

1-1 By: Cortez (Senate Sponsor - Hughes) H.B. No. 2640  
1-2 (In the Senate - Received from the House May 13, 2019;  
1-3 May 14, 2019, read first time and referred to Committee on State  
1-4 Affairs; May 19, 2019, reported adversely, with favorable  
1-5 Committee Substitute by the following vote: Yeas 8, Nays 0;  
1-6 May 19, 2019, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	Huffman	X		
1-10	Hughes	X		
1-11	Birdwell	X		
1-12	Creighton	X		
1-13	Fallon	X		
1-14	Hall		X	
1-15	Lucio	X		
1-16	Nelson	X		
1-17	Zaffirini	X		

1-18 COMMITTEE SUBSTITUTE FOR H.B. No. 2640 By: Hughes

1-19 A BILL TO BE ENTITLED  
1-20 AN ACT

1-21 relating to political parties.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. Sections 67.017(a) and (b), Election Code, are  
1-24 amended to read as follows:

1-25 (a) After each election for a statewide office or the office  
1-26 of United States representative, state senator, or state  
1-27 representative, a district office, a county office, or a precinct  
1-28 office, the county clerk shall prepare a report of the number of  
1-29 votes, including early voting votes cast by mail and early voting  
1-30 votes cast by personal appearance, received in each county election  
1-31 precinct for each candidate for each of those offices. In a  
1-32 presidential election year, the report must include the number of  
1-33 votes received in each precinct for each set of candidates for  
1-34 president and vice-president of the United States. [~~For any other~~  
1-35 ~~election, the presiding officer of the canvassing authority shall~~  
1-36 ~~prepare a report of the precinct results as contained in the~~  
1-37 ~~election register.]~~

1-38 (b) The county clerk [~~or presiding officer~~] shall deliver  
1-39 the report to the secretary of state not later than the 30th day  
1-40 after election day in an electronic format prescribed by the  
1-41 secretary of state.

1-42 SECTION 2. Section 161.008(b), Election Code, is amended to  
1-43 read as follows:

1-44 (b) Not later than the 68th day before general election day,  
1-45 the secretary of state shall deliver the certification to the  
1-46 authority responsible for having the official general election  
1-47 ballot prepared in each county in which the candidate's name is to  
1-48 appear on the ballot. The secretary of state may deliver the  
1-49 certification by notifying the authority that the candidates posted  
1-50 on the secretary of state's Internet website are the candidates  
1-51 certified. In addition to the other methods of delivering the  
1-52 certification under this section, the secretary of state shall  
1-53 deliver a copy of the certification to the authority by e-mail.

1-54 SECTION 3. Section 162.003, Election Code, is amended to  
1-55 read as follows:

1-56 Sec. 162.003. AFFILIATION BY VOTING IN PRIMARY. A person  
1-57 becomes affiliated with a political party when the person:

- 1-58 (1) is accepted to vote in the party's primary  
1-59 election; or  
1-60 (2) returns [~~applies for and is provided~~] an early

2-1 voting or limited primary ballot [~~to be~~] voted by mail.

2-2 SECTION 4. Section 162.004, Election Code, is amended by  
2-3 adding Subsection (a-1) and amending Subsections (b) and (c) to  
2-4 read as follows:

2-5 (a-1) An election officer shall stamp a voter registration  
2-6 certificate with a party affiliation under Subsection (b) or  
2-7 provide an affiliation certificate under Subsection (c) unless, not  
2-8 later than the 90th day before the date of the primary election, the  
2-9 county chair notifies the county clerk that the chair does not  
2-10 require a stamped voter registration certificate or affiliation  
2-11 certificate for verification of attendance at a precinct  
2-12 convention.

2-13 (b) Subject to Subsection (a-1), an [An] election officer at  
2-14 a primary election polling place shall stamp the party's name in the  
2-15 party affiliation space of the registration certificate of each  
2-16 voter who presents the voter's registration certificate and is  
2-17 accepted to vote unless the party name has already been stamped in  
2-18 the space.

2-19 (c) Subject to Subsection (a-1), if [If] a voter is accepted  
2-20 to vote without presenting a registration certificate, the  
2-21 presiding judge shall issue the voter an affiliation certificate.  
2-22 The certificate is not required to be issued to a voter in a runoff  
2-23 primary unless the voter requests it. The affiliation certificate  
2-24 may be combined with the notice provided under Section 172.1114. If  
2-25 the combined form is used, an election officer is not required to  
2-26 comply with Subsection (b).

