

BILL ANALYSIS

Senate Research Center
87R26830 TSS-F

C.S.H.B. 3107
By: Clardy et al. (Zaffirini)
State Affairs
5/13/2021
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

There are a number of sections of the Election Code that the legislature should clean up to ensure it is up to date and we conduct our elections uniformly and efficiently.

H.B. 3107 would make technical corrections to the law regarding various aspects of the process, including voter registration; officers and observers; supplies; early voting; rules relating to candidates, presidential elections, and elections to fill vacant offices; recounts; and other miscellaneous provisions to clarify election practices and procedures.

(Original Author's / Sponsor's Statement of Intent)

C.S.H.B. 3107 amends current law relating to election practices and procedures.

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 a delivery, submission, or filing of a document or paper under this code to be made by certain methods of transmission, including e-mail.

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

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

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

(1) cast lots not later than the day before the date the authority responsible for ordering the first election is required to order the second election under Subsection (b) (relating to ordering a second election after a recount due to a tie in an election requiring a plurality vote); 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 include Section 2.025 (Runoff Election Day) among the sections that supersede a law outside Subchapter B (Runoff Election) to the extent of any conflict.

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

(d) Requires that 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 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, be held not earlier than the 70th day or later than the 77th day after the date the final canvass of the main election is completed.

SECTION 5. 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, rather than 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, as follows:

(b) Provides that in the case of an election in which any members of the political subdivision's governing body are elected from territorial units such as single-member districts, Subchapter C (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, rather than no at-large proposition or opposed at-large race, is to appear on the ballot.

SECTION 7. Amends Section 3.005(d), Election Code, as follows:

(d) Creates an exception as provided by Subsection (c) (relating to requirements for an election to be held on a uniform election date) to the requirement that an election under Section 26.08 (Automatic Election to Approve Tax Rate of School District), Tax Code, to ratify a tax rate adopted by the governing body of a school district under Section 26.05(g) (relating to adoption of a tax rate in certain circumstances) of that code be ordered not later than the 30th day before election day.

SECTION 8. Amends Section 4.003(c), Election Code, as follows:

(c) Requires that notice of an election ordered by the governor, by a county authority, or by an authority of a city or school district, rather than an election ordered by a commissioners court or by an authority of a city or school district, in addition to any other notice given, be given by the method prescribed by Subsection (a)(1) (relating to giving notice of an election by publishing the notice at least once, not earlier than the 30th day or later than the 10th day before election day, in a certain newspaper).

SECTION 9. Amends Section 4.004(a), Election Code, as follows:

(a) Requires that the notice of a general or special election state certain information, including the Internet website of the authority conducting the election. Makes nonsubstantive changes.

SECTION 10. Amends Section 13.002(i), Election Code, to require an applicant who wishes to receive an exemption from the requirements of Section 63.001(b) (relating to certain forms of identification required to vote) on the basis of disability to submit, rather than to include with the person's application, certain written documentation.

SECTION 11. Reenacts Section 13.004(c), Election Code, as amended by Chapters 469 (H.B. 4173), 489 (H.B. 3100), and 1146 (H.B. 2910), Acts of the 86th Legislature, Regular Session, 2019, and amends it as follows:

(c) Deletes existing text providing that an indication that an applicant is interested in working as an election judge furnished on a registration application is confidential and does not constitute public information for purposes of Chapter 552 (Public Information), Government Code. Makes conforming and nonsubstantive changes.

SECTION 12. Amends Section 13.072(d), Election Code, as follows:

(d) Deletes existing text requiring the registrar, if an application clearly indicates that the applicant resides in another county, and if the other county is not contiguous, to deliver written notice that the registrar forwarded the application to the other county's registrar to the applicant not later than the seventh day after the date the application is received.

SECTION 13. Amends Section 13.142(a), Election Code, to require the registrar, after approval of a registration application, to take certain actions, including to prepare a voter registration certificate, rather than prepare a voter registration certificate in duplicate, and issue the original certificate to the applicant.

SECTION 14. Amends Section 13.143(d-2), Election Code, as follows:

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

SECTION 15. Amends Section 15.001(a), Election Code, to delete existing text requiring that each voter registration certification issued contain the month and day of the voter's birth.

SECTION 16. Amends Section 15.022(a), Election Code, as follows:

(a) Requires the registrar to make the appropriate corrections in the registration records, including, if necessary, deleting a voter's name from the suspense list under certain circumstances, including after notification of a data entry error of which the voter registrar is made aware under Section 63.0051. Makes nonsubstantive changes.

