

## **BILL ANALYSIS**

Senate Research Center  
86R14030 GRM-D

H.B. 2909  
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State Affairs  
5/16/2019  
Engrossed

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

H.B. 2909 attempts to make changes to the law that will reflect existing practices and procedures. It is intended to clean up the Election Code in a way that makes no substantive changes in policy or practice but merely clarifies existing practices and policies at the state and local level.

H.B. 2909 amends current law relating to election practices and procedures and creates a criminal offense.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 1.007(c), Election Code, to authorize delivery, submission, or filing of a document or paper under this code to be made by certain methods, including e-mail.

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

(b) Requires the second election, occurring after a tie vote, to be held not earlier than the 20th day or later than the 45th day, rather than not earlier than the 20th day or later than the 30th day, after the date the automatic recount required by Subsection (i) (relating to requiring an automatic recount if a tie vote is not resolved by certain means) is completed or the final canvass following the automatic recount is completed, if applicable.

(j) Authorizes the tied candidates, if a recount does not resolve the tie, to:

(1) cast lots not later than the day before the date the authority is required to 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. Amends Section 2.022(b), Election Code, to provide that Sections 2.023, 2.025, and 2.028, rather than Sections 2.023 and 2.028, supersede a law outside this subchapter (Runoff Election) to the extent of any conflict.

SECTION 4. Amends Section 2.025(d), Election Code, as follows:

(d) Requires 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 (Emergency Requiring Early Election) or an election held as an expedited election under Section 203.013 (Expedited Election), rather than requiring a runoff election for a special election to fill a vacancy in Congress or a

special election to fill a vacancy in the legislature to which Section 101.104 (Elections Covered) applies, to be held on certain dates.

SECTION 5. Amends Section 2.028(c), Election Code, as follows:

(c) Authorizes a tying candidate to resolve the tie by filing with the presiding officer of the final canvassing authority a written statement of withdrawal signed and sworn to, rather than signed and acknowledged, by the candidate. Provides that 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. Provides that if the statement of withdrawal is received not later than 5 p.m. the day after the date the automatic recount is conducted, the remaining candidate is the winner, and a casting of lots is not held, rather than providing that, on receipt of the statement of withdrawal, the remaining candidate is the winner, and a casting of lots is not held.

SECTION 6. Amends Section 2.051(b), Election Code, to provide, in 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 (Election of Unopposed Candidate) 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 opposed at-large race is to appear on the ballot, rather than is unopposed and no at-large proposition or opposed at-large race is to appear on the ballot.

SECTION 7. Amends Section 3.005(d), Election Code, to create an exception under Subsection (c) (relating to requiring an election held on a uniform election date to be ordered not later than the 78th day before election day) to the requirement that an election under Section 26.08 (Election to Ratify School Taxes), Tax Code, to ratify a tax rate adopted by the governing body of a school district under Section 26.05(g) (relating to authorizing the governing body of a school district that elects to adopt a tax rate before the adoption of a budget for the fiscal year that begins in the current tax year, notwithstanding a certain exception, to adopt a certain tax rate for the current tax year if certain criteria are met) of that code to be ordered not later than the 30th day before election day.

SECTION 8. Amends Section 4.003(c), Election Code, to require notice of an election ordered by the governor, by a county authority, or by an authority of a city or school district, rather than ordered by a commissioners court or by an authority of a city or school district, in addition to any other notice given, to be given by a certain method.

SECTION 9. Amends Section 15.022(a), Election Code, to require the registrar to make the appropriate corrections in the registration records, including, if necessary, deleting a voter's name from the suspense list after receiving certain notification, including after notification of a data entry error of which the voter registrar is made aware under Section 63.005 and to make nonsubstantive changes to this subsection.

SECTION 10. Amends Section 31.093(a), Election Code, to create an exception under Section 41.001(d) (relating to providing that a county elections administrator, notwithstanding a certain exception, is not required to enter into a contract to furnish election services for certain elections) to the requirement that the county elections administrator, if requested to do so by a political subdivision, enter into a contract to furnish the election services requested, in accordance with a cost schedule agreed on by the contracting parties.