2-27 SECTION 5. Section 162.005, Election Code, is amended to  
2-28 read as follows:

2-29 Sec. 162.005. AFFILIATION PROCEDURE: EARLY VOTING BY MAIL.  
2-30 Subject to Section 162.004(a-1), the [The] early voting clerk in a  
2-31 general primary election shall provide an affiliation certificate  
2-32 with each early voting or limited ballot to be voted by mail. The  
2-33 certificate is not required to be provided to an applicant for a  
2-34 runoff primary ballot unless the applicant requests it.

2-35 SECTION 6. Sections 162.008(b) and (c), Election Code, are  
2-36 amended to read as follows:

2-37 (b) On request of a person desiring to affiliate with a  
2-38 political party, a member of the county executive committee for the  
2-39 county in which the person resides or other person authorized by  
2-40 party rule shall administer the following oath: "I swear that I have  
2-41 not voted in a primary election or participated in a convention of  
2-42 another party during this voting year. I hereby affiliate myself  
2-43 with the \_\_\_\_\_ Party." [prescribed by Section 162.007(b).]

2-44 (c) After administering the oath, the committee member or  
2-45 authorized person may [shall] stamp the party's name in the party  
2-46 affiliation space unless the party name has already been stamped in  
2-47 the space. If the person does not present a registration  
2-48 certificate, the committee member or authorized person on the  
2-49 person's request shall issue the person an affiliation certificate  
2-50 [on the person's registration certificate or issue the person an  
2-51 affiliation certificate as provided by Section 162.007(c)].

2-52 SECTION 7. Section 171.002, Election Code, is amended to  
2-53 read as follows:

2-54 Sec. 171.002. COMMITTEE COMPOSITION. (a) The state  
2-55 executive committee consists of two members from each state  
2-56 senatorial district or congressional district, as determined by  
2-57 party rule. One of each district's members must be a man and the  
2-58 other a woman.

2-59 (b) In addition to the members representing the senatorial  
2-60 or congressional districts, the committee has a chair and a vice  
2-61 chair, one of whom must be a man and the other a woman. Except as  
2-62 otherwise provided by party rule, the chair and vice chair are  
2-63 considered members of the committee.

2-64 (c) The chair, vice chair, and members representing the  
2-65 senatorial or congressional districts are elected at the party's  
2-66 biennial state convention. However, the chair, vice chair, and  
2-67 members may be elected for four-year terms at the state convention  
2-68 held in gubernatorial election years. Each holds office until a  
2-69 successor is elected and assumes office.

3-1 (d) The members elected to represent a particular  
 3-2 senatorial or congressional district must be those recommended by  
 3-3 the convention delegates representing that senatorial or  
 3-4 congressional district.

3-5 SECTION 8. Section 171.003(c), Election Code, is amended to  
 3-6 read as follows:

3-7 (c) To be eligible to serve as a replacement to fill a  
 3-8 vacancy in a membership representing a senatorial or congressional  
 3-9 district, a person must reside in the district.

3-10 SECTION 9. Section 171.004(a), Election Code, is amended to  
 3-11 read as follows:

3-12 (a) To participate in a state executive committee meeting as  
 3-13 a proxy for a member representing a senatorial or congressional  
 3-14 district, a person must reside in that district.

3-15 SECTION 10. Section 171.0231, Election Code, is amended to  
 3-16 read as follows:

3-17 Sec. 171.0231. WRITE-IN CANDIDATE FOR COUNTY CHAIR OR  
 3-18 PRECINCT CHAIR. (a) Write-in candidates are not permitted for  
 3-19 county chair or precinct chair unless a county executive committee  
 3-20 authorizes write-in candidates.

