 other candidates in the regular manner for resolving a tie vote in
20 the election.

21 (d) In a race in which a runoff is required, if the deceased,
22 withdrawn, or ineligible candidate received the vote that would
23 entitle the candidate to a place on the runoff election ballot or
24 tied for that number of votes, the candidates in the runoff shall be
25 determined in the regular manner but without regard to the votes
26 received by the deceased, withdrawn, or ineligible candidate.

27 SECTION 31. Sections 145.092(a) and (d), Election Code, are

1 amended to read as follows:

2 (a) Except as otherwise provided by this section, a
3 candidate may not withdraw from an election after 5 p.m. of the
4 third day after the deadline for filing the candidate's application
5 for a place on the ballot [~~second day before the beginning of early~~
6 ~~voting by personal appearance~~].

7 (d) A candidate in a runoff election [~~following a main~~
8 ~~election subject to Subsection (b)~~] may not withdraw from the
9 election after 5 p.m. of the third day after the date of the main
10 election.

11 SECTION 32. Section 145.094(a), Election Code, is amended
12 to read as follows:

13 (a) The name of a candidate shall be omitted from the ballot
14 if the candidate:

15 (1) dies before the second day before the date of the
16 deadline for filing the candidate's application for a place on the
17 ballot;

18 (2) withdraws or is declared ineligible within the
19 time prescribed by Section 145.092(a) [~~before 5 p.m. of the second~~
20 ~~day before the beginning of early voting by personal appearance~~],
21 in an election subject to that section [~~Section 145.092(a)~~];

22 (3) withdraws or is declared ineligible within the
23 time prescribed by Section 145.092(b) [~~before 5 p.m. of the 53rd day~~
24 ~~before election day~~], in an election subject to that section
25 [~~Section 145.092(b)~~]; or

26 (4) withdraws or is declared ineligible within the
27 time prescribed by Section 145.092(f) [~~before 5 p.m. of the 67th day~~

1 ~~before election day~~], in an election subject to that section
2 [~~Section 145.092(f)~~].

3 SECTION 33. Section 172.052(a), Election Code, is amended
4 to read as follows:

5 (a) . A candidate for nomination may not withdraw from the
6 general primary election after the first day after the deadline for
7 filing the candidate's application for a place on the general
8 primary election ballot [~~62nd day before general primary election~~
9 ~~day~~].

10 SECTION 34. Section 172.057, Election Code, is amended to
11 read as follows:

12 Sec. 172.057. WITHDRAWN, DECEASED, OR INELIGIBLE
13 CANDIDATE'S NAME OMITTED FROM GENERAL PRIMARY BALLOT. A
14 candidate's name shall be omitted from the general primary election
15 ballot if the candidate withdraws, dies, or is declared ineligible
16 within the time prescribed by Section 172.052(a) [~~on or before the~~
17 ~~62nd day before general primary election day~~].

18 SECTION 35. Sections 174.022(a), (b), and (c), Election
19 Code, are amended to read as follows:

20 (a) The precinct conventions may [~~shall~~] be held in the
21 regular county election precincts on:

22 (1) general primary election day; and
23 (2) a date determined by the county executive
24 committee that occurs not later than the fifth day after the date of
25 the general primary election [~~in the regular county election~~
26 ~~precincts~~].

27 (b) Consistent with Subsection (c), not [~~Not~~] later than the

1 date of the regular drawing for position on the general primary
2 election ballot, the county executive committee shall set the hour
3 and place for convening each precinct convention for the precincts
4 served by the committee. If the county executive committee fails to
5 do so, the county chair shall set, consistent with Subsection (c),
6 the hour and place.

7 (c) If precinct conventions are held on general primary
8 election day, the [The] hour set for convening the conventions may
9 not be earlier than 7 p.m. or later than 9 p.m., but a
10 [Notwithstanding the hour set for convening, the] convention may
11 not convene until the last voter has voted at the precinct polling
12 place. If precinct conventions are held on a day other than general
13 primary election day, the county executive committee shall set the
14 hour for convening or a time frame in which the conventions must
15 convene.

16 SECTION 36. Section 174.023, Election Code, is amended to
17 read as follows:

18 Sec. 174.023. NOTICE OF DATE, HOUR, AND PLACE. (a) The
19 county chair shall post a notice of the date, hour, and place for
20 convening each precinct convention on the bulletin board used for
21 posting notice of meetings of the commissioners court. The notice
22 must remain posted continuously for the 10 days immediately
23 preceding the date of the convention.

24 (b) Not later than the 10th day before the date of the
25 precinct conventions, the county chair shall deliver to the county
26 clerk written notice of the date, hour, and place for convening each
27 precinct convention.

1 (c) If the county chair fails to post or deliver notice in
2 accordance with this section, another member of the county
3 executive committee may post or deliver the notice.

4 SECTION 37. Section 213.013(i), Election Code, is amended
5 to read as follows:

6 (i) No device capable [~~mechanical or electronic means~~] of
7 recording images or sound is [~~are~~] allowed inside the room in which
8 the recount is conducted, or in any hallway or corridor in the
9 building in which the recount is conducted within 30 feet of the
10 entrance to the room, while the recount is in progress unless the
11 person entitled to be present at the recount agrees to disable or
12 deactivate the device. However, on request of a person entitled to
13 appoint watchers to serve at the recount, the recount committee
14 chair shall permit the person to photocopy under the chair's
15 supervision any ballot, including any supporting materials,
16 challenged by the person or person's watcher. The person must pay a
17 reasonable charge for making the copies and, if no photocopying
18 equipment is available, may supply that equipment at the person's
19 expense. The person shall provide a copy on request to another
20 person entitled to appoint watchers to serve at the recount.