SECTION 11. Amends Section 31.096, Election Code, as follows:

Sec. 31.096. NONTRANSFERABLE FUNCTIONS. Prohibits an election services contract from changing:

(1) and (2) makes no changes to these subdivisions; or

(3) the political subdivision's requirement to maintain office hours under Section 31.122 (Office Hours of Election Authority During Election

Period), rather than the authority to serve as custodian of voted ballots or other election records, except that a contract with a political subdivision other than a city is authorized to provide that the county election officer will be the custodian of voted ballots.

SECTION 12. Amends Section 31.124(a), Election Code, to require a county election officer of each county to hold a meeting with the county chair of each political party to discuss, as appropriate, certain issues for each primary election or general election for state and county officers, including holding a joint primary, entering into an election services contract, and polling place locations and to make nonsubstantive changes to this subsection.

SECTION 13. Amends Section 32.114(a), Election Code, to require the public county training program to include specific procedures related to the early voting ballot board and the central counting station, as applicable.

SECTION 14. Amends Section 33.054, Election Code, as follows:

Sec. 33.054. New heading: HOURS OF SERVICE AT EARLY VOTING BALLOT BOARD MEETING OR SIGNATURE VERIFICATION COMMITTEE MEETING. (a) Authorizes a watcher serving at the meeting place of an early voting ballot board or signature verification committee to be present at any time the board or committee is processing or counting ballots and until the board or committee completes its duties, rather than authorizing a watcher serving at the meeting place of an early voting ballot board to be present at any time the board is processing or counting ballots and until the board completes its duties.

(b) Prohibits a watcher serving at the meeting place of an early voting ballot board, rather than a watcher, from leaving 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 15. Amends Sections 41.001(a) and (b), Election Code, as follows:

(a) Requires each general or special election in this state, except as otherwise provided by this subchapter (Election Dates), to be held on one of the following dates:

(1) makes no changes to this subdivision;

(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, rather than for an election held by a political subdivision other than a county; or

(3) makes no changes to this subdivision.

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

(1)–(3) makes no changes to these subdivisions;

(4) an emergency election ordered under Section 41.0011 or any resulting runoff, rather than an emergency election ordered under Section 41.0011; or

(5)–(7) makes no changes to these subdivisions.

SECTION 16. Amends Sections 43.007(a) and (m), Election Code, as follows:

(a) Requires the secretary of state (SOS) to implement a program to allow each commissioner 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, rather than 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 (Joint Elections), rather than 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 (Contract For Election Services), Chapter 31, rather than each election on a proposed constitutional amendment;
- (4) makes no changes to this subdivision; and
- (5) each election of a political subdivision located in the county that is held jointly with an election described by Subdivision (3) or (4), rather than Subdivision (1), (2), (3), or (4).

(m) Requires the county, in adopting a methodology under Subsection (f) (relating to requiring a county, in selecting countywide polling places, to adopt a methodology for determining where each polling place will be located), to ensure that:

- (1) makes no changes to this subdivision; and
- (2) the total number of polling places open for voting in a county commissioners precinct does not exceed more than twice the number of polling places in another county commissioners precinct, rather than 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 17. Amends Section 52.070, Election Code, by amending Subsections (a), (b) and (e) and adding Subsection (f), as follows:

- (a) Requires a shape for voting, rather than a square for voting, to be printed to the left of each candidate's name on a ballot.
- (b) Requires the following instruction to be printed immediately below "OFFICIAL BALLOT:" "Vote for the candidate of your choice in each race by placing an 'X' or filling in the shape beside the candidate's name," rather than "Vote for the candidate of your choice in each race by placing an 'X' in the square beside the candidate's name."
- (e) Makes conforming changes to this subsection.
- (f) Requires any variation from this instruction to be approved by SOS.

SECTION 18. Amends Section 52.094(d), Election Code, as follows:

(d) Deletes existing text requiring the authority conducting the drawing, 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, to mail written notice of the date, hour, and place of the drawing to the candidate. Creates Paragraph (1)(A) from existing text. Requires the authority conducting the drawing to provide notice of the date, hour, and place of the drawing to each candidate by, rather than requiring the authority conducting the drawing, for an election held by any other political subdivision, to mail written notice of the date, hour, and place of the drawing to each candidate 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:

- (1) written notice:

(A) mailed to 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.