3-21 (b) If the county executive committee authorizes write-in  
 3-22 candidates:

3-23 (1) a [(a)—A] write-in vote for the office of county  
 3-24 chair or precinct chair may not be counted unless the name written  
 3-25 in appears on the list of write-in candidates;

3-26 (2) to[—  
 3-27 [(b)—To] be entitled to a place on the list of write-in  
 3-28 candidates, a candidate must make a declaration of write-in  
 3-29 candidacy;

3-30 (3) a[—  
 3-31 [(c)—A] declaration of write-in candidacy must be filed with  
 3-32 the authority with whom an application for a place on the ballot is  
 3-33 required to be filed for the office;

3-34 (4) a[—  
 3-35 [(d)—A] declaration of write-in candidacy must be filed not  
 3-36 later than 6 p.m. of the fifth day after the date of the filing  
 3-37 deadline for the general primary election;

3-38 (5) with[—  
 3-39 [(e)—with] the appropriate modifications and to the extent  
 3-40 practicable, Subchapter B, Chapter 146, applies to write-in voting  
 3-41 for the office of county chair or precinct chair; and

3-42 (6) the[—  
 3-43 [(g)—The] secretary of state shall prescribe any procedures  
 3-44 necessary to implement this subsection [section].

3-45 SECTION 11. Section 171.024, Election Code, is amended by  
 3-46 amending Subsection (e) and adding Subsections (f) and (g) to read  
 3-47 as follows:

3-48 (e) After a vacancy is filled, the county chair shall submit  
 3-49 the replacement member's name to the secretary of state for posting  
 3-50 on the secretary of state's Internet website [promptly deliver  
 3-51 written or electronic notice of the replacement member's name and  
 3-52 address to the state chair and to the county clerk].

3-53 (f) The secretary of state shall create a system for the  
 3-54 county chair to submit the information to the secretary of state for  
 3-55 posting on the secretary of state's Internet website under  
 3-56 Subsection (e).

3-57 (g) The state executive committee may by rule require a  
 3-58 specific deadline for filling vacancies on a county executive  
 3-59 committee before that committee fills a vacancy in nomination for  
 3-60 public office, but may not set the deadline for a date later than  
 3-61 the date that the vacancy in nomination for public office occurred.  
 3-62 The deadline does not apply to the filling of a vacancy if the  
 3-63 executive committee contains no members.

3-64 SECTION 12. Section 171.051, Election Code, is amended to  
 3-65 read as follows:

3-66 Sec. 171.051. DISTRICT EXECUTIVE COMMITTEE ESTABLISHED.

3-67 (a) For each district from which an officer of the federal or state  
 3-68 government is elected, a district executive committee is  
 3-69 established as provided by this subchapter for each political party

4-1 holding a primary election.

4-2 (b) The state executive committee may by rule require a  
 4-3 specific deadline for filling vacancies on a district executive  
 4-4 committee before that committee fills a vacancy in nomination for  
 4-5 public office, but may not set the deadline for a date later than  
 4-6 the date that the vacancy in nomination for public office occurred.  
 4-7 The deadline does not apply to the filling of a vacancy if the  
 4-8 executive committee contains no members.

4-9 SECTION 13. Section 171.053(a), Election Code, is amended  
 4-10 to read as follows:

4-11 (a) The district executive committee for a district  
 4-12 comprising only a part of a single county consists of the members of  
 4-13 the county executive committee who reside [~~precinct chairs of the~~  
 4-14 ~~county election precincts~~] in the district.

4-15 SECTION 14. Section 171.071, Election Code, is amended to  
 4-16 read as follows:

4-17 Sec. 171.071. PRECINCT EXECUTIVE COMMITTEE ESTABLISHED.

4-18 (a) For each commissioners precinct and for each justice precinct,  
 4-19 a precinct executive committee is established as provided by this  
 4-20 subchapter for each political party holding a primary election.

4-21 (b) The state executive committee may by rule require a  
 4-22 specific deadline for filling vacancies on a precinct executive  
 4-23 committee before that committee fills a vacancy in nomination for  
 4-24 public office, but may not set the deadline for a date later than  
 4-25 the date that the vacancy in nomination for public office occurred.  
 4-26 The deadline does not apply to the filling of a vacancy if the  
 4-27 executive committee contains no members.

4-28 SECTION 15. Section 171.072(a), Election Code, is amended  
 4-29 to read as follows:

4-30 (a) The precinct executive committee for a commissioners  
 4-31 precinct or for a justice precinct containing three or more county  
 4-32 election precincts consists of the members of the county executive  
 4-33 committee who reside [~~precinct chair of each county election~~  
 4-34 ~~precinct~~] in the commissioners or justice precinct, as applicable.

