

1-1 By: Klick, Lang (Senate Sponsor - Hughes) H.B. No. 2909
 1-2 (In the Senate - Received from the House May 6, 2019;
 1-3 May 8, 2019, read first time and referred to Committee on State
 1-4 Affairs; May 19, 2019, reported favorably by the following vote:
 1-5 Yeas 8, Nays 0; May 19, 2019, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7 Huffman	X			
1-8 Hughes	X			
1-9 Birdwell	X			
1-10 Creighton	X			
1-11 Fallon	X			
1-12 Hall			X	
1-13 Lucio	X			
1-14 Nelson	X			
1-15 Zaffirini	X			

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to election practices and procedures; creating a criminal
 1-20 offense.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Section 1.007(c), Election Code, is amended to
 1-23 read as follows:

1-24 (c) A delivery, submission, or filing of a document or paper
 1-25 under this code may be made by personal delivery, mail, telephonic
 1-26 facsimile machine, e-mail, or any other method of transmission.

1-27 SECTION 2. Section 2.002, Election Code, is amended by
 1-28 amending Subsection (b) and adding Subsection (j) to read as
 1-29 follows:

1-30 (b) Not later than the fifth day after the date the
 1-31 automatic recount required by Subsection (i) is completed or the
 1-32 final canvass following the automatic recount is completed, if
 1-33 applicable, the authority responsible for ordering the first
 1-34 election shall order the second election. The second election
 1-35 shall be held not earlier than the 20th day or later than the 45th
 1-36 ~~[30th]~~ day after the date the automatic recount required by
 1-37 Subsection (i) is completed or the final canvass following the
 1-38 automatic recount is completed, if applicable.

1-39 (j) If the recount does not resolve the tie, the tied
 1-40 candidates may:

1-41 (1) cast lots not later than the day before the date
 1-42 the authority must order the second election under Subsection (b);
 1-43 or

1-44 (2) withdraw from the election not later than 5 p.m. of
 1-45 the day after the date the automatic recount is held.

1-46 SECTION 3. Section 2.022(b), Election Code, is amended to
 1-47 read as follows:

1-48 (b) Sections 2.023, 2.025, and 2.028 supersede a law outside
 1-49 this subchapter to the extent of any conflict.

1-50 SECTION 4. Section 2.025(d), Election Code, is amended to
 1-51 read as follows:

1-52 (d) A runoff election for a special election to fill a
 1-53 vacancy in Congress or a special election to fill a vacancy in the
 1-54 legislature, except an election ordered as an emergency election
 1-55 under Section 41.0011 or an election held as an expedited election
 1-56 under Section 203.013, [to which Section 101.104 applies] shall be
 1-57 held not earlier than the 70th day or later than the 77th day after
 1-58 the date the final canvass of the main election is completed.

1-59 SECTION 5. Section 2.028(c), Election Code, is amended to
 1-60 read as follows:

1-61 (c) A tying candidate may resolve the tie by filing with the

2-1 presiding officer of the final canvassing authority a written
 2-2 statement of withdrawal signed and sworn to [~~acknowledged~~] by the
 2-3 candidate. If the statement of withdrawal is received before the
 2-4 automatic recount is conducted, the remaining candidate is the
 2-5 winner, and the automatic recount is not conducted. If the
 2-6 statement of withdrawal is received not later than 5 p.m. the day
 2-7 after the date the automatic recount is conducted [~~On receipt of the~~
 2-8 ~~statement of withdrawal~~], the remaining candidate is the winner,
 2-9 and a casting of lots is not held.

2-10 SECTION 6. Section 2.051(b), Election Code, is amended to
 2-11 read as follows:

2-12 (b) In the case of an election in which any members of the
 2-13 political subdivision's governing body are elected from
 2-14 territorial units such as single-member districts, this subchapter
 2-15 applies to the election in a particular territorial unit if each
 2-16 candidate for an office that is to appear on the ballot in that
 2-17 territorial unit is unopposed and no [~~at-large proposition or~~]
 2-18 opposed at-large race is to appear on the ballot. This subchapter
 2-19 applies to an unopposed at-large race in such an election
 2-20 regardless of whether an opposed race is to appear on the ballot in
 2-21 a particular territorial unit.

