

By: Van de Putte
(Taylor of Collin)

S.B. No. 100

Substitute the following for S.B. No. 100:

By: Taylor of Collin

C.S.S.B. No. 100

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the adoption of voting procedures necessary to
3 implement the federal Military and Overseas Voter Empowerment Act.

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

5 SECTION 1. Chapter 101, Election Code, is amended to read as
6 follows:

7 CHAPTER 101. VOTING BY RESIDENT FEDERAL POSTCARD APPLICANT

8 SUBCHAPTER A. GENERAL PROVISIONS

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

11 (1) the person is qualified to vote in this state or,
12 if not registered to vote in this state, would be qualified if
13 registered; and

14 (2) the person is:

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

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

19 (C) domiciled in this state but temporarily
20 living outside the territorial limits of the United States and the
21 District of Columbia.

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

1 provided by this chapter.

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

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

7 ~~[(2) include the information necessary to indicate~~
8 ~~that the applicant is eligible to vote in the election for which the~~
9 ~~ballot is requested.~~

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

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

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

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

22 Sec. 101.005. NOTING FPCA REGISTRATION AND E-MAIL ON EARLY
23 VOTING ROSTER. The entry on the early voting roster pertaining to a
24 voter under this chapter who is an FPCA registrant must include a
25 notation indicating that the voter is an FPCA registrant. The early
26 voting clerk shall note on the early voting by mail roster each
27 e-mail of a ballot under Subchapter C.

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

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

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

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

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

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

23 Sec. 101.008. STATUS OF APPLICATION OR BALLOT VOTED. The
24 secretary of state, in coordination with local election officials,
25 shall implement an electronic free-access system by which a person
26 eligible for early voting by mail under this chapter or Chapter 114
27 may determine by telephone, by e-mail, or over the Internet

1 whether:

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

4 and

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

7 SUBCHAPTER B. SUBMISSION OF FEDERAL POSTCARD APPLICATION

8 Sec. 101.051. FORM AND CONTENTS OF APPLICATION. An

9 application for a ballot to be voted under this subchapter must:

10 (1) be submitted on an official federal postcard
11 application form; and

12 (2) include the information necessary to indicate that
13 the applicant is eligible to vote in the election for which the
14 ballot is requested.

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

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

20 (1) mail; or

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

23 (b) A federal postcard application may be submitted at any
24 time during the calendar year in which the election for which a
25 ballot is requested occurs, but not later than the deadline for
26 submitting a regular application for a ballot to be voted by mail.

27 (c) A federal postcard application requesting a ballot for

1 an election to be held in January or February may be submitted in
2 the preceding calendar year but not earlier than the earliest date
3 for submitting a regular application for a ballot to be voted by
4 mail.

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

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

12 (1) the applicant submits a federal postcard
13 application to the early voting clerk on or before the 20th day
14 before election day; and

15 (2) the application contains the information that is
16 required for registration under Title 2.

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

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

22 (2) the application contains the information that is
23 required for registration under Title 2.

24 (g) An applicant who submits a federal postcard application
25 to the early voting clerk on or after the sixth day before election
26 day is not entitled to receive a ballot by mail for that election.

27 (h) If the applicant submits the federal postcard

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

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

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

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

24 (j) If the early voting clerk determines that an application
25 that is submitted before the time prescribed by Subsection (e)(1)
26 does not contain the information that is required for registration
27 under Title 2, the clerk shall notify the applicant of that fact.

1 If the applicant has provided a telephone number or an address for
2 receiving mail over the Internet, the clerk shall notify the
3 applicant by that medium.

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

11 (1) in the same calendar year; and

12 (2) after the 30th day after the date the information
13 is submitted.

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

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

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

26 Sec. 101.054 [~~101.005~~]. APPLYING FOR MORE THAN ONE ELECTION
27 IN SAME APPLICATION. (a) A person may apply with a single federal

1 postcard application for a ballot for any one or more elections in
2 which the early voting clerk to whom the application is submitted
3 conducts early voting.