4-35 SECTION 16. Subchapter B, Chapter 172, Election Code, is  
 4-36 amended by adding Sections 172.0222 and 172.0223 to read as  
 4-37 follows:

4-38 Sec. 172.0222. REVIEW OF APPLICATION; NOTICE TO CANDIDATE.

4-39 (a) If the application of this section conflicts with the  
 4-40 application of Section 141.032, this section prevails.

4-41 (b) On the filing of an application for a place on the  
 4-42 general primary election ballot, the authority with whom the  
 4-43 application is filed shall review the application to determine  
 4-44 whether it complies with the requirements as to form, content, and  
 4-45 procedure that it must satisfy for the candidate's name to be placed  
 4-46 on the general primary election ballot.

4-47 (c) Except as provided by Subsection (d) or (e), the review  
 4-48 shall be completed not later than the fifth business day after the  
 4-49 date the application is received by the authority.

4-50 (d) If an application is submitted fewer than five business  
 4-51 days before the regular filing deadline, the review shall be  
 4-52 completed not later than the first Friday after the regular filing  
 4-53 deadline.

4-54 (e) If an application is accompanied by a petition, the  
 4-55 petition is considered part of the application, and the review  
 4-56 shall be completed as soon as practicable after the date the  
 4-57 application is received by the authority. However, the petition is  
 4-58 not considered part of the application for purposes of determining  
 4-59 compliance with the requirements applicable to each document, and a  
 4-60 deficiency in the requirements for one document may not be remedied  
 4-61 by the contents of the other document. Unless the petition is  
 4-62 challenged, the authority is only required to review the petition  
 4-63 for facial compliance with the applicable requirements as to form,  
 4-64 content, and procedure.

4-65 (f) A determination under this section that an application  
 4-66 complies with the applicable requirements does not preclude a  
 4-67 subsequent determination that the application does not comply,  
 4-68 subject to Section 172.0223.

4-69 (g) If an application does not comply with the applicable

5-1 requirements, the authority shall reject the application and  
5-2 immediately deliver to the candidate written notice of the reason  
5-3 for the rejection.

5-4 (h) This section does not apply to a determination of a  
5-5 candidate's eligibility.

5-6 (i) After the filing deadline:

5-7 (1) a candidate may not amend an application filed  
5-8 under Section 172.021; and

5-9 (2) the authority with whom the application is filed  
5-10 may not accept an amendment to an application filed under Section  
5-11 172.021.

5-12 Sec. 172.0223. LIMITATION ON CHALLENGE OF APPLICATION. (a)  
5-13 If the application of this section conflicts with the application  
5-14 of Section 141.034, this section prevails.

5-15 (b) An application for a place on the general primary  
5-16 election ballot may not be challenged for compliance with the  
5-17 applicable requirements as to form, content, and procedure after  
5-18 the 50th day before the date of the election for which the  
5-19 application is made.

5-20 (c) This section does not apply to a determination of a  
5-21 candidate's eligibility.

5-22 (d) A challenge must state with specificity how the  
5-23 application does not comply with the applicable requirements as to  
5-24 form, content, and procedure. The authority's review of the  
5-25 challenge is limited to the specific items challenged and any  
5-26 response filed with the authority by the challenged candidate.

5-27 SECTION 17. Section 172.055(c), Election Code, is amended  
5-28 to read as follows:

5-29 (c) Not later than 24 hours after the candidate withdraws or  
5-30 is declared ineligible or after the authority preparing the notice  
5-31 learns of the candidate's death, as applicable, the authority  
5-32 shall:

5-33 (1) deliver a copy of the notice to:

5-34 (A) [~~(1)~~] at least one daily newspaper published  
5-35 in the county or, if none, at least one weekly newspaper published  
5-36 there, if any, for a notice prepared by the county chair;

5-37 (B) [~~(2)~~] at least three daily newspapers that  
5-38 regularly maintain a news representative at the State Capitol, for  
5-39 a notice applicable to a statewide office; or

5-40 (C) [~~(3)~~] at least one daily newspaper published  
5-41 in each county wholly or partly situated in the district or, if  
5-42 none, at least one weekly newspaper published there, if any, for a  
5-43 notice prepared by the state chair for a district office;

5-44 (2) post the notice on the authority's Internet  
5-45 website, if one is maintained; and

5-46 (3) send a copy of the notice to:

5-47 (A) the secretary of state, to be posted on the  
5-48 secretary of state's Internet website, for a candidate for an  
5-49 office filled by voters of more than one county; or

5-50 (B) the county clerk, to be posted on the  
5-51 county's Internet website, for an office filled by voters of a  
5-52 single county.

