

By: Van de Putte

S.B. No. 100

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the adoption of certain voting procedures and to  
3 certain elections, including procedures necessary to implement the  
4 federal Military and Overseas Voter Empowerment Act, deadlines for  
5 declaration of candidacy and dates for certain elections, and to  
6 terms of certain elected officials.

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

8 SECTION 1. Chapter 101, Election Code, is amended to read as  
9 follows:

10 CHAPTER 101. VOTING BY RESIDENT FEDERAL POSTCARD APPLICANT

11 SUBCHAPTER A. GENERAL PROVISIONS

12 Sec. 101.001. ELIGIBILITY. A person is eligible for early  
13 voting by mail as provided by this chapter if:

14 (1) the person is qualified to vote in this state or,  
15 if not registered to vote in this state, would be qualified if  
16 registered; and

17 (2) the person is:

18 (A) a member of the armed forces of the United  
19 States, or the spouse or a dependent of a member;

20 (B) a member of the merchant marine of the United  
21 States, or the spouse or a dependent of a member; or

22 (C) domiciled in this state but temporarily  
23 living outside the territorial limits of the United States and the  
24 District of Columbia.

1           Sec. 101.002. GENERAL CONDUCT OF VOTING. Voting under this  
2 chapter shall be conducted and the results shall be processed as  
3 provided by Subtitle A for early voting by mail, except as otherwise  
4 provided by this chapter.

5           Sec. 101.003. DEFINITIONS.           ~~[FORM AND CONTENTS OF~~  
6 ~~APPLICATION. (a) An application for a ballot to be voted under~~  
7 ~~this chapter must:~~

8                   ~~[(1) be submitted on an official federal postcard~~  
9 ~~application form; and~~

10                   ~~[(2) include the information necessary to indicate~~  
11 ~~that the applicant is eligible to vote in the election for which the~~  
12 ~~ballot is requested.~~

13           ~~[(b)]~~ In this chapter:

14                   (1) "Federal~~[, "federal]~~ postcard application" means  
15 an application for a ballot to be voted under this chapter submitted  
16 on the official federal form prescribed under the federal Uniformed  
17 and Overseas Citizens Absentee Voting Act (42 U.S.C. Section 1973ff  
18 et seq.).

19                   (2) "FPCA registrant" means a person registered to  
20 vote under Section 101.055.

21           Sec. 101.004. NOTING FPCA REGISTRATION ON POLL LIST. For  
22 each FPCA registrant accepted to vote, a notation shall be made  
23 beside the voter's name on the early voting poll list indicating  
24 that the voter is an FPCA registrant.

25           Sec. 101.005. NOTING FPCA REGISTRATION AND E-MAIL ON EARLY  
26 VOTING ROSTER. The entry on the early voting roster pertaining to a  
27 voter under this chapter who is an FPCA registrant must include a

1 notation indicating that the voter is an FPCA registrant. The early  
2 voting clerk shall note on the early voting by mail roster each  
3 e-mail of a ballot under Subchapter C.

4 Sec. 101.006. EXCLUDING FPCA REGISTRANT FROM PRECINCT EARLY  
5 VOTING LIST. A person to whom a ballot is provided under this  
6 chapter is not required to be included on the precinct early voting  
7 list if the person is an FPCA registrant.

8 Sec. 101.007. DESIGNATION OF SECRETARY OF STATE. (a) The  
9 secretary of state is designated as the state office to provide  
10 information regarding voter registration procedures and absentee  
11 ballot procedures, including procedures related to the federal  
12 write-in absentee ballot, to be used by persons eligible to vote  
13 under the federal Uniformed and Overseas Citizens Absentee Voting  
14 Act (42 U.S.C. Section 1973ff et seq.).

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

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

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

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

26 Sec. 101.008. STATUS OF APPLICATION OR BALLOT VOTED. The  
27 secretary of state, in coordination with local election officials,

1 shall implement an electronic free-access system by which a person  
2 eligible for early voting by mail under this chapter or Chapter 114  
3 may determine by telephone, by e-mail, or over the Internet  
4 whether:

5 (1) the person's federal postcard application or other  
6 registration or ballot application has been received and accepted;  
7 and

8 (2) the person's ballot has been received and the  
9 current status of the ballot.

10 SUBCHAPTER B. SUBMISSION OF FEDERAL POSTCARD APPLICATION

11 Sec. 101.051. FORM AND CONTENTS OF APPLICATION. An  
12 application for a ballot to be voted under this subchapter must:

13 (1) be submitted on an official federal postcard  
14 application form; and

15 (2) include the information necessary to indicate that  
16 the applicant is eligible to vote in the election for which the  
17 ballot is requested.

18 Sec. 101.052 [~~101.004~~]. SUBMITTING APPLICATION. (a) A  
19 federal postcard application must be submitted to the early voting  
20 clerk for the election who serves the election precinct of the  
21 applicant's residence.