2-22 SECTION 7. Section 3.005(d), Election Code, is amended to
 2-23 read as follows:

2-24 (d) Except as provided by Subsection (c), an [~~An~~] election
 2-25 under Section 26.08, Tax Code, to ratify a tax rate adopted by the
 2-26 governing body of a school district under Section 26.05(g) of that
 2-27 code shall be ordered not later than the 30th day before election
 2-28 day.

2-29 SECTION 8. Section 4.003(c), Election Code, is amended to
 2-30 read as follows:

2-31 (c) In addition to any other notice given, notice of an
 2-32 election ordered by the governor, by a county authority,
 2-33 [~~commissioners court~~] or by an authority of a city or school
 2-34 district must be given by the method prescribed by Subsection
 2-35 (a)(1).

2-36 SECTION 9. Section 15.022(a), Election Code, is amended to
 2-37 read as follows:

2-38 (a) The registrar shall make the appropriate corrections in
 2-39 the registration records, including, if necessary, deleting a
 2-40 voter's name from the suspense list:

2-41 (1) after receipt of a notice of a change in
 2-42 registration information under Section 15.021;

2-43 (2) after receipt of a voter's reply to a notice of
 2-44 investigation given under Section 16.033;

2-45 (3) after receipt of any affidavits executed under
 2-46 Section 63.006, following an election;

2-47 (4) after receipt of a voter's statement of residence
 2-48 executed under Section 63.0011;

2-49 (5) before the effective date of the abolishment of a
 2-50 county election precinct or a change in its boundary;

2-51 (6) after receipt of United States Postal Service
 2-52 information indicating an address reclassification;

2-53 (7) after receipt of a voter's response under Section
 2-54 15.053; [~~or~~]

2-55 (8) after receipt of a registration application or
 2-56 change of address under Chapter 20; or

2-57 (9) after notification of a data entry error of which
 2-58 the voter registrar is made aware under Section 63.005.

2-59 SECTION 10. Section 31.093(a), Election Code, is amended to
 2-60 read as follows:

2-61 (a) Subject to Section 41.001(d), if [~~If~~] requested to do so
 2-62 by a political subdivision, the county elections administrator
 2-63 shall enter into a contract to furnish the election services
 2-64 requested, in accordance with a cost schedule agreed on by the
 2-65 contracting parties.

2-66 SECTION 11. Section 31.096, Election Code, is amended to
 2-67 read as follows:

2-68 Sec. 31.096. NONTRANSFERABLE FUNCTIONS. An election
 2-69 services contract may not change:

3-1 (1) the authority with whom applications of candidates
 3-2 for a place on a ballot are filed;
 3-3 (2) the authority with whom documents are filed under
 3-4 Title 15; or
 3-5 (3) the political subdivision's requirement to
 3-6 maintain office hours under Section 31.122 [~~authority to serve as~~
 3-7 ~~custodian of voted ballots or other election records, except that a~~
 3-8 ~~contract with a political subdivision other than a city may provide~~
 3-9 ~~that the county election officer will be the custodian of voted~~
 3-10 ~~ballots~~].

3-11 SECTION 12. Section 31.124(a), Election Code, is amended to
 3-12 read as follows:

3-13 (a) A county election officer of each county shall hold a
 3-14 meeting with the county chair of each political party to discuss, as
 3-15 appropriate, the following for each primary election or general
 3-16 election for state and county officers:

3-17 (1) the lists provided by each political party under
 3-18 Section 85.009;

3-19 (2) the lists provided by each political party under
 3-20 Section 87.002(c); [~~and~~]

3-21 (3) the implementation of Subchapters A, B, C, and D,
 3-22 Chapter 87; and

3-23 (4) holding a joint primary, entering into an election
 3-24 services contract, and polling place locations.

3-25 SECTION 13. Section 32.114(a), Election Code, is amended to
 3-26 read as follows:

3-27 (a) The county clerk shall provide one or more sessions of
 3-28 training using the standardized training program and materials
 3-29 developed and provided by the secretary of state under Section
 3-30 32.111 for the election judges and clerks appointed to serve in
 3-31 elections ordered by the governor or a county authority. Each
 3-32 election judge shall complete the training program. The training
 3-33 program must include specific procedures related to the early
 3-34 voting ballot board and the central counting station, as
 3-35 applicable. Each election clerk shall complete the part of the
 3-36 training program relating to the acceptance and handling of the
 3-37 identification presented by a voter to an election officer under
 3-38 Section 63.001.