5-53 SECTION 18. Section 172.082, Election Code, is amended by  
5-54 amending Subsections (b) and (f) and adding Subsection (g) to read  
5-55 as follows:

5-56 (b) The county chair or the county chair's designee shall  
5-57 conduct the drawing unless the county executive committee provides  
5-58 by resolution that the drawing be conducted by the primary  
5-59 committee.

5-60 (f) The state chair shall conduct the drawing if:

5-61 (1) the county chair[+]

5-62 [~~(1)~~] requests that the state chair conduct the  
5-63 drawing; or

5-64 (2) the county chair or the county chair's designee  
5-65 fails to conduct the drawing by the deadline set in this section.

5-66 (g) A designee appointed by the county chair to conduct the  
5-67 drawing under this section must be:

5-68 (1) a member of the county executive committee; or

5-69 (2) if no member of the county executive committee is

6-1 available to conduct the drawing, a resident of the county served by  
6-2 the committee who is affiliated with the same political party.

6-3 SECTION 19. Section 172.088(g), Election Code, is amended  
6-4 to read as follows:

6-5 (g) The state executive committee shall prescribe the  
6-6 wording of the ballot language for the proposition submitted by the  
6-7 petition [submitting a proposal].

6-8 SECTION 20. Section 172.090, Election Code, is amended by  
6-9 amending Subsection (a) and adding Subsections (d) and (e) to read  
6-10 as follows:

6-11 (a) In a primary election [~~in which election precincts are~~  
6-12 ~~consolidated~~], the county executive committee may provide by  
6-13 resolution, order, or other official action for voting [~~in a~~  
6-14 ~~consolidated precinct~~] by separate paper ballot for the office of  
6-15 precinct chair.

6-16 (d) The county chair or the county clerk may produce and  
6-17 number ballots by hand under this section.

6-18 (e) The secretary of state shall adopt rules for conducting  
6-19 a hand count of ballots under this section.

6-20 SECTION 21. Sections 172.1111(a) and (c), Election Code,  
6-21 are amended to read as follows:

6-22 (a) Before the opening of the polls during the early voting  
6-23 period and on election day, the presiding judge shall post at each  
6-24 outside door through which a voter may enter the building in which  
6-25 the polling place is located a written notice in bold print of the  
6-26 date, hour, and place for each precinct, county, senatorial, or  
6-27 state convention that a voter in the precinct may be eligible to  
6-28 attend during the election year.

6-29 (c) The notice must remain posted continuously through the  
6-30 early voting period and on election day.

6-31 SECTION 22. Section 172.1112(a), Election Code, is amended  
6-32 to read as follows:

6-33 (a) The county clerk shall post a notice of the election and  
6-34 a notice of consolidated precincts, if applicable, in the manner  
6-35 prescribed by Section 4.003(b) for general and special elections.  
6-36 The notice of the election shall be posted on the county's [party's]  
6-37 Internet website, if the county [party] maintains a website. If the  
6-38 county [party] does not maintain a website, the notice shall be  
6-39 posted on the bulletin board used for posting notice of meetings of  
6-40 the commissioners court.

6-41 SECTION 23. Section 172.1114(e), Election Code, is amended  
6-42 to read as follows:

6-43 (e) A county chair of a political party shall supply or  
6-44 contract with the authority to supply a notice prepared according  
6-45 to this section to the authority conducting the election not later  
6-46 than the 30th day before the date early voting by personal  
6-47 appearance begins. The authority's preparation of copies is a  
6-48 necessary expense incurred in connection with a primary election  
6-49 under Section 173.001.

6-50 SECTION 24. Section 172.113(e), Election Code, is amended  
6-51 to read as follows:

6-52 (e) On completing the tabulation, the authority shall:  
6-53 (1) deliver it to the general custodian; or [may]  
6-54 (2) post the tabulation:  
6-55 (A) on the county's website; and [or]  
6-56 (B) if required by secretary of state rule, the  
6-57 secretary of state's website.