22 (a-1) A federal postcard application must be submitted by:

23 (1) mail; or

24 (2) electronic transmission of an image of the  
25 application under procedures prescribed by the secretary of state.

26 (b) A federal postcard application may be submitted at any  
27 time during the calendar year in which the election for which a

1 ballot is requested occurs, but not later than the deadline for  
2 submitting a regular application for a ballot to be voted by mail.

3 (c) A federal postcard application requesting a ballot for  
4 an election to be held in January or February may be submitted in  
5 the preceding calendar year but not earlier than the earliest date  
6 for submitting a regular application for a ballot to be voted by  
7 mail.

8 (d) A timely application that is addressed to the wrong  
9 early voting clerk shall be forwarded to the proper early voting  
10 clerk not later than the day after the date it is received by the  
11 wrong clerk.

12 (e) An applicant who otherwise complies with applicable  
13 requirements is entitled to receive a full ballot to be voted by  
14 mail under this chapter if:

15 (1) the applicant submits a federal postcard  
16 application to the early voting clerk on or before the 20th day  
17 before election day; and

18 (2) the application contains the information that is  
19 required for registration under Title 2.

20 (f) The applicant is entitled to receive only a federal  
21 ballot to be voted by mail under Chapter 114 if:

22 (1) the applicant submits the federal postcard  
23 application to the early voting clerk after the date provided by  
24 Subsection (e)(1) and before the sixth day before election day; and

25 (2) the application contains the information that is  
26 required for registration under Title 2.

27 (g) An applicant who submits a federal postcard application

1 to the early voting clerk on or after the sixth day before election  
2 day is not entitled to receive a ballot by mail for that election.

3 (h) If the applicant submits the federal postcard  
4 application within the time prescribed by Subsection (f)(1) and is  
5 a registered voter at the address contained on the application, the  
6 applicant is entitled to receive a full ballot to be voted by mail  
7 under this chapter.

8 (i) Except as provided by Subsections (l) and (m), for  
9 purposes of determining the date a federal postcard application is  
10 submitted to the early voting clerk, an application is considered  
11 to be submitted on the date it is placed and properly addressed in  
12 the United States mail. An application mailed from an Army/Air  
13 Force Post Office (APO) or Fleet Post Office (FPO) is considered  
14 placed in the United States mail. The date indicated by the post  
15 office cancellation mark, including a United States military post  
16 office cancellation mark, is considered to be the date the  
17 application was placed in the mail unless proven otherwise. For  
18 purposes of an application made under Subsection (e):

19 (1) an application that does not contain a  
20 cancellation mark is considered to be timely if it is received by  
21 the early voting clerk on or before the 15th day before election  
22 day; and

23 (2) if the 20th day before the date of an election is a  
24 Saturday, Sunday, or legal state or national holiday, an  
25 application is considered to be timely if it is submitted to the  
26 early voting clerk on or before the next regular business day.

27 (j) If the early voting clerk determines that an application

1 that is submitted before the time prescribed by Subsection (e)(1)  
2 does not contain the information that is required for registration  
3 under Title 2, the clerk shall notify the applicant of that fact.  
4 If the applicant has provided a telephone number or an address for  
5 receiving mail over the Internet, the clerk shall notify the  
6 applicant by that medium.

7 (k) If the applicant submits the missing information before  
8 the time prescribed by Subsection (e)(1), the applicant is entitled  
9 to receive a full ballot to be voted by mail under this chapter. If  
10 the applicant submits the missing information after the time  
11 prescribed by Subsection (e)(1), the applicant is entitled to  
12 receive a full ballot to be voted by mail for the next election that  
13 occurs:

- 14 (1) in the same calendar year; and  
15 (2) after the 30th day after the date the information  
16 is submitted.

17 (l) For purposes of determining the end of the period that  
18 an application may be submitted under Subsection (f)(1), an  
19 application is considered to be submitted at the time it is received  
20 by the early voting clerk.

21 (m) The secretary of state by rule shall establish the date  
22 on which a federal postcard application is considered to be  
23 electronically submitted to the early voting clerk.

24 Sec. 101.053 [~~101.0041~~]. ACTION BY EARLY VOTING CLERK ON  
25 CERTAIN APPLICATIONS. The early voting clerk shall notify the  
26 voter registrar of a federal postcard application submitted by an  
27 applicant that states a voting residence address located outside

1 the registrar's county.

2       Sec. 101.054 [~~101.005~~]. APPLYING FOR MORE THAN ONE ELECTION  
3 IN SAME APPLICATION. (a) A person may apply with a single federal  
4 postcard application for a ballot for any one or more elections in  
5 which the early voting clerk to whom the application is submitted  
6 conducts early voting.

7       (b) An application that does not identify the election for  
8 which a ballot is requested shall be treated as if it requests a  
9 ballot for:

10           (1) each general election in which the clerk conducts  
11 early voting; and

12           (2) the general primary election if the application  
13 indicates party preference and is submitted to the early voting  
14 clerk for the primary.