SECTION 19. Amends Chapter 63, Election Code, by adding Section 63.005, as follows:

Sec. 63.005. CONFIRMING REGISTRATION STATUS OF VOTER. (a) Authorizes an election officer, if the name of a voter who is offering to vote is not on the precinct list of registered voters, to contact the voter registrar regarding the voter's registration status.

(b) Requires an election officer, 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, to provide the correct precinct location information to the voter.

(c) Requires a voter, notwithstanding Section 63.009 (Voter Without Certificate Who is Not on List), to be accepted for voting if the voter's identity has been verified from documentation as required by Section 63.001(b) (relating to requiring a voter, except for a certain exception, on offering to vote, to present certain identification to an election officer at the polling place) 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 (Reinstatement of Registration);

(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 (Correction of Registration Records); or

(3) the voter's name has been inadvertently left off the list of registered voters for the precinct.

(d) Requires an election officer, after the voter is accepted under Subsection (c), to enter the voter's name on the registration omissions list.

(e) Requires the voter to be accepted for provisional voting under Section 63.011 (Provisional Voting) 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 20. Amends Section 65.052, Election Code, to require the procedures for a certain election to allow for 10 calendar days, rather than 7 calendar days, for the voter registrar to review a provisional voter's eligibility.

SECTION 21. Amends Subchapter B, Chapter 65, Election Code, by adding Section 65.0581, as follows:

Sec. 65.0581. PUBLIC INSPECTION OF PROVISIONAL VOTING RECORDS. Provides that provisional voting records are not available for public inspection until the first business day after the date the early voting ballot board completes the verification and counting of provisional ballots under Section 65.051 (Duty of Early Voting Ballot

Board) and delivers the provisional ballots and other provisional voting records to the general custodian of election records.

SECTION 22. Amends Chapter 82, Election Code, by adding Section 82.008, as follows:

Sec. 82.008. INVOLUNTARY CIVIL COMMITMENT. Provides that 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 (Civil Commitment of Sexually Violent Predators), 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 (TCCO).

SECTION 23. Amends Section 84.002(a), Election Code, to require an early voting ballot application to include certain information, including, 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 TCCO or of a person related to the applicant within the degree of consanguinity described by Subdivision (3) (relating to requiring an application for a ballot to be voted by mail on the ground of age or disability to contain the address of a certain relative of the voter or a certain facility) and to make nonsubstantive changes to this subsection.

SECTION 24. Amends Section 84.008(a), Election Code, to create an exception under the Election Code to the provision authorizing an applicant for a ballot to be voted by mail to submit the application by certain means not later than a certain date.

SECTION 25. Amends Section 84.011(a), Election Code, as follows:

(a) Requires the officially prescribed application form for an early voting ballot to include:

(1)–(3) makes no changes to these subdivisions; and

(4) on an application for a ballot to be voted by mail:

(A)–(D) makes no changes to these paragraphs;

(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 (a)(7), rather than a space or box for an applicant applying on the ground of confinement in jail 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), if applicable; and

(F)–(I) makes no changes to these paragraphs.

SECTION 26. Amends Section 85.007(d), Election Code, to require any notice required under this section (Public Notice of Time For Voting) to also be posted in certain places, including, for a primary election or the general election for state and county officers, rather than for a primary election or general election, by SOS on SOS's Internet website.

SECTION 27. Amends Section 85.062(d), Election Code, as follows:

(d) Provides that, 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) and (2) makes no changes to these subdivisions; and

(3) the early voting clerk, rather than the commissioners court, of a county with a population of 100,000 or more but less than 120,000 is required to establish one or more early voting polling places as described by Subdivision (2) in each

precinct for which the early voting clerk, rather than the commissioners court, receives in time to enable compliance with Section 85.067 (Public Notice of Branch Voting Schedule) a written request for that action submitted by at least 15 registered voters of that precinct.

SECTION 28. Amends Section 86.0015(c), Election Code, as follows:

(c) Requires the county clerk, in a certain election, to provide the early voting clerk of the political subdivision that is holding the election a list of certain voters along with copies of the applications submitted by those voters, rather than provide the early voting clerk of the political subdivision that is holding the election a certain list. Requires the early voting clerk to 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 (Annual Ballots by Mail), rather than provide a ballot to be voted by mail to each voter on the list.