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

7 (1) each general election in which the clerk conducts
8 early voting; and

9 (2) the general primary election if the application
10 indicates party preference and is submitted to the early voting
11 clerk for the primary.

12 (c) An application shall be treated as if it requests a
13 ballot for[+]

14 [~~(1)~~] a runoff election that results from an election
15 for which a ballot is requested[+ and

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

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

24 Sec. 101.055 [~~101.006~~]. FPCA VOTER REGISTRATION. (a) The
25 submission of a federal postcard application that complies with the
26 applicable requirements by an unregistered applicant constitutes
27 registration by the applicant:

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

3 (2) under Title 2 unless the person indicates on the
4 application that the person is residing outside the United States
5 indefinitely.

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

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

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

24 (b) The address to which the balloting materials are sent to
25 a voter must be:

26 (1) an address outside the county of the voter's
27 residence; or

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

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

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

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

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

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

23 Sec. 101.058 [~~101.012~~]. OFFICIAL CARRIER ENVELOPE. The
24 officially prescribed carrier envelope for voting under this
25 subchapter [~~chapter~~] shall be prepared so that it can be mailed free
26 of United States postage, as provided by the federal Uniformed and
27 Overseas Citizens Absentee Voting Act (42 U.S.C. Section 1973ff et

1 seq.) [~~Federal Voting Assistance Act of 1955~~], and must contain the
2 label prescribed by Section 101.056(a) [~~101.007(a)~~] for the
3 envelope in which the balloting materials are sent to a voter. The
4 secretary of state shall provide early voting clerks with
5 instructions on compliance with this section.

6 SUBCHAPTER C. E-MAIL TRANSMISSION OF BALLOTING MATERIALS

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

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

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

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

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

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

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

26 (A) that corresponds to the address on file with
27 the requestor's federal postcard application; or

1 (B) stated on a newly submitted federal postcard
2 application;

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

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

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

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

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

17 (2) an election to fill a vacancy in the legislature
18 unless:

19 (A) the election is ordered as an emergency
20 election under Section 41.0011; or

21 (B) the election is held as an expedited election
22 under Section 203.013; or

23 (3) an election held jointly with an election
24 described by Subdivision (1) or (2).

25 Sec. 101.105. BALLOTING MATERIALS TO BE SENT BY E-MAIL.
26 Balloting materials to be sent by e-mail under this subchapter
27 include:

1 (1) the appropriate ballot;

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

5 (3) instructions prescribed by the secretary of state
6 on:

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

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

11 (4) a list of certified write-in candidates, if
12 applicable.

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

18 (b) The secretary of state shall prescribe procedures for
19 the retransmission of balloting materials following an
20 unsuccessful transmission of the materials to a voter.

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

25 (b) A voter who receives a ballot under this subchapter must
26 return the ballot in the same manner as required under Section
27 101.057 and, except as provided by Chapter 105, may not return the

1 ballot by electronic transmission.

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

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

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

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

15 (b) The secretary of state may provide for an alternate
16 secure method of electronic ballot transmission under this
17 subchapter instead of transmission by e-mail.

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

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

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

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

10 SECTION 3. Section 3.005(c), Election Code, is amended to
11 read as follows:

12 (c) For an election to be held on:
13 (1) the date of the general election for state and
14 county officers, the election shall be ordered not later than the
15 78th [70th] day before election day; and

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

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

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

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

27 (2) the second Saturday in May in an even-numbered

1 year, for an election held by a political subdivision other than a
2 county; or

3 (3) [(2)] the first Tuesday after the first Monday in
4 November.

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

9 SECTION 5. Section 41.0052, Election Code, is amended to
10 read as follows:

11 Sec. 41.0052. CHANGING GENERAL ELECTION DATE. (a) [~~The~~
12 ~~governing body of a political subdivision other than a county may,~~
13 ~~not later than December 31, 2005, change the date on which it holds~~
14 ~~its general election for officers to another authorized uniform~~
15 ~~election date.~~

16 [(a-1)] The governing body of a political subdivision,
17 other than a county, that holds its general election for officers on
18 a date other than the November uniform election date may, not later
19 than December 31, 2012 [~~2010~~], change the date on which it holds its
20 general election for officers to the November uniform election
21 date.