15       (c) An application shall be treated as if it requests a  
16 ballot for[~~+~~

17           [~~(1)~~] a runoff election that results from an election  
18 for which a ballot is requested[~~, and~~

19           [~~(2) each election for a federal office, including a~~  
20 ~~primary or runoff election, that occurs on or before the date of the~~  
21 ~~second general election for state and county officers that occurs~~  
22 ~~after the date the application is submitted].~~

23       (d) An application requesting a ballot for more than one  
24 election shall be preserved for the period for preserving the  
25 precinct election records for the last election for which the  
26 application is effective.

27       Sec. 101.055 [~~101.006~~]. FPCA VOTER REGISTRATION. (a) The



1 submission of a federal postcard application that complies with the  
2 applicable requirements by an unregistered applicant constitutes  
3 registration by the applicant:

4 (1) for the purpose of voting in the election for which  
5 a ballot is requested; and

6 (2) under Title 2 unless the person indicates on the  
7 application that the person is residing outside the United States  
8 indefinitely.

9 (b) For purposes of registering to vote under this chapter,  
10 a person shall provide the address of the last place of residence of  
11 the person in this state or the last place of residence in this  
12 state of the person's parent or legal guardian.

13 (c) The voter registrar shall register the person at the  
14 address provided under Subsection (b) unless that address no longer  
15 is recognized as a residential address, in which event the  
16 registrar shall assign the person to an address under procedures  
17 prescribed by the secretary of state [~~In this chapter, "FPCA~~  
18 ~~registrant" means a person registered to vote under this section].~~

19 Sec. 101.056 [~~101.007~~]. METHOD OF PROVIDING BALLOT;  
20 REQUIRED ADDRESS. (a) The balloting materials provided under this  
21 subchapter [~~chapter~~] shall be airmailed to the voter free of United  
22 States postage, as provided by the federal Uniformed and Overseas  
23 Citizens Absentee Voting Act (42 U.S.C. Section 1973ff et seq.), in  
24 an envelope labeled "Official Election Balloting Material - via  
25 Airmail." The secretary of state shall provide early voting clerks  
26 with instructions on compliance with this subsection.

27 (b) The address to which the balloting materials are sent to

1 a voter must be:

2 (1) an address outside the county of the voter's  
3 residence; or

4 (2) an address in the United States for forwarding or  
5 delivery to the voter at a location outside the United States.

6 (c) If the address to which the balloting materials are to  
7 be sent is within the county served by the early voting clerk, the  
8 federal postcard application must indicate that the balloting  
9 materials will be forwarded or delivered to the voter at a location  
10 outside the United States.

11 Sec. 101.057 [~~101.008~~]. RETURN OF VOTED BALLOT. A ballot  
12 voted under this subchapter [~~chapter~~] may be returned to the early  
13 voting clerk by mail, common or contract carrier, or courier.

14 [~~Sec. 101.009. NOTING FPCA REGISTRATION ON POLL LIST. For~~  
15 ~~each FPCA registrant accepted to vote, a notation shall be made~~  
16 ~~beside the voter's name on the early voting poll list indicating~~  
17 ~~that the voter is an FPCA registrant.~~

18 [~~Sec. 101.010. NOTING FPCA REGISTRATION ON EARLY VOTING~~  
19 ~~ROSTER. The entry on the early voting roster pertaining to a voter~~  
20 ~~under this chapter who is an FPCA registrant must include a notation~~  
21 ~~indicating that the voter is an FPCA registrant.~~

22 [~~Sec. 101.011. EXCLUDING FPCA REGISTRANT FROM PRECINCT~~  
23 ~~EARLY VOTING LIST. A person to whom a ballot is provided under this~~  
24 ~~chapter is not required to be included on the precinct early voting~~  
25 ~~list if the person is an FPCA registrant.]~~

26 Sec. 101.058 [~~101.012~~]. OFFICIAL CARRIER ENVELOPE. The  
27 officially prescribed carrier envelope for voting under this

1 subchapter [~~chapter~~] shall be prepared so that it can be mailed free  
2 of United States postage, as provided by the federal Uniformed and  
3 Overseas Citizens Absentee Voting Act (42 U.S.C. Section 1973ff et  
4 seq.) [~~Federal Voting Assistance Act of 1955~~], and must contain the  
5 label prescribed by Section 101.056(a) [~~101.007(a)~~] for the  
6 envelope in which the balloting materials are sent to a voter. The  
7 secretary of state shall provide early voting clerks with  
8 instructions on compliance with this section.

9 SUBCHAPTER C. E-MAIL TRANSMISSION OF BALLOTING MATERIALS

10 Sec. 101.101. PURPOSE. The purpose of this subchapter is to  
11 implement the federal Military and Overseas Voter Empowerment Act  
12 (Pub. L. No. 111-84, Div. A, Title V, Subt. H).

13 Sec. 101.102. REQUEST FOR BALLOTING MATERIALS. (a) A  
14 person eligible to vote under this chapter may request from the  
15 appropriate early voting clerk e-mail transmission of balloting  
16 materials under this subchapter.