SECTION 29. Amends Section 86.002(f), Election Code, as follows:

(f) Creates Subdivision (1) from existing text and makes nonsubstantive changes to this subsection. Requires the clerk to include with the balloting materials:

(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) (relating to authorizing a voter to deliver a marked ballot in person to the early voting clerk's office only while the polls are open on election day), rather than a notice of the clerk's physical address for purposes of return by common or contract carrier; and

(2) the list of declared write-in candidates for the election, if applicable.

SECTION 30. Amends Sections 86.003(c) and (d), Election Code, as follows:

(c) Provides that the address to which the balloting materials are required to 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) makes no changes to this subdivision;

(2) and (3) makes nonsubstantive changes to these subdivisions; 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) Requires the voter's application, 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) (relating to requiring the early voting clerk to provide an official ballot envelope and carrier envelope with each ballot provided to a voter), rather than prescribed by Subsection (c), to be rejected in accordance with Section 86.001(c) (relating to requiring the early voting clerk, except as provided by a certain exception, if the applicant is not entitled to vote by mail to reject the application and take certain other actions).

SECTION 31. Amends Section 86.006(a-1), Election Code, to authorize a voter to deliver a marked ballot in person to the early voting clerk's office only while the polls are open during the early voting period or on election day, rather than only while the polls are open on election day.

SECTION 32. Amends Section 86.009(e), Election Code, as follows:

(e) Requires a voter's defective ballot that is timely returned to the clerk as a marked ballot to 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, rather than if the corrected ballot is timely returned as a marked ballot; or

(2) makes a conforming change to this subdivision.

SECTION 33. Amends Section 87.0222(a), Election Code, to authorize the jacket envelopes containing the early voting ballots voted by mail, notwithstanding Section 87.024 (Time of Delivery: Voting Machine Election), 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, rather than conducted by an authority of a county with a population of 100,000 or more or conducted jointly with such a county, to be delivered during a certain period.

SECTION 34. Amends Section 87.0241(b), Election Code, to prohibit the early voting ballot board from counting early voting ballots until certain periods, including, 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, rather than 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, the end of the period for early voting by personal appearance.

SECTION 35. Amends Section 87.102(b), Election Code, to require early voting ballots that are to be duplicated under this section (Duplicating Paper Ballots For Automatic Counting) to be treated in the same manner as damaged electronic system ballots that are duplicated for automatic counting, rather than be delivered to the central counting station as prescribed by Section 87.101 (Delivery of Ballots to Counting Station) and to be treated in the same manner as damaged electronic system ballots that are duplicated for automatic counting.

SECTION 36. Amends Section 101.001, Election Code, as follows:

Sec. 101.001. ELIGIBILITY. Provides that a person is eligible for early voting by mail as provided by this chapter (Voting by Resident Federal Postcard Applicant) if:

(1) makes no changes to this subdivision; and

(2) the person is:

(A) and (B) makes no changes to these paragraphs;

(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) makes no changes to this paragraph.

SECTION 37. Amends Section 101.003(1), Election Code, to replace a reference to a federal statute designated as the federal Uniformed and Overseas Citizens Absentee Voting Act with a different designation for that act.

SECTION 38. Amends Section 101.008, Election Code, to require SOS, in coordination with county election officials, rather than in coordination with local election officials, to implement an electronic free-access system by which certain persons are authorized to make certain determinations by certain means.

SECTION 39. Amends Sections 101.052(a-1) and (c), Election Code, as follows:

(a-1) Requires a federal postcard application to be submitted by:



(1) and (2) makes nonsubstantive changes to these subdivisions;

(3) in-person delivery in accordance with Section 84.008 (Submitting Application For Ballot Voted by Mail: Personal Delivery); or

(4) common or contract carrier.

(c) Deletes existing text authorizing a federal postcard application requesting a ballot for an election to be held in January or February to 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. Provides that an application is considered submitted in the following calendar year for purposes of this section (Submitting Application) 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.