22 (b) A political subdivision that before September 1, 2011,
23 held its general election for officers on the uniform election date
24 in May or that is required by other law to hold its general election
25 for officers on that date shall hold its general election for
26 officers on the first Tuesday in April in an odd-numbered year
27 unless the governing body of the political subdivision changes the

1 date as provided by Subsection (a).

2 (c) A political subdivision [~~governing body~~] changing an
3 election date under this section shall adjust the terms of office to
4 conform to the new election date.

5 (d) A home-rule city may implement the change authorized by
6 Subsection (a) through the adoption of a resolution. The change
7 contained in the resolution supersedes a city charter provision
8 that requires a different general election date.

9 (e) The holdover of a member of a governing body of a city in
10 accordance with Section 17, Article XVI, Texas Constitution, so
11 that a term of office may be conformed to a new election date chosen
12 under this section does not constitute a vacancy for purposes of
13 Section 11(b), Article XI, Texas Constitution.

14 SECTION 6. Sections 41.007(a), (b), and (c), Election Code,
15 are amended to read as follows:

16 (a) The general primary election date is the first Tuesday
17 in April [~~March~~] in each even-numbered year.

18 (b) The runoff primary election date is the third [~~second~~]
19 Tuesday in June [~~April~~] following the general primary election.

20 (c) The presidential primary election date is the first
21 Tuesday in April [~~March~~] in each presidential election year.

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

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

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

27 (b) For an election to which Section 101.104 applies [~~the~~

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

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

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

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

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

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

26 Sec. 87.0223. TIME OF DELIVERY: BALLOTS SENT OUT BY REGULAR
27 MAIL AND E-MAIL. (a) If the early voting clerk has provided a voter

1 a ballot to be voted by mail by both regular mail and e-mail under
2 Subchapter C, Chapter 101, the clerk may not deliver a jacket
3 envelope containing the early voting ballot voted by mail by the
4 voter to the board until:

5 (1) both ballots are returned; or

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

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

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

16 (f) In making the determination under Subsection (b)(2) for
17 a ballot cast under Chapter 101 or 105, the board shall compare the
18 signature on the carrier envelope or signature cover sheet with the
19 signature of the voter on the federal postcard application.

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

23 (a) The early voting ballot board shall place the carrier
24 envelopes containing rejected ballots in an envelope and shall seal
25 the envelope. More than one envelope may be used if necessary. The
26 board shall keep a record of the number of rejected ballots in each
27 envelope.

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

5 SECTION 13. Section 87.0431, Election Code, is amended to
6 read as follows:

7 Sec. 87.0431. NOTICE OF REJECTED BALLOT. Not later than the
8 10th day after election day, the presiding judge of the early voting
9 ballot board shall deliver written notice of the reason for the
10 rejection of a ballot to the voter at the residence address on the
11 ballot application. If the ballot was transmitted to the voter by
12 e-mail under Subchapter C, Chapter 101, the presiding judge shall
13 also provide the notice to the e-mail address to which the ballot
14 was sent.

15 SECTION 14. Section 87.044(a), Election Code, is amended to
16 read as follows:

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

26 SECTION 15. Section 105.003, Election Code, is amended to
27 read as follows:

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

6 (1) any general, special, primary, or runoff election
7 for federal office; or

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

10 SECTION 16. Section 142.010(b), Election Code, is amended
11 to read as follows:

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

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

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

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

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

26 SECTION 18. Section 144.005(d), Election Code, is amended
27 to read as follows:

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

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

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

8 SECTION 19. Section 144.006(b), Election Code, is amended
9 to read as follows:

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

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

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

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

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

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

23 (b) The state chair must deliver the certification of the
24 replacement nominee not later than 5 p.m. of the 69th [~~67th~~] day
25 before election day.