17 (b) The early voting clerk shall grant a request made under  
18 this section for the e-mail transmission of balloting materials if:

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

21 (A) if the requestor is a person described by  
22 Section 101.001(2)(C), has provided a current mailing address that  
23 is located outside the United States; or

24 (B) if the requestor is a person described by  
25 Section 101.001(2)(A) or (B), has provided a current mailing  
26 address that is located outside the requestor's county of  
27 residence;

1           (2) the requestor provides an e-mail address that:

2                   (A) corresponds to the address on file with the  
3 requestor's federal postcard application; or

4                   (B) is stated on a newly submitted federal  
5 postcard application;

6           (3) the request is submitted on or before the seventh  
7 day before the date of the election; and

8           (4) a marked ballot for the election from the  
9 requestor has not been received by the early voting clerk.

10           Sec. 101.103. CONFIDENTIALITY OF E-MAIL ADDRESS. An e-mail  
11 address used under this subchapter to request balloting materials  
12 is confidential and does not constitute public information for  
13 purposes of Chapter 552, Government Code. An early voting clerk  
14 shall ensure that a voter's e-mail address provided under this  
15 subchapter is excluded from public disclosure.

16           Sec. 101.104. ELECTIONS COVERED. The e-mail transmission  
17 of balloting materials under this subchapter is limited to:

18                   (1) an election in which an office of the federal  
19 government appears on the ballot, including a primary election;

20                   (2) an election to fill a vacancy in the legislature  
21 unless:

22                           (A) the election is ordered as an emergency  
23 election under Section 41.0011; or

24                           (B) the election is held as an expedited election  
25 under Section 203.013; or

26                   (3) an election held jointly with an election  
27 described by Subdivision (1) or (2).

1 Sec. 101.105. BALLOTING MATERIALS TO BE SENT BY E-MAIL.

2 Balloting materials to be sent by e-mail under this subchapter  
3 include:

4 (1) the appropriate ballot;

5 (2) ballot instructions, including instructions that  
6 inform a voter that the ballot must be returned by mail to be  
7 counted;

8 (3) instructions prescribed by the secretary of state  
9 on:

10 (A) how to print a return envelope from the  
11 federal Voting Assistance Program website; and

12 (B) how to create a carrier envelope or signature  
13 sheet for the ballot; and

14 (4) a list of certified write-in candidates, if  
15 applicable.

16 Sec. 101.106. METHODS OF TRANSMISSION TO VOTER. (a) The  
17 balloting materials may be provided by e-mail to the voter in PDF  
18 format, through a scanned format, or by any other method of  
19 electronic transmission authorized by the secretary of state in  
20 writing.

21 (b) The secretary of state shall prescribe procedures for  
22 the retransmission of balloting materials following an  
23 unsuccessful transmission of the materials to a voter.

24 Sec. 101.107. RETURN OF BALLOT. (a) A voter described by  
25 Section 101.001(2)(A) or (B) must be voting from outside the  
26 voter's county of residence. A voter described by Section  
27 101.001(2)(C) must be voting from outside the United States.

1       (b) A voter who receives a ballot under this subchapter must  
2 return the ballot in the same manner as required under Section  
3 101.057 and, except as provided by Chapter 105, may not return the  
4 ballot by electronic transmission.

5       (c) A ballot that is not returned as required by Subsection  
6 (b) is considered a ballot not timely returned and is not sent to  
7 the early voting ballot board for processing.

8       (d) The deadline for the return of a ballot under this  
9 section is the same deadline as provided in Section 86.007.

10       Sec. 101.108. TRACKING OF BALLOTING MATERIALS. The  
11 secretary of state by rule shall create a tracking system under  
12 which an FPCA registrant may determine whether a voted ballot has  
13 been received by the early voting clerk. Each county that sends  
14 ballots to FPCA registrants shall provide information required by  
15 the secretary of state to implement the system.

16       Sec. 101.109. RULES. (a) The secretary of state may adopt  
17 rules as necessary to implement this subchapter.

18       (b) The secretary of state may provide for an alternate  
19 secure method of electronic ballot transmission under this  
20 subchapter instead of transmission by e-mail

21       ~~[Sec. 101.013. DESIGNATION OF SECRETARY OF STATE. The~~  
22 ~~secretary of state is designated as the state office to provide~~  
23 ~~information regarding voter registration procedures and absentee~~  
24 ~~ballot procedures, including procedures related to the federal~~  
25 ~~write-in absentee ballot, to be used by persons eligible to vote~~  
26 ~~under the federal Uniformed and Overseas Citizens Absentee Voting~~  
27 ~~Act (42 U.S.C. Section 1973ff et seq.), as amended].~~

1 SECTION 2. Section 2.025, Election Code, is amended by  
2 amending Subsection (a) and adding Subsection (d) to read as  
3 follows:

4 (a) Except as provided by Subsection (d) or as otherwise  
5 provided by this code, a runoff election shall be held not earlier  
6 than the 20th or later than the 45th day after the date the final  
7 canvass of the main election is completed.