6-58 SECTION 25. Section 172.1141, Election Code, is amended to  
6-59 read as follows:

6-60 Sec. 172.1141. LIST OF REGISTERED VOTERS FOR CONVENTION.

6-61 (a) A county clerk shall prepare a list under this section unless,  
6-62 not later than the 90th day before the date of the primary, the  
6-63 county chair notifies the county clerk that the chair does not  
6-64 require a list. At the same time the acceptance of each voter for  
6-65 voting in the general primary election is indicated on the precinct  
6-66 list of registered voters furnished for use in the election, the  
6-67 acceptance of the voter shall also be indicated on the list  
6-68 furnished for use in the party's conventions.

6-69 (b) If a county records the acceptance of a voter

7-1 electronically, the state chair or county chair may request and the  
7-2 county clerk shall provide not later than the date of the local  
7-3 general primary canvass an electronic document listing the persons  
7-4 who voted in the party primary, the unique identifier assigned to  
7-5 each person, and whether the person voted early in person or by  
7-6 mail, or voted in person on election day.

7-7 SECTION 26. Section 172.115(c), Election Code, is amended  
7-8 to read as follows:

7-9 (c) The presiding judge shall retain and provide at the  
7-10 appropriate time the list of registered voters to be used in the  
7-11 party's conventions if the list was produced under Section  
7-12 172.1141.

7-13 SECTION 27. Section 172.116, Election Code, is amended by  
7-14 amending Subsections (a), (b), and (c) and adding Subsection (h) to  
7-15 read as follows:

7-16 (a) The county chair or the county chair's designee and, if  
7-17 available, at least one member of the county executive committee  
7-18 selected by the county executive committee shall canvass the  
7-19 precinct election returns for the county.

7-20 (b) The county chair or the county chair's designee and any  
7-21 selected county executive committee member shall convene to conduct  
7-22 the local canvass on the second Thursday after election day at the  
7-23 hour specified by the county chair and posted on the county party  
7-24 website or the commissioners court bulletin board if the county  
7-25 organization of the political party does not maintain a website.

7-26 (c) The county clerk shall prepare and electronically  
7-27 submit to the secretary of state a report of the results of the  
7-28 canvass, which must include:

7-29 (1) the total number of votes cast in each precinct for  
7-30 each candidate or measure; and

7-31 (2) the number of counted and uncounted provisional  
7-32 ballots cast in each precinct.

7-33 (h) A designee appointed by the county chair to conduct the  
7-34 local canvass under this section must be:

7-35 (1) a member of the county executive committee; or

7-36 (2) if no member of the county executive committee is  
7-37 available to conduct the canvass, a resident of the county served by  
7-38 the committee who is affiliated with the same political party.

7-39 SECTION 28. Sections 172.117(a-1) and (a-2), Election Code,  
7-40 are amended to read as follows:

7-41 (a-1) The secretary of state shall develop appropriate  
7-42 notations to describe the status of each candidate. The notations  
7-43 shall include:

7-44 (1) "filed";

7-45 (2) "accepted";

7-46 (3) "rejected";

7-47 (4) "withdrew";

7-48 (5) [~~(3)~~] "lost primary";

7-49 (6) [~~(4)~~] "in runoff";

7-50 (7) [~~(5)~~] "lost runoff";

7-51 (8) [~~(6)~~] "deceased";

7-52 (9) [~~(7)~~] "declared ineligible"; or

7-53 (10) [~~(8)~~] "nominee for general election."

7-54 (a-2) The county chair shall update the notations after each  
7-55 general primary and runoff primary election, unless the secretary  
7-56 of state's Internet website automatically updates the notations  
7-57 based on election returns. After any withdrawal or death of a  
7-58 candidate, and subsequent replacement of the candidate on the  
7-59 ballot, the chair shall notify the state chair, who shall update the  
7-60 notation on the website. All notations must be completed and  
7-61 accurate on the date prescribed by the secretary of state by rule to  
7-62 ensure that an authority printing general election ballots may rely  
7-63 on the information.