26 SECTION 22. Section 145.092(f), Election Code, is amended
27 to read as follows:

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

5 SECTION 23. Section 145.094(a), Election Code, is amended
6 to read as follows:

7 (a) The name of a candidate shall be omitted from the ballot
8 if the candidate:

9 (1) dies before the second day before the date of the
10 deadline for filing the candidate's application for a place on the
11 ballot;

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

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

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

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

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

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

27 (2) is declared ineligible after 5 p.m. of the second

1 day before the beginning of early voting by personal appearance, in
2 an election subject to Section 145.092(a);

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

6 (4) is declared ineligible after 5 p.m. of the 71st
7 [~~67th~~] day before election day, in an election subject to Section
8 145.092(f).

9 SECTION 25. Sections 146.025(a) and (b), Election Code, are
10 amended to read as follows:

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

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

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

24 (c) Not later than the 68th [~~62nd~~] day before election day,
25 the certifying authority shall deliver the certification to the
26 authority responsible for having the official ballot prepared in
27 each county in which the office sought by the candidate is to be

1 voted on.

2 SECTION 27. Section 146.054(b), Election Code, is amended
3 to read as follows:

4 (b) 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 74th [~~67th~~]
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 28. Section 161.008(b), Election Code, is amended
12 to read as follows:

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

18 SECTION 29. Section 171.0231(d), Election Code, is amended
19 to read as follows:

20 (d) A declaration of write-in candidacy must be filed not
21 later than 5 p.m. of the 88th [~~62nd~~] day before general primary
22 election day. However, if a candidate whose name is to appear on
23 the ballot for the office of county chair or precinct chair dies or
24 is declared ineligible after the third day before the date of the
25 regular filing deadline prescribed by this subsection, a
26 declaration of write-in candidacy for the office sought by the
27 deceased or ineligible candidate may be filed not later than 5 p.m.

1 of the 79th [~~59th~~] day before election day.

2 SECTION 30. Section 172.028(b), Election Code, is amended
3 to read as follows:

4 (b) Not later than the 84th [~~57th~~] day before general
5 primary election day, the state chair shall deliver the
6 certification to the county chair in each county in which the
7 candidate's name is to appear on the ballot.

8 SECTION 31. Section 172.052(a), Election Code, is amended
9 to read as follows:

10 (a) A candidate for nomination may not withdraw from the
11 general primary election after the 88th [~~62nd~~] day before general
12 primary election day.

13 SECTION 32. Sections 172.054(a) and (b), Election Code, are
14 amended to read as follows:

15 (a) The deadline for filing an application for a place on
16 the general primary election ballot is extended as provided by this
17 section if a candidate who has made an application that complies
18 with the applicable requirements:

19 (1) dies on or after the fifth day before the date of
20 the regular filing deadline and on or before the 88th [~~62nd~~] day
21 before general primary election day;

22 (2) holds the office for which the application was
23 made and withdraws or is declared ineligible on or after the date of
24 the regular filing deadline and on or before the 88th [~~62nd~~] day
25 before general primary election day; or

26 (3) withdraws or is declared ineligible during the
27 period prescribed by Subdivision (2), and at the time of the

1 withdrawal or declaration of ineligibility no other candidate has
2 made an application that complies with the applicable requirements
3 for the office sought by the withdrawn or ineligible candidate.

4 (b) An application for an office sought by a withdrawn,
5 deceased, or ineligible candidate must be filed not later than 6
6 p.m. of the 80th [~~60th~~] day before general primary election day. An
7 application filed by mail with the state chair is not timely if
8 received later than 5 p.m. of the 80th [~~60th~~] day before general
9 primary election day.

10 SECTION 33. Section 172.057, Election Code, is amended to
11 read as follows:

12 Sec. 172.057. WITHDRAWN, DECEASED, OR INELIGIBLE
13 CANDIDATE'S NAME OMITTED FROM GENERAL PRIMARY BALLOT. A
14 candidate's name shall be omitted from the general primary election
15 ballot if the candidate withdraws, dies, or is declared ineligible
16 on or before the 88th [~~62nd~~] day before general primary election
17 day.