8 (d) A runoff election for a special election to fill a  
9 vacancy in Congress or a special election to fill a vacancy in the  
10 legislature to which Section 101.104 applies shall be held not  
11 earlier than the 70th day or later than the 77th day after the date  
12 the final canvass of the main election is completed.

13 SECTION 3. Subsection (c), Section 3.005, Election Code, is  
14 amended to read as follows:

15 (c) For an election to be held on:

16 (1) the date of the general election for state and  
17 county officers, the election shall be ordered not later than the  
18 78th [70th] day before election day; and

19 (2) a uniform election date other than the date of the  
20 general election for state and county officers, the election shall  
21 be ordered not later than the 71st day before election day.

22 SECTION 4. Section 41.001, Election Code, is amended by  
23 amending Subsection (a) and adding Subsection (d) to read as  
24 follows:

25 (a) Except as otherwise provided by this subchapter, each  
26 general or special election in this state shall be held on one of  
27 the following dates:

1           (1) the second Saturday in May in an odd-numbered  
2 year;

3           (2) the second Saturday in May in an even-numbered  
4 year, for an election held by a political subdivision other than a  
5 county; or

6           (3) [~~2~~] the first Tuesday after the first Monday in  
7 November.

8           (d) Notwithstanding Section 31.093, a county elections  
9 administrator is not required to enter into a contract to furnish  
10 election services for an election held on the date described by  
11 Subsection (a)(2).

12           SECTION 5. Subsection (a), Section 41.0052, Election Code,  
13 is amended to read as follows:

14           (a) The governing body of a political subdivision other than  
15 a county may, not later than December 31, 2012 [~~2005~~], change the  
16 date on which it holds its general election for officers to another  
17 authorized uniform election date.

18           SECTION 6. Subsection (b), Section 41.007, Election Code,  
19 is amended to read as follows:

20           (b) The runoff primary election date is the fourth Tuesday  
21 in May [~~second Tuesday in April~~] following the general primary  
22 election.

23           SECTION 7. Section 65.051, Election Code, is amended by  
24 adding Subsection (c) to read as follows:

25           (c) Section 1.006 does not apply to this section.

26           SECTION 8. Subsection (b), Section 86.004, Election Code,  
27 is amended to read as follows:



1           (b) For an election to which Section 101.104 applies [~~the~~  
2 ~~general election for state and county officers~~], the balloting  
3 materials for a voter who indicates on the application for a ballot  
4 to be voted by mail or the federal postcard application that the  
5 voter is eligible to vote early by mail as a consequence of the  
6 voter's being outside the United States shall be mailed on or before  
7 the later of the 45th day before election day or the seventh  
8 calendar day after the date the clerk receives the application.  
9 However, if it is not possible to mail the ballots by the deadline  
10 of the 45th day before election day, the clerk shall notify the  
11 secretary of state within 24 hours of knowing that the deadline will  
12 not be met. The secretary of state shall monitor the situation and  
13 advise the clerk, who shall mail the ballots as soon as possible in  
14 accordance with the secretary of state's guidelines.

15           SECTION 9. Subsection (b), Section 86.011, Election Code,  
16 is amended to read as follows:

17           (b) If the return is timely, the clerk shall enclose the  
18 carrier envelope and the voter's early voting ballot application in  
19 a jacket envelope. The clerk shall also include in the jacket  
20 envelope:

21                   (1) a copy of the voter's federal postcard application  
22 if the ballot is voted under Chapter 101; and

23                   (2) the signature cover sheet, if the ballot is voted  
24 under Chapter 105.

25           SECTION 10. Subchapter B, Chapter 87, Election Code, is  
26 amended by adding Section 87.0223 to read as follows:

27           Sec. 87.0223. TIME OF DELIVERY: BALLOTS SENT OUT BY REGULAR

1 MAIL AND E-MAIL. (a) If the early voting clerk has provided a  
2 voter a ballot to be voted by mail by both regular mail and e-mail  
3 under Subchapter C, Chapter 101, the clerk may not deliver a jacket  
4 envelope containing the early voting ballot voted by mail by the  
5 voter to the board until:

6 (1) both ballots are returned; or

7 (2) the deadline for returning marked ballots under  
8 Section 86.007 has passed.

9 (b) If both the ballot provided by regular mail and the  
10 ballot provided by e-mail are returned before the deadline, the  
11 early voting clerk shall deliver only the jacket envelope  
12 containing the ballot provided by e-mail to the board. The ballot  
13 provided by regular mail is considered to be a ballot not timely  
14 returned.

15 SECTION 11. Section 87.041, Election Code, is amended by  
16 adding Subsection (f) to read as follows:

17 (f) In making the determination under Subsection (b)(2) for  
18 a ballot cast under Chapter 101 or 105, the board shall compare the  
19 signature on the carrier envelope or signature cover sheet with the  
20 signature of the voter on the federal postcard application. If the  
21 board determines that the signatures could have been made by the  
22 same person, the ballot shall be accepted.