SECTION 17. Amends Section 15.023, Election Code, as follows:

Sec. 15.023. TIME FOR CERTAIN DELETIONS FROM SUSPENSE LIST. Requires that a voter's name, if the name of a voter on the list of registered voters appears on the suspense list, be deleted from the list on the date the voter provides a completed application to register to vote in accordance with Section 13.002 (Application Required) or a correction of information under Section 15.021(d) (relating to authorizing a certain voter to correct information by digital transmission of the information). Deletes existing text requiring that a voter's name, if the name of a voter whose residence is changed on the registration records to another county election precinct in the same county appears on the suspense list, be deleted from the list on the date the voter's registration in the precinct of new residence becomes effective.

SECTION 18. Amends Section 15.051(d), Election Code, as follows:

(d) Requires the registrar to maintain with the voter's record an indication that a confirmation notice was sent to the voter. Deletes existing text requiring the registrar to maintain a list of the confirmation notices mailed to voters, which for each notice is required to include the voter's name and the date the notice is mailed. Deletes existing

text requiring the registrar to maintain and retain the list in accordance with rules prescribed by the secretary of state (SOS).

SECTION 19. Amends Section 15.053(a), Election Code, to delete existing text requiring the voter to submit to the registrar a written, signed response to the notice that confirms the voter's current residence not later than the 30th day after the date a confirmation notice is mailed.

SECTION 20. Amends Section 15.082(b), Election Code, as follows:

(b) Requires that the registrar's suspense list be provided in accordance with Chapter 552, Government Code. Deletes existing text providing that the fee for each list or portion of a list furnished under Section 15.082 (Availability of Registrar's List) is prohibited from exceeding the actual expense incurred in reproducing the list or portion for the person requesting it and is required to be uniform for each type of copy furnished. Deletes existing text requiring the registrar to make reasonable efforts to minimize the reproduction expenses.

SECTION 21. Amends Section 16.031(a), Election Code, to require the registrar to cancel a voter's registration immediately on receipt of certain information, including notice under Section 18.0681(d) (relating to requiring SOS to send notification of a voter that has more than one registration record on file to the voter registrar of each county in which the voter is registered to vote).

SECTION 22. Amends Section 16.032, Election Code, as follows:

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

SECTION 23. Amends Section 16.0921(a), Election Code, as follows:

(a) Requires the registrar, except as provided by Subsection (c) (relating to prohibiting the registrar from delivering a confirmation notice resulting under certain circumstances), on the filing of a sworn statement under Section 16.092 (Sworn Statement Required) alleging a ground based on residence, to promptly deliver to the voter whose registration is challenged a confirmation notice in accordance with Section 15.051 (Confirmation Notice), unless the residential address provided in the challenge for the voter is different from the voter's current residential address indicated on the registration records.

SECTION 24. Amends Section 18.002(c), Election Code, to require that an additional copy of each list be furnished for use in early voting and as needed in order to ensure all voters eligible to vote in an election appear correctly on the original list.

SECTION 25. Amends Section 18.003(c), Election Code, to require that an additional copy of each list be furnished for use in early voting and as needed in order to ensure all voters eligible to vote in an election appear correctly on the original list.

SECTION 26. Amends Section 18.005(a), Election Code, to delete existing text requiring that each original and supplemental list of registered voters contain the voter's residence address, except as provided by Section 18.0051 (Contents of List: Substitute Address).

SECTION 27. Amends Sections 18.061(b) and (d), Election Code, as follows:

(b) Requires that the statewide computerized voter registration list meet certain criteria, including be available to any county election official, rather than any election official, in the state through immediate electronic access.

(d) Authorizes SOS to contract with counties to provide them with electronic data services to facilitate the implementation and maintenance, rather than to facilitate the implementation, of the statewide computerized voter registration list. Makes a conforming change.

SECTION 28. Amends Section 18.0681(d), Election Code, as follows:

(d) Requires SOS, if SOS determines that a voter on the registration list has more than one registration record on file based on a strong match, to send notice of the determination to the voter registrar of the county with the oldest registration record, rather than to the voter registrar of each county, in which the voter is registered to vote. Provides that if the voter records identified are:

(1) makes no changes to this subdivision; or

(2) located in more than one county, the registrar of the county with the oldest record is authorized to deliver a written confirmation notice in accordance with Section 15.051 or cancel the registration of the voter in accordance with Section 16.031(a)(1), provided that the voter's record in the county with the newest registration record is not on the suspense list, rather than is authorized to deliver a written confirmation notice in accordance with Section 15.051.