7-64 SECTION 29. Section 172.121(b), Election Code, is amended  
7-65 to read as follows:

7-66 (b) The secretary of state shall update the status of each  
7-67 candidate as appropriate [~~The state chair shall deliver the~~  
7-68 ~~certification]~~ by posting next to the candidate's name on the  
7-69 secretary of state's website whether the person lost in the primary

8-1 or is in a runoff for the position as soon as practicable after the  
8-2 state canvass of the general primary election is completed.

8-3 SECTION 30. Section 172.122, Election Code, is amended by  
8-4 amending Subsection (b) and adding Subsection (c) to read as  
8-5 follows:

8-6 (b) Not later than the 20th day after the date the state  
8-7 canvass is completed, the state chair shall submit ~~deliver~~ the  
8-8 certification to the secretary of state for posting on the  
8-9 secretary of state's Internet website.

8-10 (c) The secretary of state shall create a system for the  
8-11 state chair to submit the information to the secretary of state for  
8-12 posting on the secretary of state's Internet website under  
8-13 Subsection (b).

8-14 SECTION 31. Section 172.124(a), Election Code, is amended  
8-15 to read as follows:

8-16 (a) For each primary election, the county clerk shall  
8-17 prepare a report of the number of votes, including early voting  
8-18 votes, received in each county election precinct by each candidate  
8-19 for an [a statewide] office, other than a party office, [or the  
8-20 office of United States representative, state senator, or state  
8-21 representative,] as provided by Section 67.017 for the report of  
8-22 precinct results for a general election.

8-23 SECTION 32. Section 172.130(a), Election Code, is amended  
8-24 to read as follows:

8-25 (a) Notwithstanding a conflicting provision of this code,  
8-26 the state chair, or the state chair's designee, may perform any  
8-27 administrative duty of the county chair, county chair's designee,  
8-28 or county executive committee related to the conduct of a primary  
8-29 election that has not been performed in the time required by law,  
8-30 including the submission of candidate information under Section  
8-31 172.029, drawing for ballot order under Section [Sections] 172.082  
8-32 [and 172.084], and canvassing returns under Section 172.116.

8-33 SECTION 33. Section 173.032(c), Election Code, is amended  
8-34 to read as follows:

8-35 (c) The state chair may, with the consent of the secretary  
8-36 of state and the county chair or county executive committee, if one  
8-37 exists for the county, accept money into the state primary fund on  
8-38 behalf of a county party. The state chair must keep records to  
8-39 track the money that is attributable to a county.

8-40 SECTION 34. Subchapter B, Chapter 173, Election Code, is  
8-41 amended by adding Section 173.0341 to read as follows:

8-42 Sec. 173.0341. STATE CHAIR AS FISCAL AGENT FOR COUNTY  
8-43 PARTY. (a) A state chair, or the designee of a state chair, may  
8-44 enter into an agreement with a county chair under which the state  
8-45 chair will act as a fiscal agent for the county party.

8-46 (b) The secretary of state shall prescribe the form of an  
8-47 agreement under this section.

8-48 (c) If the state chair acts as the fiscal agent for a county  
8-49 party in accordance with an agreement under this section:

8-50 (1) the state chair shall deliver the completed  
8-51 agreement to the secretary of state;

8-52 (2) any filing fee received by the county party under  
8-53 Subchapter C must be made payable to the state party for deposit in  
8-54 the state primary fund not later than five days after receipt of the  
8-55 filing fee;

8-56 (3) the county chair or county executive committee  
8-57 shall make a request in accordance with Section 31.093 to enter into  
8-58 a contract with the county elections administrator to conduct  
8-59 primary elections in the county; and

8-60 (4) Section 173.031 does not apply to the county  
8-61 party.

8-62 SECTION 35. Section 173.061, Election Code, is amended to  
8-63 read as follows:

8-64 Sec. 173.061. FEE PAID TO COUNTY CHAIR. Except as provided  
8-65 by Section 173.0341(c)(2), the [The] county chair shall deposit in  
8-66 the county primary fund each filing fee accompanying an application  
8-67 for a place on the ballot filed with the county chair.

8-68 SECTION 36. Section 174.021(b), Election Code, is amended  
8-69 to read as follows:



9-1 (b) A political party may by rule allow a county to hold  
 9-2 precinct conventions before or during the county convention on the  
 9-3 same day and at the same place as the county convention. The rule  
 9-4 may modify other provisions of this subchapter as necessary for the  
 9-5 county to hold precinct conventions as provided by this subsection.