23 SECTION 12. Section 87.043, Election Code, is amended by  
24 amending Subsection (a) and adding Subsection (d) to read as  
25 follows:

26 (a) The early voting ballot board shall place the carrier  
27 envelopes containing rejected ballots in an envelope and shall seal

1 the envelope. More than one envelope may be used if necessary. The  
2 board shall keep a record of the number of rejected ballots in each  
3 envelope.

4 (d) A notation must be made on the carrier envelope of any  
5 ballot that was rejected after the carrier envelope was opened and  
6 include the reason the envelope was opened and the ballot was  
7 rejected.

8 SECTION 13. Section 87.0431, Election Code, is amended to  
9 read as follows:

10 Sec. 87.0431. NOTICE OF REJECTED BALLOT. Not later than the  
11 10th day after election day, the presiding judge of the early voting  
12 ballot board shall deliver written notice of the reason for the  
13 rejection of a ballot to the voter at the residence address on the  
14 ballot application. If the ballot was transmitted to the voter by  
15 e-mail under Subchapter C, Chapter 101, the presiding judge shall  
16 also provide the notice to the e-mail address to which the ballot  
17 was sent.

18 SECTION 14. Subsection (a), Section 87.044, Election Code,  
19 is amended to read as follows:

20 (a) The early voting ballot board shall place each  
21 application for a ballot voted by mail in its corresponding jacket  
22 envelope. For a ballot voted under Chapter 101 or 105, the board  
23 shall also place the copy of the voter's federal postcard  
24 application or signature cover sheet in the same location as the  
25 carrier envelope. If the voter's ballot was accepted, the board  
26 shall also place the carrier envelope in the jacket envelope.  
27 However, if the jacket envelope is to be used in a subsequent

1 election, the carrier envelope shall be retained elsewhere.

2 SECTION 15. Section 105.003, Election Code, is amended to  
3 read as follows:

4 Sec. 105.003. USE OF FEDERAL WRITE-IN ABSENTEE BALLOT FOR  
5 ELECTIONS FOR FEDERAL OFFICE. The secretary of state shall  
6 prescribe procedures to allow a voter who qualifies to vote by a  
7 federal write-in absentee ballot to vote through use of a federal  
8 write-in absentee ballot in:

9 (1) any general, special, primary, or runoff election  
10 for federal office; or

11 (2) an election for any office for which balloting  
12 materials may be sent under Section 101.104.

13 SECTION 16. Subsection (b), Section 142.010, Election Code,  
14 is amended to read as follows:

15 (b) Not later than the 68th [~~55th~~] day before general  
16 election day, the certifying authority shall deliver the  
17 certification to the authority responsible for having the official  
18 ballot prepared in each county in which the candidate's name is to  
19 appear on the ballot.

20 SECTION 17. Subsection (c), Section 143.007, Election Code,  
21 is amended to read as follows:

22 (c) For an election to be held on:

23 (1) the date of the general election for state and  
24 county officers, the day of the filing deadline is the 78th [~~70th~~]  
25 day before election day; and

26 (2) a uniform election date other than the date of the  
27 general election for state and county officers, the day of the

1 filing deadline is the 71st day before election day.

2 SECTION 18. Subsection (d), Section 144.005, Election Code,  
3 is amended to read as follows:

4 (d) For an election to be held on:

5 (1) the date of the general election for state and  
6 county officers, the day of the filing deadline is the 78th [~~70th~~]  
7 day before election day; and

8 (2) a uniform election date other than the date of the  
9 general election for state and county officers, the day of the  
10 filing deadline is the 71st day before election day.

11 SECTION 19. Subsection (b), Section 144.006, Election Code,  
12 is amended to read as follows:

13 (b) For an election to be held on:

14 (1) the date of the general election for state and  
15 county officers, the day of the filing deadline is the 78th [~~67th~~]  
16 day before election day; and

17 (2) a uniform election date other than the date of the  
18 general election for state and county officers, the day of the  
19 filing deadline is the 71st day before election day.

20 SECTION 20. Subsection (e), Section 145.037, Election Code,  
21 is amended to read as follows:

22 (e) The certification must be delivered not later than 5  
23 p.m. of the 71st [~~70th~~] day before election day.

24 SECTION 21. Subsection (b), Section 145.038, Election Code,  
25 is amended to read as follows:

26 (b) The state chair must deliver the certification of the  
27 replacement nominee not later than 5 p.m. of the 69th [~~67th~~] day

1 before election day.

2 SECTION 22. Subsection (f), Section 145.092, Election Code,  
3 is amended to read as follows:

4 (f) A candidate in an election for which the filing deadline  
5 for an application for a place on the ballot is not later than 5 p.m.  
6 of the 78th [~~70th~~] day before election day may not withdraw from the  
7 election after 5 p.m. of the 71st [~~67th~~] day before election day.