SECTION 29. Amends Section 18.069, Election Code, as follows:

Sec. 18.069. VOTING HISTORY. Requires the general custodian of election records, rather than the registrar, not later than the 30th day after the date of the primary, runoff primary, or general election or any special election ordered by the governor, to electronically submit to SOS the record of each voter participating in the election.

SECTION 30. Amends Section 31.093(a), Election Code, as follows:

(a) Requires the county elections administrator, subject to Section 41.001(d) (relating to the non-requirement of a county elections administrator to enter into a contract to furnish election services for an election held on a certain date), to enter into a contract to furnish the election services requested, in accordance with a cost schedule agreed on by the contracting parties.

SECTION 31. Amends Section 31.096, Election Code, as follows:

Sec. 31.096. NONTRANSFERABLE FUNCTIONS. Prohibits an election services contract from changing the political subdivision's requirement to maintain office hours under Section 31.122 (Office Hours of Election Authority During Election Period), rather than changing 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 32. Amends Section 31.124(a), Election Code, as follows:

(a) Requires a county election officer of each county to hold a meeting with the county chair of each political party to discuss, as appropriate, certain topics 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. Makes nonsubstantive changes.

SECTION 33. Amends Section 32.114(a), Election Code, to require that the training program include specific procedures related to the early voting ballot board and the central counting station, as applicable.

SECTION 34. 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, rather than at the meeting place of an early voting ballot board, to be present at any time the board or committee is processing or counting ballots and until the board or committee completes its duties. Makes conforming changes.

(b) Prohibits a watcher serving at the meeting place of an early voting ballot board 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 35. Amends Sections 41.001(a) and (b), Election Code, as follows:

(a) Requires that each general or special election in this state, except as otherwise provided by Subchapter A (Election Dates), be held on certain dates, including 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.

(b) Provides that Subsection (a) does not apply to certain elections, including an emergency election ordered under Section 41.0011 or any resulting runoff, rather than an emergency election ordered under Section 41.0011.

SECTION 36. Amends Sections 43.007(a) and (m), Election Code, as follows:

(a) Requires SOS to implement a program to allow each commissioners court participating in the program to eliminate county election precinct polling places and establish countywide polling places for:

(1) any election required to be conducted by the county, 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 (Officers to Administer Elections), rather than each election on a proposed constitutional amendment;

(4) makes no changes to this subdivision;

(5) each election of a political subdivision located in the county that is held jointly with an election described by Subdivision (3) or (4) (relating to polling places for each primary election and runoff primary election under certain circumstances), rather than described by Subdivisions (1), (2), (3), or (4).

(m) Requires the county, in adopting a methodology under Subsection (f) (relating to a methodology for selecting countywide polling places), to ensure certain standards, including that the total number of polling places, rather than permanent branch and temporary branch 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. Makes a conforming change.

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

- (a) Requires that a shape, rather than a square, for voting be printed to the left of each candidate's name on a ballot.
- (b) Amends the instruction required to be printed immediately below "OFFICIAL BALLOT."
- (e) Makes conforming changes to this subsection.
- (f) Requires that any variation from this instruction be approved by SOS.

SECTION 38. Amends Section 52.094(d), Election Code, as follows:

- (d) Requires the authority conducting the drawing to provide notice of the date, hour, and place of the drawing to each candidate by:
 - (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.

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. Deletes existing text 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.

SECTION 39. Amends Chapter 63, Election Code, by adding Sections 63.005 and 63.0051, as follows:

- Sec. 63.005. REGISTRATION OMISSIONS LIST. (a) Requires that a registration omissions list be maintained by an election officer at the polling place.
- (b) Requires the election officer, with respect to each voter who is accepted for voting but whose name is not on the list of registered voters for the precinct in which the voter is accepted, to record:
 - (1) the voter's name, residence address, and voter registration number, if known; and
 - (2) a notation of the section of this code under which the voter is accepted that provides for accepting voters who are not on the list.