18 SECTION 34. Section 172.058(a), Election Code, is amended
19 to read as follows:

20 (a) If a candidate who has made an application for a place on
21 the general primary election ballot that complies with the
22 applicable requirements dies or is declared ineligible after the
23 88th [~~62nd~~] day before general primary election day, the
24 candidate's name shall be placed on the ballot and the votes cast
25 for the candidate shall be counted and entered on the official
26 election returns in the same manner as for the other candidates.

27 SECTION 35. Section 172.059(a), Election Code, is amended

1 to read as follows:

2 (a) A candidate for nomination may not withdraw from the
3 runoff primary election after 5 p.m. of the 8th [~~10th~~] day after
4 general primary election day.

5 SECTION 36. Section 172.082(c), Election Code, is amended
6 to read as follows:

7 (c) The drawing shall be conducted at the county seat not
8 later than the 81st [~~53rd~~] day before general primary election day.

9 SECTION 37. Section 192.033(b), Election Code, is amended
10 to read as follows:

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

17 SECTION 38. Section 201.051(b), Election Code, is amended
18 to read as follows:

19 (b) For a vacancy to be filled by a special election to be
20 held on the date of the general election for state and county
21 officers, the election shall be ordered not later than the 78th
22 [~~70th~~] day before election day.

23 SECTION 39. Section 201.054(f), Election Code, is amended
24 to read as follows:

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

1 SECTION 40. Sections 11.055(a) and (c), Education Code, are
2 amended to read as follows:

3 (a) Except as provided by Subsection (c), an application of
4 a candidate for a place on the ballot must be filed not later than 5
5 p.m. of the 71st [~~62nd~~] day before the date of the election. An
6 application may not be filed earlier than the 30th day before the
7 date of the filing deadline.

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

11 SECTION 41. Section 11.056(b), Education Code, is amended
12 to read as follows:

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

18 SECTION 42. Section 11.059(e), Education Code, is amended
19 to read as follows:

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

1 term. This subsection expires January 1, 2017 [~~2013~~].

2 SECTION 43. Section 130.0825(b), Education Code, is amended
3 to read as follows:

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

9 SECTION 44. Section 285.131(d), Health and Safety Code, is
10 amended to read as follows:

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

16 SECTION 45. Subchapter A, Chapter 21, Local Government
17 Code, is amended by adding Section 21.004 to read as follows:

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

22 (b) Not later than December 31, 2011, the governing body of
23 the general-law municipality may adopt a resolution changing the
24 length of the terms of its members to two years. The resolution
25 must specify the manner in which the transition from the length of
26 the former term to the modified term is made. The transition must
27 begin with the first regular election for members of the governing

1 body that occurs after January 1, 2012, and a member who serves on
2 that date shall serve the remainder of that term.

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

4 SECTION 46. Section 63.0945(d), Water Code, is amended to
5 read as follows:

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

11 SECTION 47. (a) This section applies only to a political
12 subdivision that elects the members of its governing body to a term
13 that consists of an odd number of years.

14 (b) Not later than December 31, 2012, the governing body of
15 the political subdivision may adopt a resolution changing the
16 length of the terms of its members to an even number of years. The
17 resolution must specify the manner in which the transition from the
18 length of the former term to the modified term is made. The
19 transition must begin with the first regular election for members
20 of the governing body that occurs after January 1, 2013, and a
21 member who serves on that date shall serve the remainder of that
22 term.

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

24 SECTION 48. To the extent of any conflict, this Act prevails
25 over another Act of the 82nd Legislature, Regular Session, 2011,
26 regardless of the relative dates of enactment.

27 SECTION 49. The secretary of state shall adopt rules as

1 necessary to implement this Act, including the adjustment or
2 modification of any affected date, deadline, or procedure.

3 SECTION 50. The following are repealed:

4 (1) Section 41.0052(a-1), Election Code;

5 (2) Sections 11.056(e) and 130.0825(e), Education
6 Code;

7 (3) Section 285.131(g), Health and Safety Code; and

8 (4) Section 63.0945(f), Water Code.

9 SECTION 51. The changes in law made by this Act do not apply
10 to an election held on November 8, 2011.

11 SECTION 52. This Act takes effect September 1, 2011.