8 SECTION 23. Subsection (a), Section 145.094, Election Code,  
9 is amended to read as follows:

10 (a) The name of a candidate shall be omitted from the ballot  
11 if the candidate:

12 (1) dies before the second day before the date of the  
13 deadline for filing the candidate's application for a place on the  
14 ballot;

15 (2) withdraws or is declared ineligible before 5 p.m.  
16 of the second day before the beginning of early voting by personal  
17 appearance, in an election subject to Section 145.092(a);

18 (3) withdraws or is declared ineligible before 5 p.m.  
19 of the 53rd day before election day, in an election subject to  
20 Section 145.092(b); or

21 (4) withdraws or is declared ineligible before 5 p.m.  
22 of the 71st [~~67th~~] day before election day, in an election subject  
23 to Section 145.092(f).

24 SECTION 24. Subsection (a), Section 145.096, Election Code,  
25 is amended to read as follows:

26 (a) Except as provided by Subsection (b), a candidate's name  
27 shall be placed on the ballot if the candidate:

1           (1) dies on or after the second day before the deadline  
2 for filing the candidate's application for a place on the ballot;

3           (2) is declared ineligible after 5 p.m. of the second  
4 day before the beginning of early voting by personal appearance, in  
5 an election subject to Section 145.092(a);

6           (3) is declared ineligible after 5 p.m. of the 53rd day  
7 before election day, in an election subject to Section 145.092(b);  
8 or

9           (4) is declared ineligible after 5 p.m. of the 71st  
10 [~~67th~~] day before election day, in an election subject to Section  
11 145.092(f).

12           SECTION 25. Subsections (a) and (b), Section 146.025,  
13 Election Code, are amended to read as follows:

14           (a) A declaration of write-in candidacy must be filed not  
15 later than 5 p.m. of the 78th [~~70th~~] day before general election  
16 day, except as otherwise provided by this code. A declaration may  
17 not be filed earlier than the 30th day before the date of the  
18 regular filing deadline.

19           (b) If a candidate whose name is to appear on the general  
20 election ballot dies or is declared ineligible after the third day  
21 before the date of the filing deadline prescribed by Subsection  
22 (a), a declaration of write-in candidacy for the office sought by  
23 the deceased or ineligible candidate may be filed not later than 5  
24 p.m. of the 75th [~~67th~~] day before election day.

25           SECTION 26. Subsection (c), Section 146.029, Election Code,  
26 is amended to read as follows:

27           (c) Not later than the 68th [~~62nd~~] day before election day,

1 the certifying authority shall deliver the certification to the  
2 authority responsible for having the official ballot prepared in  
3 each county in which the office sought by the candidate is to be  
4 voted on.

5 SECTION 27. Subsection (b), Section 146.054, Election Code,  
6 is amended to read as follows:

7 (b) For an election to be held on:

8 (1) the date of the general election for state and  
9 county officers, the day of the filing deadline is the 74th [~~67th~~]  
10 day before election day; and

11 (2) a uniform election date other than the date of the  
12 general election for state and county officers, the day of the  
13 filing deadline is the 71st day before election day.

14 SECTION 28. Subsection (b), Section 161.008, Election Code,  
15 is amended to read as follows:

16 (b) Not later than the 68th [~~62nd~~] day before general  
17 election day, the secretary of state shall deliver the  
18 certification to the authority responsible for having the official  
19 general election ballot prepared in each county in which the  
20 candidate's name is to appear on the ballot.

21 SECTION 29. Subsection (a), Section 172.023, Election Code,  
22 is amended to read as follows:

23 (a) An application for a place on the general primary  
24 election ballot must be filed not later than 6 p.m. on the third  
25 Monday in December of an odd-numbered year [~~January 2 in the primary~~  
26 ~~election year~~] unless the filing deadline is extended under  
27 Subchapter C.



1 SECTION 30. Subsection (c), Section 172.082, Election Code,  
2 is amended to read as follows:

3 (c) The drawing shall be conducted at the county seat not  
4 later than the fourth Tuesday in December of an odd-numbered year  
5 [~~53rd day before general primary election day~~].

6 SECTION 31. Subsection (b), Section 192.033, Election Code,  
7 is amended to read as follows:

8 (b) The secretary of state shall deliver the certification  
9 to the authority responsible for having the official ballot  
10 prepared in each county before the later of the 68th [~~62nd~~] day  
11 before presidential election day or the second business day after  
12 the date of final adjournment of the party's national presidential  
13 nominating convention.

14 SECTION 32. Subsection (b), Section 201.051, Election Code,  
15 is amended to read as follows:

16 (b) For a vacancy to be filled by a special election to be  
17 held on the date of the general election for state and county  
18 officers, the election shall be ordered not later than the 78th  
19 [~~70th~~] day before election day.

20 SECTION 33. Subsection (f), Section 201.054, Election Code,  
21 is amended to read as follows:

22 (f) For a special election to be held on the date of the  
23 general election for state and county officers, the day of the  
24 filing deadline is the 75th [~~67th~~] day before election day.