- Sec. 63.0051. CONFIRMING REGISTRATION STATUS OF VOTER. (a) 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 the 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) 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; 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 40. Amends Section 65.052, Election Code, to require that the procedures, in an election described by Section 65.051(a-1) (relating to requiring the early voting ballot board to verify and count provisional ballots), allow for 10 calendar days, rather than seven calendar days, for the voter registrar to review a provisional voter's eligibility.

SECTION 41. 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 42. 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 43. Amends Section 83.010, Election Code, as follows:

Sec. 83.010. PUBLIC NOTICE OF CLERK'S MAILING ADDRESS. Requires that an election order and the election notice state the early voting clerk's official mailing address or street address at which the clerk is authorized to receive delivery by common or contract carrier, if different, phone number, e-mail address, and Internet website, if the early voting clerk has an Internet website, rather than the early voting clerk's official mailing address except for an election in which a county clerk or city secretary is the early voting clerk under Section 83.002 (County Clerk as Early Voting Clerk) or 83.005 (Clerk for City Elections).

SECTION 44. Amends Section 84.002(a), Election Code, as follows:

(a) Requires that an early voting ballot application 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 a person related to the applicant within the third degree by consanguinity). Makes nonsubstantive changes.

SECTION 45. Amends Section 84.007(e), Election Code, as follows:

(e) Requires SOS to include the e-mail address designated by each early voting clerk, rather than the e-mail addresses, on SOS's website.

SECTION 46. Amends Section 84.008(a), Election Code, as follows:

(a) Authorizes an applicant for a ballot to be voted by mail, except as otherwise provided by this code, to submit the application by delivering it in person to the early voting clerk if the application is submitted not later than the deadline provided by Section 84.007(c) (relating to authorizing an application for ballot voted by mail to be submitted at a certain time), rather than if the application is submitted not later than the close of regular business in the clerk's office on the day before the first day of the period for early voting by personal appearance.

SECTION 47. Amends Section 84.011(a), Election Code, to require that the officially prescribed application form for an early voting ballot include certain information, including a space or box for an applicant applying on the ground of confinement in jail or involuntary civil commitment, rather than 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) or (7), if applicable.

SECTION 48. Amends Section 85.004, Election Code, to require that the election order and the election notice designate and state, rather than state, the location of the main early voting polling place.

SECTION 49. Amends Section 85.007(d), Election Code, to require that any notice required under Section 85.007 (Public Notice of Time for Voting) also be posted in a certain manner, 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 50. 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, 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) (relating to polling places other than the main early voting polling place in a county of a certain size) in each precinct for which the early voting clerk 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 51. Amends Section 86.0015(c), Election Code, as follows:

(c) Requires the county clerk, in an election of a political subdivision located in a county in which the county clerk is not the early voting clerk, to provide the early voting clerk of the political subdivision that is holding the election a list of voters in the portion of the political subdivision located in the county who have ballot applications on file under Section 86.0015 (Annual Ballots by Mail) along with copies of the applications submitted by those voters, rather than a list of voters in the portion of the political subdivision located in the county who have ballot applications on file under Section 86.0015.

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 Section 86.0015, rather than for each voter on the list.

SECTION 52. Amends Section 86.002(f), Election Code, as follows:

(f) 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 delivering a marked ballot in person to the early voting clerk's office), 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.

Makes nonsubstantive changes.

SECTION 53. Amends Sections 86.003(c) and (d), Election Code, as follows:

(c) Provides that the address to which the balloting materials is 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 involuntary civil commitment, in which case the address is required to be the address of the facility or of a relative described by Section 84.002(a)(7). Makes nonsubstantive changes.

(d) Requires that a 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 an official ballot envelope and carrier envelope), rather than prescribed by Subsection (c), be rejected in accordance with Section 86.001(c) (relating to rejecting applications if the applicant is not entitled to vote by mail).

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

(e) Creates an exception as provided by Subsection (f) to the requirement that a voter's defective ballot that is timely returned to the clerk as a marked ballot 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) as the voter's ballot for the election if the corrected ballot is not timely returned by the close of the polls on election day, rather than if the corrected ballot is not timely returned.

(f) Authorizes a ballot to be voted by mail under Chapter 101 (Voting by Resident Federal Postcard Applicant) corrected under Section 86.009 (Providing Corrected Ballot to Voter) to be counted if it is timely returned as required by Section 101.057 (Return of Voted Ballot).

SECTION 55. Amends Section 87.0222(a), Election Code, as follows:

(a) Authorizes 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 jointly with such a county, to be delivered to the board between the end of the ninth day before the last day of the period for early voting by personal appearance and the closing of the polls on election day, or as soon

after closing as practicable, at the time or times specified by the presiding judge of the board.