SECTION 40. Amends Section 101.054(c), Election Code, to require an application for more than one election to 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, rather than treated as if it requests a ballot for a runoff election that results from an election for which a ballot is requested.

SECTION 41. Amends Section 101.056(a), Election Code, to make a conforming change.

SECTION 42. Amends Section 101.057(b), Election Code, to require a ballot voted by a voter described by Section 101.001(2)(A), (B), or (B-1), rather than described by Section 101.001(2)(A) or (B), to be counted if the ballot arrives at the address on the carrier envelope not later than certain dates.

SECTION 43. Amends Section 101.058, Election Code, to make a conforming change.

SECTION 44. Amends Section 101.102(b), Election Code, to make conforming and nonsubstantive changes.

SECTION 45. Amends Section 101.107(a), Election Code, to make a conforming change.

SECTION 46. Amends Section 102.002, Election Code, to modify the date on a certain form to enable the applicant to input a year in the 21st century.

SECTION 47. Amends Section 113.003, Election Code, to specify that an application for a presidential ballot to be voted by mail is required to 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 (Submitting Application For Ballot Voted by Mail: General Rule).

SECTION 48. Amends Section 141.032(g), Election Code, to provide that, except as otherwise provided by this code, rather than providing that, after the filing deadline, certain actions by a candidate and the authority with whom an application for a place on a ballot is filed are prohibited.

SECTION 49. Amends Section 141.034(a), Election Code, to prohibit an application for a place on the ballot from being challenged for compliance with the applicable requirements as to form, content, and procedure after the day before any ballot to be voted early by mail in the election for which the application is made is mailed, rather than after the 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 50. Amends the heading to Section 141.040, Election Code, to read as follows:

Sec. 141.040. NOTICE OF DEADLINES AND FILING METHODS.

SECTION 51. Amends Section 141.040, Election Code, by adding Subsection (c) to authorize an authority responsible for an application for a place on the ballot to designate an e-mail address in the notice required by this section (Notice of Deadlines) for the purpose of filing an application for a place on the ballot under Section 143.004 (Application Required).

SECTION 52. Amends Section 141.063, Election Code, by adding Subsection (e) to provide that a 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 Sections 11.004 (Voting in Precinct of Former Residence) or 112.002 (Eligibility).

SECTION 53. Amends Chapter 141, Election Code, by adding Subchapter D, and adds a heading to that subchapter to read as follows:

SUBCHAPTER D. COERCION OF CANDIDACY

SECTION 54. Transfers Section 2.054, Election Code, to Subchapter D, Chapter 141, Election Code, as added by this Act, redesignates it as Section 141.101, Election Code, and amends it as follows:

Sec. 141.101. COERCION AGAINST CANDIDACY PROHIBITED. (a) Provides, rather than providing, in an election that may be subject to this subchapter, that a person commits an offense if by intimidation or by means of coercion the person influences or attempts to influence a person to take certain actions.

(b) and (c) Makes no further changes to these subsections.

SECTION 55. Amends Section 143.004, Election Code, as follows:

Sec. 143.004. APPLICATION REQUIRED. (a) Creates this subsection from existing text and makes no further changes to this subsection.

(b) Authorizes an application, other than an application required to be accompanied by fee or petition, to be filed through e-mail transmission of the completed application in a scanned format only if the filing authority designates an e-mail address for this purpose in the notice required under Section 141.040.

SECTION 56. Amends Section 144.003(a), Election Code, to authorize an application, other than an application required to be accompanied by fee or petition, to be filed through e-mail transmission of the completed application in a scanned format only if the filing authority designates an e-mail address for this purpose in the notice required under Section 141.040.

SECTION 57. Amends Section 145.003, Election Code, by adding Subsection (j) to provide that this section (Administrative Declaration of Ineligibility) does not apply to a challenge on an application under Section 141.034 (Limitation on Challenge of Application).

SECTION 58. Amends Section 192.033(d), Election Code, to require SOS, in conjunction with certain certification, to 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 Uniformed and Overseas Citizens Absentee Voting Act (52 U.S.C. Sections 20301 through 20311), rather than under 42 U.S.C. Section 1973aa-1a.