25 SECTION 34. Subsections (a) and (c), Section 11.055,  
26 Education Code, are amended to read as follows:

27 (a) Except as provided by Subsection (c), an application of

1 a candidate for a place on the ballot must be filed not later than 5  
2 p.m. of the 71st [~~62nd~~] day before the date of the election. An  
3 application may not be filed earlier than the 30th day before the  
4 date of the filing deadline.

5 (c) For an election to be held on the date of the general  
6 election for state and county officers, the day of the filing  
7 deadline is the 78th [~~70th~~] day before election day.

8 SECTION 35. Subsection (b), Section 11.056, Education Code,  
9 is amended to read as follows:

10 (b) A [~~Except as provided by Subsection (e), a~~] declaration  
11 of write-in candidacy must be filed not later than the deadline  
12 prescribed by Section 146.054, Election Code, for a write-in  
13 candidate in a city election [~~5 p.m. of the fifth day after the date~~  
14 ~~an application for a place on the ballot is required to be filed~~].

15 SECTION 36. Subsection (e), Section 11.059, Education Code,  
16 is amended to read as follows:

17 (e) Not later than December 31, 2011 [~~2007~~], the board of  
18 trustees may adopt a resolution changing the length of the terms of  
19 its trustees. The resolution must provide for a term of either  
20 three or four years and specify the manner in which the transition  
21 from the length of the former term to the modified term is  
22 made. The transition must begin with the first regular election  
23 for trustees that occurs after January 1, 2012 [~~2008~~], and a trustee  
24 who serves on that date shall serve the remainder of that  
25 term. This subsection expires January 1, 2017 [~~2013~~].

26 SECTION 37. Subsection (b), Section 130.0825, Education  
27 Code, is amended to read as follows:

1 (b) A [~~Except as provided by Subsection (e), a~~] declaration  
2 of write-in candidacy must be filed not later than the deadline  
3 prescribed by Section 146.054, Election Code, for a write-in  
4 candidate in a city election [5 p.m. of the fifth day after the date  
5 an application for a place on the ballot is required to be filed].

6 SECTION 38. Subsection (d), Section 285.131, Health and  
7 Safety Code, is amended to read as follows:

8 (d) A [~~Except as provided by Subsection (g), a~~] declaration  
9 of write-in candidacy must be filed not later than the deadline  
10 prescribed by Section 146.054, Election Code, for a write-in  
11 candidate in a city election [5 p.m. of the fifth day after the date  
12 an application for a place on the ballot is required to be filed].

13 SECTION 39. Subchapter A, Chapter 21, Local Government  
14 Code, is amended by adding Section 21.004 to read as follows:

15 Sec. 21.004. CHANGE OF LENGTH OF TERMS IN GENERAL-LAW  
16 MUNICIPALITY. (a) This section applies only to a general-law  
17 municipality whose governing body is composed of members that serve  
18 a term of one or three years.

19 (b) Not later than December 31, 2011, the governing body of  
20 the general-law municipality may adopt a resolution changing the  
21 length of the terms of its members to two years. The resolution  
22 must specify the manner in which the transition from the length of  
23 the former term to the modified term is made. The transition must  
24 begin with the first regular election for members of the governing  
25 body that occurs after January 1, 2012, and a member who serves on  
26 that date shall serve the remainder of that term.

27 (c) This section expires January 1, 2015.

1 SECTION 40. Subsection (d), Section 63.0945, Water Code, is  
2 amended to read as follows:

3 (d) A [~~Except as provided by Subsection (f), a~~] declaration  
4 of write-in candidacy must be filed not later than the deadline  
5 prescribed by Section 146.054, Election Code, for a write-in  
6 candidate in a city election [~~5 p.m. of the fifth day after the date~~  
7 ~~an application for a place on the ballot is required to be filed~~].

8 SECTION 41. The following are repealed:

9 (1) Subsection (a-1), Section 41.0052, Election Code;

10 (2) Subsection (e), Section 11.056, and Subsection  
11 (e), Section 130.0825, Education Code;

12 (3) Subsection (g), Section 285.131, Health and Safety  
13 Code; and

14 (4) Subsection (f), Section 63.0945, Water Code.

15 SECTION 42. (a) This section applies only to a political  
16 subdivision that elects the members of its governing body to a term  
17 that consists of an odd number of years.

18 (b) Not later than December 31, 2011, the governing body of  
19 the political subdivision may adopt a resolution changing the  
20 length of the terms of its members to an even number of years. The  
21 resolution must specify the manner in which the transition from the  
22 length of the former term to the modified term is made. The  
23 transition must begin with the first regular election for members  
24 of the governing body that occurs after January 1, 2012, and a  
25 member who serves on that date shall serve the remainder of that  
26 term.

27 (c) This section expires January 1, 2020.

1 SECTION 43. This Act takes effect September 1, 2011.