21 SECTION 38. Section 216.002, Election Code, is amended to
22 read as follows:

23 Sec. 216.002. CONDUCT OF AUTOMATIC RECOUNT GENERALLY.
24 Except as otherwise provided by this chapter, this title, including
25 the notice requirement of Section 213.009, applies to a recount
26 conducted under this chapter with appropriate modifications as
27 prescribed by the secretary of state.

1 SECTION 39. Section 232.008(c), Election Code, is amended
2 to read as follows:

3 (c) A contestant must file the petition not later than the
4 10th day after the date the official result is determined in a
5 contest of:

6 (1) a primary or runoff primary election; or

7 (2) a general or special election for which a runoff is
8 necessary according to the official result or will be necessary if
9 the contestant prevails.

10 SECTION 40. Section 253.167, Election Code, is amended to
11 read as follows:

12 Sec. 253.167. CERTIFICATION OF POPULATION; NOTICE OF
13 CONTRIBUTION AND EXPENDITURE LIMITS. (a) For purposes of this
14 subchapter only, not later than June 1 of each odd-numbered year,
15 the commission [~~secretary of state~~] shall:

16 (1) make [~~deliver to the commission~~] a written
17 certification of the population of each judicial district for which
18 a candidate for judge or justice must file a campaign treasurer
19 appointment with the commission; and

20 (2) deliver to the county clerk of each county a
21 written certification of the county's population, if the county:

22 (A) comprises an entire judicial district under
23 Chapter 26, Government Code; or

24 (B) has a statutory county court or statutory
25 probate court, other than a multicounty statutory county court
26 created under Subchapter D, Chapter 25, Government Code.

27 (b) Following [~~On receipt of the~~] certification of

1 population under Subsection (a), the commission or county clerk, as
2 appropriate, shall make available to each candidate for an office
3 covered by this subchapter written notice of the contribution and
4 expenditure limits applicable to the office the candidate seeks.

5 SECTION 41. Section 501.001, Election Code, is amended by
6 adding Subdivision (4) to read as follows:

7 (4) "Political subdivision" includes a justice
8 precinct.

9 SECTION 42. Section 501.023(a), Election Code, is amended
10 to read as follows:

11 (a) If 10 or more qualified voters of any county, justice
12 precinct, or municipality file a written application and provide
13 proof of publication of notice in a newspaper of general
14 circulation in that political subdivision, the county clerk of the
15 county shall issue to the applicants a petition to be circulated
16 among the qualified voters of the political subdivision for the
17 signatures of those qualified voters who desire that a local option
18 election be called for the purpose of determining whether the sale
19 of alcoholic beverages of one or more of the various types and
20 alcoholic contents shall be prohibited or legalized in the
21 political subdivision. The notice must include:

22 (1) the individual or entity that is applying for the
23 petition to gather signatures for a local option liquor election;

24 (2) the type of local option liquor election;

25 (3) the name of the political subdivision in which the
26 petition will be circulated; and

27 (4) the name and title of the person with whom the

1 application will be filed.

2 SECTION 43. Section 501.108(a), Election Code, is amended
3 to read as follows:

4 (a) If a county is not required to pay the initial expense,
5 regardless of any authority to receive reimbursement, of a local
6 option election under Section 501.107, the county clerk shall
7 require the applicants for a petition for a local option election to
8 make a deposit before the issuance of the petition.

9 SECTION 44. Sections 18.041, 18.042, and 145.092(c),
10 Election Code, are repealed.

11 SECTION 45. This Act takes effect September 1, 2011.

David Newkirk

President of the Senate

Joe Straus

Speaker of the House

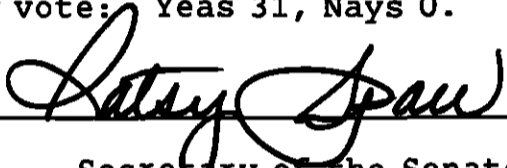
I certify that H.B. No. 2817 was passed by the House on May 10, 2011, by the following vote: Yeas 120, Nays 23, 2 present, not voting; that the House refused to concur in Senate amendments to H.B. No. 2817 on May 23, 2011, and requested the appointment of a conference committee to consider the differences between the two houses; and that the House adopted the conference committee report on H.B. No. 2817 on May 29, 2011, by the following vote: Yeas 123, Nays 25, 1 present, not voting.

Robert Haney

Chief Clerk of the House

H.B. No. 2817

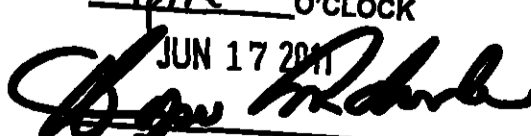
I certify that H.B. No. 2817 was passed by the Senate, with amendments, on May 20, 2011, by the following vote: Yeas 30, Nays 0; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; and that the Senate adopted the conference committee report on H.B. No. 2817 on May 29, 2011, by the following vote: Yeas 31, Nays 0.


Secretary of the Senate

APPROVED: 17 JUN '11

Date


Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
4pm O'CLOCK
JUN 17 2011

Secretary of State