SECTION 56. Amends Section 87.0241(b), Election Code, as follows:

(b) Prohibits the board from counting early voting ballots until a certain time, 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 conducted jointly with such a county, the end of the period for early voting by personal appearance.

SECTION 57. 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 Chapter 101 under certain circumstances, including if the person is 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.

SECTION 58. Amends Section 101.003(1), Election Code, to redefine "federal postcard application" for purposes of Chapter 101.

SECTION 59. 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 a person eligible for early voting by mail under Chapter 101 or Chapter 114 (Voting Federal Ballot by Overseas Citizen) is authorized to determine by telephone, by e-mail, or over the Internet the certain status of the person's application or ballot voted.

SECTION 60. Amends Sections 101.052(a-1) and (c), Election Code, as follows:

(a-1) Requires that a federal postcard application be submitted by certain methods, including by in-person delivery in accordance with Section 84.008 or by common or contract carrier. Makes nonsubstantive changes.

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

(1) the applicant is eligible to vote in an election occurring in January or February of the next calendar year; and

(2) the application is submitted in the last 60 days of a calendar year but not earlier than the 60th day before the date of the January or February election.

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.

SECTION 61. Amends Section 101.054(c), Election Code, to require that an application 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.

SECTION 62. Amends Section 101.056(a), Election Code, to make a conforming change.

SECTION 63. Amends Section 101.057(b), Election Code, as follows:

(b) Requires that a ballot voted by a voter described by certain sections, including Section 101.001(B-1), be counted if the ballot arrives at the address on the carrier envelope not

later than the sixth day after the date of the election, except that if that date falls on a Saturday, Sunday, or legal state or national holiday, then the deadline is extended to the next regular business day. Makes a nonsubstantive change.

SECTION 64. Amends Section 101.058, Election Code, to make a conforming change.

SECTION 65. Amends Section 101.102(b), Election Code, as follows:

(b) Requires the early voting clerk to grant a request made under Section 101.102 (Request for Balloting Materials) for the e-mail transmission of balloting materials if:

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

(A) makes no changes to this paragraph; or

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

(2) makes no changes to this subdivision;

(3) the request is submitted on or before the deadline prescribed by Section 84.007 (Submitting Application for Ballot Voted by Mail: General Rule), rather than submitted on or before the seventh day before the date of the election; and

(4) makes no changes to this subdivision.

SECTION 66. Amends Section 101.107(a), Election Code, to require a voter described by certain sections, including Section 101.001(B-1), to be voting from outside the voter's county of residence.

SECTION 67. Amends Section 102.002, Election Code, to make nonsubstantive changes.

SECTION 68. Amends Section 113.003, Election Code, as follows:

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

SECTION 69. Amends Section 141.032(g), Election Code, as follows:

(g) Provides that, except as otherwise provided by this code, rather than after the filing deadline, a candidate is prohibited from amending an application filed under Section 141.031 (General Requirements for Application), and the authority with whom the application is filed is prohibited from accepting an amendment to an application filed under Section 141.031.

SECTION 70. Amends Section 141.034(a), Election Code, as follows:

(a) Prohibits 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 50th day before the date of the election for which the application is made, 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 71. Amends the heading to Section 141.040, Election Code, to read as follows:

Sec. 141.040. NOTICE OF DEADLINES AND FILING METHODS.

SECTION 72. Amends Section 141.040, Election Code, by adding Subsection (c), to require an authority to designate an e-mail address in the notice required by this section for the purpose of filing an application for a place on the ballot under Section 143.004.

SECTION 73. Amends Section 141.063, Election Code, by adding Subsection (e), to provide that the signer's residence address and registration address are not required to be the same if the signer would otherwise be able to vote for that office under Section 11.004 (Voting in Precinct of Former Residence) or 112.002 (Eligibility).

SECTION 74. Amends Chapter 141, Election Code, by adding Subchapter D, and adding a heading to that subchapter to read as follows:

SUBCHAPTER D. COERCION OF CANDIDACY

SECTION 75. 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 that a person commits an offense, rather than in an election that may be subject to Subchapter C (Election of Unopposed Candidate) a person commits an offense, if by intimidation or by means of coercion the person influences or attempts to influence a person to not file an application for a place on the ballot or a declaration of write-in candidacy or to withdraw as a candidate.