SECTION 59. Amends Subchapter B, Chapter 201, Election Code, by adding Section 201.030, as follows:

Sec. 201.030. VACANCY RESULTING FROM RECALL ELECTION. Provides that, 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 60. Amends Section 203.004(b), Election Code, to require an election held as an emergency election to be held on a Tuesday or Saturday occurring on or after the 36th day and before the 64th day, rather than on or after the 36th day and before the 50th day, after the date the election is ordered.

SECTION 61. Amends Section 212.001, Election Code, as follows:

Sec. 212.001. GENERAL REQUIREMENTS FOR RECOUNT DOCUMENT. Requires a recount document submitted under this title (Recounts) to:

(1)–(9) makes no changes to these subdivisions;

(10) state the mailing address, e-mail address, if any, and at least one telephone number, if any, rather than state the mailing address 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) makes no changes to this subdivision.

SECTION 62. Amends Section 212.002(b), Election Code, to provide that a designation of an agent to receive notice is not effective unless the document states the designee's name, address, e-mail address, if any, and telephone number, if any, rather than the designee's name, address, and telephone number, if any.

SECTION 63. Amends Section 212.028(a), Election Code, to require a petition for an initial recount, except for a certain exception, to be submitted by 5 p.m. of the second day after the date the canvassing authority to whose presiding officer the petition is required to be submitted completes its canvass of the original election returns, rather than be submitted by the later of 5 p.m. of the fifth day after election day or 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 and to make nonsubstantive changes to this subsection.

SECTION 64. Amends Section 212.031(a), Election Code, to require the recount supervisor to, with the written approval of the recount coordinator, order the recount to be held on the earlier of 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, rather than held on a date occurring not later than the seventh day after the date the petition is determined to comply with the applicable requirements.

SECTION 65. Amends Section 212.083, Election Code, to provide that the deadline for submitting a recount petition under this subchapter (Expedited Recount) is 2 p.m. of the first day after the date of the local canvass, rather than the later of 2 p.m. of the third day after election day or 2 p.m. of the first day after the date of the local canvass.

SECTION 66. Amends Section 212.112, Election Code, as follows:

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

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

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

SECTION 67. Amends Section 216.003, Election Code, to require a certain authority, for purposes of initiating an automatic recount, to order the recount, rather than request the recount in the same manner as a recount petitioner under this title.

SECTION 68. Amends Section 272.009, Election Code, by adding Subsection (c), as follows:

(c) Requires a person, to be eligible to serve as a clerk under this section (Bilingual Election Clerks), to:

(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 (Special Eligibility Requirements: Student Election Clerk).

SECTION 69. Amends Section 277.0024, Election Code, as follows:

Sec. 277.0024. COMPUTING NUMBER OF SIGNATURES. (a) Creates this subsection from existing text. Creates an exception under Subsection (b) to the provision requiring voters whose names appear on the list of registered voters with a certain notation, if the minimum number of signatures required for a petition is computed in a certain manner, to be excluded from the computation.

(b) Provides that 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 is otherwise eligible to vote in the territory and provides a residence address located in the territory.

SECTION 70. (a) Repealer: Section 31.099(b) (relating to requiring the county election officer to file a copy of SOS's approval with each copy of a contract with the county executive committee of a political party if the approval is in a separate document), Election Code.

Repealer: Section 42.061(c) (relating to prohibiting an election precinct established for an election ordered by a city authority from dividing a county election precinct except as necessary to follow the city's boundary), Election Code.

Repealer: Section 84.008(b) (relating to providing that this section (Submitting Application For Ballot Voted by Mail: Personal Delivery) does not apply to certain applications), Election Code.

Repealer: Section 87.101 (Delivery of Ballots to Counting Station), Election Code.

Repealer: Section 105.002 (State Write-In Ballot), Election Code.

Repealer: Section 145.092(e) (relating to providing that Section 1.006 (Effect of Weekend or Holiday) does not apply to this section (Deadline For Withdrawal)), Election Code.

(b) Repealer: Section 5 (relating to deleting existing text requiring a ballot to allow a voter to cast a straight party vote), Chapter 404 (H.B. 25), Acts of the 85th Legislature, Regular Session, 2017, which amended Section 105.002(c), Election Code.

SECTION 71. Effective date: September 1, 2019.