9-6 SECTION 37. Section 174.025(c), Election Code, is amended  
 9-7 to read as follows:

9-8 (c) Before conducting business, the precinct chair shall  
 9-9 prepare a list containing the name and residence address of each  
 9-10 person who is admitted to participate in the convention. The state  
 9-11 executive committee by rule may adopt an alternate process in place  
 9-12 of the requirement under this subsection.

9-13 SECTION 38. Sections 174.064(c) and (d), Election Code, are  
 9-14 amended to read as follows:

9-15 (c) The county chair shall post [~~and deliver~~] the notice of  
 9-16 a county convention. The temporary chair of a senatorial district  
 9-17 convention shall post [~~and deliver~~] the notice of the senatorial  
 9-18 district convention.

9-19 (d) If the county chair fails to post [~~or deliver~~] notice in  
 9-20 accordance with this section, another member of the county  
 9-21 executive committee may post [~~or deliver~~] the notice. If the  
 9-22 temporary chair of a senatorial district convention fails to post  
 9-23 [~~or deliver~~] notice in accordance with this section, another member  
 9-24 of the county executive committee who may participate in setting  
 9-25 the convention's hour and place may post [~~or deliver~~] the notice.

9-26 SECTION 39. Section 191.003, Election Code, is amended to  
 9-27 read as follows:

9-28 Sec. 191.003. NOTICE OF CANDIDATES TO SECRETARY OF STATE.  
 9-29 (a) The state chair of each political party holding a presidential  
 9-30 primary election shall submit the information to the secretary of  
 9-31 state for posting on the secretary of state's Internet website and  
 9-32 certify the name of each presidential candidate who qualifies for a  
 9-33 place on the presidential primary election ballot in the same  
 9-34 manner as a candidate filing for statewide, district, and county  
 9-35 offices [~~and deliver the certification to the secretary of state~~]  
 9-36 not later than the ninth day after the date of the regular filing  
 9-37 deadline for the general primary election.

9-38 (b) The secretary of state shall create a system for  
 9-39 submitting the information to the secretary of state for posting on  
 9-40 the secretary of state's Internet website under Subsection (a).

9-41 SECTION 40. Section 191.004(b), Election Code, is amended  
 9-42 to read as follows:

9-43 (b) The names of the presidential candidates shall be  
 9-44 printed as the first race on the ballot under the heading  
 9-45 "Preference For Presidential Nominee" followed by the instruction,  
 9-46 "You may vote for one presidential candidate whose name appears on  
 9-47 the ballot by making a mark [~~placing an 'X'~~] in the shape [~~square~~]  
 9-48 beside the candidate's name." If party rules provide for voting for  
 9-49 an uncommitted status, the instruction shall read, "You may vote  
 9-50 for one presidential candidate whose name appears on the ballot by  
 9-51 making a mark [~~placing an 'X'~~] in the shape [~~square~~] beside the  
 9-52 candidate's name or you may vote as uncommitted by making a mark  
 9-53 [~~placing an 'X'~~] in the shape [~~square~~] beside 'Uncommitted.' Make  
 9-54 only one choice." The instruction shall be changed as appropriate  
 9-55 to accommodate the form of a voting system ballot.

9-56 SECTION 41. Section 191.008(d), Election Code, is amended  
 9-57 to read as follows:

9-58 (d) For a political party to be entitled to have its  
 9-59 nominees for president and vice-president of the United States  
 9-60 placed on the general election ballot in an election year in which  
 9-61 the party is holding a presidential primary election, the rules  
 9-62 adopted under this section or the rules already in existence must be  
 9-63 posted on the party's Internet website and filed with the secretary  
 9-64 of state not later than January 5 of the presidential election year.  
 9-65 The secretary of state may extend this deadline for good cause.

9-66 SECTION 42. The following provisions of the Election Code  
 9-67 are repealed:

- 9-68 (1) Section 171.054(g);  
 9-69 (2) Section 174.023(b); and

10-1  
10-2  
10-3

(3) Section [174.064](#)(b).  
SECTION 43. This Act takes effect September 1, 2019.

\* \* \* \* \*