

## **BILL ANALYSIS**

Senate Research Center  
86R30960 ADM-F

H.B. 2628  
By: Vo (Hughes)  
State Affairs  
5/16/2019  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

H.B. 2628 amends current law relating to the manner of reporting and maintaining certain information relating to candidates and election returns.

### **RULEMAKING AUTHORITY**

Rulemaking authority previously granted to the secretary of state is modified in SECTION 4 (Section 172.029, Election Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Sections 67.007(a), (c), and (d), Election Code, as follows:

(a) Requires the county clerk of each county in the territory covered by the election, for each election for a statewide, district, county, or precinct office, a statewide measure, or president and vice-president of the United States, to prepare county election returns, rather than requiring the county clerk of each county in the territory covered by the election, for each or district office, a statewide measure, or president and vice-president of the United States to prepare county election returns.

(c) Requires the county clerk to certify the county returns, rather than requiring the county clerk to sign the county returns to certify their accuracy.

(d) Requires the county clerk, not later than 24 hours after completion of the local canvass, to deliver to the secretary of state (SOS), in the manner directed by the SOS, the county returns, rather than requiring the county clerk, not later than 24 hours after completion of the local canvass, to deliver to the SOS, in the manner directed by the secretary, the county returns in a sealed envelope. Deletes existing text requiring the envelope to be labeled: "Election Returns for \_\_\_\_\_ (name) County, for \_\_\_\_\_(election)."

SECTION 2. Amends Sections 67.008(b) and (c), Election Code, as follows:

(b) Requires the returns to be delivered to the SOS as provided by Section 67.007 (County Election Returns), rather than requiring the returns to be delivered to the SOS as provided by Section 67.007, except that the envelope is required to be labeled: "Returns of Election for Governor/Lieutenant Governor, \_\_\_\_\_ (name) County, for \_\_\_\_\_(election)."

(c) Requires SOS to retain the returns, rather than retain the returns in their sealed condition, until the first day of the next regular legislative session, when the SOS shall deliver the returns to the speaker of the house of representatives.

SECTION 3. Amends Section 67.009(b), Election Code, as follows:

(b) Requires the SOS, with the delivery of the official county returns forms, to deliver written instructions on the preparation and delivery of the county election returns. Deletes

existing text requiring SOS, with the delivery of the official county returns forms, to deliver the officially prescribed envelopes for delivering the returns to the secretary.

SECTION 4. Amends Sections 172.029(b), (c), (d), and (e), Election Code, as follows:

(b) Requires any changes in the party's county or precinct chairs to be reported to the SOS by posting online in the database maintained for this purpose, rather than requiring any changes in the party's county or precinct chairs to be reported to the SOS.

(c) Authorizes SOS by rule to prescribe a deadline by which the state chair and county chair must electronically submit information described by Subsection (a), rather than authorizing SOS by rule to prescribe a deadline by which the state chair must deliver the chair's submission regarding a candidate to SOS, and each county chair shall deliver a copy of the chair's submission regarding a candidate to the county clerk, the state chair, and the secretary of state when the chair accepts the application. Deletes existing text authorizing SOS by rule to prescribe a deadline for the delivery of a submission under this subsection.

(d) Requires SOS to be notified by electronic submission to SOS's Internet website if a candidate withdraws, dies, or is declared ineligible, or if the candidate's application is determined not to comply with the applicable requirements.

(e) Requires SOS to:

(1) make available on SOS's Internet website a list of all candidates for whom information has been submitted under this section and archive the list on the Internet website for historical purposes after the election, rather than archive and keep available for inspection a list of all candidates for whom information has been submitted under this section; and

(2) prescribe rules for submitting the list electronically, rather than prescribe rules for submitting the list electronically and methodology for distribution to each county clerk and state chair

SECTION 5. Amends Section 172.055(c), Election Code, as follows:

(c) Requires the authority with whom the withdrawn, deceased, or ineligible candidate's application was filed (authority), not later than 24 hours after the candidate withdraws or is declared ineligible or after the authority preparing the notice learns of the candidate's death, as applicable, to post the notice on the authority's Internet website, if one is maintained. Requires the authority to additionally deliver a copy of the notice to, as applicable:

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

(A) at least one daily newspaper published in the county or, if none, at least one weekly newspaper published there, if any

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

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

(A) at least three daily newspapers that regularly maintain a news representative at the State Capitol; and

(B) SOS, to be posted on SOS's Internet website.

Deletes existing text requiring the authority, not later than 24 hours after the candidate withdraws or is declared ineligible or after the authority preparing the notice learns of the candidate's death, as applicable, to deliver a copy of the notice

to at least one daily newspaper published in the county or, if none, at least one weekly newspaper published there, if any, for a notice prepared by the county chair, at least three daily newspapers that regularly maintain a news representative at the State Capitol, for a notice applicable to a statewide office, or at least one daily newspaper published in each county wholly or partly situated in the district or, if none, at least one weekly newspaper published there, if any, for a notice prepared by the state chair for a district office.

SECTION 6. Amends Sections 172.117(a-1) and (a-2), Election Code, as follows:

(a-1) Requires the notation to describe the status of each candidate to include:

(1) makes no changes to these subdivisions;

(2) "accepted";

(3) "rejected";

(4) redesignates existing Subdivision (2) as Subdivision (4) and makes no further changes; or

(5)–(10) redesignates existing Subdivisions (3)–(8) as Subdivisions (5)–(10) and makes no further changes.

(a-2) Requires the county clerk to update the notations after each general primary and runoff primary election, unless SOS's Internet website automatically updates the notations based on election returns, rather than requiring the county clerk to update the notations after each general primary and runoff primary election.

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

(b) Requires the authority with whom an application, not later than the 10th day after the date of the filing deadline prescribed by Section 181.033 (Filing Deadline), is filed to deliver to SOS a list containing certain information, including any additional information required by SOS.

(c) Requires a list delivered under Subsection (b) to be in a format prescribed by the SOS.

SECTION 8. Amends Section 181.068(a), Election Code, as follows:

(a) Requires the presiding officer of each convention held under this chapter (Party With State Organization) to certify, in a format prescribed by SOS, for placement on the general election ballot the name and address of each candidate nominated by the convention, rather than requiring the presiding officer of each convention held under this chapter to certify in writing for placement on the general election ballot the name and address of each candidate nominated by the convention.

SECTION 9. Effective date: September 1, 2019.