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

SECTION 76. 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.

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

SECTION 77. Amends Section 144.003(a), Election Code, as follows:

(a) Authorizes an application, other than an application required to be accompanied by fee, to be filed through e-mail transmission of the completed application in a scanned format to the e-mail address designated by the filing authority in the notice required under Section 141.040.

SECTION 78. Amends Section 145.003, Election Code, by adding Subsection (j), to provide that Section 145.003 (Administrative Declaration of Ineligibility) does not apply to a challenge on an application under Section 141.034 (Limitation on Challenge of Application).

SECTION 79. Amends Section 192.033(d), Election Code, to make a conforming change.

SECTION 80. 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 81. Amends Section 203.004(b), Election Code, to require that an election, if the election is to be held as an emergency election, be held on a Tuesday or Saturday occurring on or after the 36th day and on or before the 64th day, rather than before the 50th day, after the date

the election is ordered.

SECTION 82. Amends Section 212.001, Election Code, as follows:

Sec. 212.001. GENERAL REQUIREMENTS FOR RECOUNT DOCUMENT. Requires that a recount document submitted under Title 13 (Recounts):

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

(10) state certain contact information, including an e-mail address, if any, at which the opposing candidates for the office or their agents, identified by name, are authorized to receive notice given under this title; and

(11) makes no changes to this subdivision.

SECTION 83. Amends Section 212.002(b), Election Code, to make a conforming change.

SECTION 84. Amends Section 212.028(a), Election Code, as follows:

(a) Deletes existing text requiring that a petition for an initial recount, except as provided by Subsection (b) (relating to a petition for a winning candidate in response to an opposing candidate's petition), be submitted by the later of certain dates, including by 5 p.m. of the fifth day after election day. Makes a nonsubstantive change.

SECTION 85. Amends Section 212.031(a), Election Code, as follows:

(a) Requires the recount supervisor, with the written approval of the recount coordinator, to order the recount to be held on the later 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 on a date occurring not later than the seventh day after the date the petition is determined to comply with the applicable requirements.

SECTION 86. Amends Section 212.083, Election Code, as follows:

Sec. 212.083. DEADLINE FOR SUBMITTING PETITION. Provides that the deadline for submitting a recount petition under Subchapter D (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. Makes a nonsubstantive change.

SECTION 87. 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 election day polling location or precinct, whichever results in a smaller amount, in which regular paper ballots were used, rather than for each precinct in which regular paper ballots were used; and

(2) \$100 for each election day polling location or precinct, whichever results in a smaller amount, in which regular paper ballots were used, rather than for each precinct in which regular paper ballots were used.

SECTION 88. Amends Section 216.003, Election Code, as follows:

Sec. 216.003. INITIATING AUTOMATIC RECOUNT. Requires the authority designated under Section 212.026 (Authority to Whom Petition Submitted), for purposes of initiating an automatic recount, to order the recount, rather than to request the recount in the same manner as a recount petitioner under Title 13.

SECTION 89. 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 Section 272.009 (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 Clerks).

SECTION 90. Amends Section 277.002, Election Code, by adding Subsection (f), to provide that the signer's residence address and the address listed on the signer's registration are not required to be the same if the signer is eligible to vote under Section 11.004 or 112.002.

SECTION 91. 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) and makes a nonsubstantive change.

(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 if the voter provides a residence address located in the territory.

SECTION 92. (1) Repealers: Sections 15.082(c) (relating to requiring that the copy of a suspense list be furnished in the form of a tape or a printout if the list is recorded on magnetic tape) and (d) (relating to requiring the registrar to use fees collected to defray expenses incurred in the preparation of the copy of a suspense list), Election Code.

(2) Repealer: Subchapter F (Certificate Files), Chapter 15 (General Administration of Registration), Election Code.

(3) Repealer: Section 18.0051 (Contents of List: Substitute Address), Election Code.

(4) Repealer: Section 18.008(c) (relating to requiring that the copy of a suspense list be furnished in the form of a tape or a printout if the list is recorded on magnetic tape), Election Code.

(5) Repealer: Section 31.099(b) (relating to requiring the county election officer to file a copy of SOS's approval with each copy of certain contracts), Election Code.

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

(7) Repealer: Section 84.008(b) (relating to providing that Section 84.008 does not apply to an application submitted under certain chapters), Election Code; and

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

SECTION 93. Effective date: September 1, 2021.