3-39 SECTION 14. Section 33.054, Election Code, is amended to
 3-40 read as follows:

3-41 Sec. 33.054. HOURS OF SERVICE AT EARLY VOTING BALLOT BOARD
 3-42 MEETING OR SIGNATURE VERIFICATION COMMITTEE MEETING. (a) A
 3-43 watcher serving at the meeting place of an early voting ballot board
 3-44 or signature verification committee may be present at any time the
 3-45 board or committee is processing or counting ballots and until the
 3-46 board or committee completes its duties. The watcher may serve
 3-47 during the hours the watcher chooses, except as provided by
 3-48 Subsection (b).

3-49 (b) A watcher serving at the meeting place of an early
 3-50 voting ballot board may not leave during voting hours on election
 3-51 day without the presiding judge's permission if the board has
 3-52 recorded any votes cast on voting machines or counted any ballots,
 3-53 unless the board has completed its duties and has been dismissed by
 3-54 the presiding judge.

3-55 SECTION 15. Sections 41.001(a) and (b), Election Code, are
 3-56 amended to read as follows:

3-57 (a) Except as otherwise provided by this subchapter, each
 3-58 general or special election in this state shall be held on one of
 3-59 the following dates:

3-60 (1) the first Saturday in May in an odd-numbered year;

3-61 (2) the first Saturday in May in an even-numbered
 3-62 year, for an election held by a political subdivision other than a
 3-63 county, or ordered by the governor; or

3-64 (3) the first Tuesday after the first Monday in
 3-65 November.

3-66 (b) Subsection (a) does not apply to:

3-67 (1) a runoff election;

3-68 (2) an election to resolve a tie vote;

3-69 (3) an election held under an order of a court or other

4-1 tribunal;

4-2 (4) an emergency election ordered under Section
4-3 41.0011 or any resulting runoff;

4-4 (5) an expedited election to fill a vacancy in the
4-5 legislature held under Section 203.013;

4-6 (6) an election held under a statute that expressly
4-7 provides that the requirement of Subsection (a) does not apply to
4-8 the election; or

4-9 (7) the initial election of the members of the
4-10 governing body of a newly incorporated city.

4-11 SECTION 16. Sections 43.007(a) and (m), Election Code, are
4-12 amended to read as follows:

4-13 (a) The secretary of state shall implement a program to
4-14 allow each commissioners court participating in the program to
4-15 eliminate county election precinct polling places and establish
4-16 countywide polling places for:

4-17 (1) any election required to be conducted by the
4-18 county [each general election for state and county officers];

4-19 (2) any election held as part of a joint election
4-20 agreement with a county under Chapter 271 [each election held on the
4-21 uniform election date in May and any resulting runoff];

4-22 (3) any election held under contract for election
4-23 services with a county under Subchapter D, Chapter 31 [each
4-24 election on a proposed constitutional amendment];

4-25 (4) each primary election and runoff primary election
4-26 if:

4-27 (A) the county chair or county executive
4-28 committee of each political party participating in a joint primary
4-29 election under Section 172.126 agrees to the use of countywide
4-30 polling places; or

4-31 (B) the county chair or county executive
4-32 committee of each political party required to nominate candidates
4-33 by primary election agrees to use the same countywide polling
4-34 places; and

4-35 (5) each election of a political subdivision located
4-36 in the county that is held jointly with an election described by
4-37 Subdivision ~~[(1), (2)]~~ (3) ~~[]~~ or (4).

4-38 (m) In adopting a methodology under Subsection (f), the
4-39 county must ensure that:

4-40 (1) each county commissioners precinct contains at
4-41 least one countywide polling place; and

4-42 (2) the total number of ~~[permanent branch and~~
4-43 ~~temporary branch]~~ polling places open for voting in a county
4-44 commissioners precinct does not exceed more than twice the number
4-45 of ~~[permanent branch and temporary branch]~~ polling places in
4-46 another county commissioners precinct.

4-47 SECTION 17. Section 52.070, Election Code, is amended by
4-48 amending Subsections (a), (b) and (e) and adding Subsection (f) to
4-49 read as follows:

4-50 (a) A shape [square] for voting shall be printed to the left
4-51 of each candidate's name on a ballot.

4-52 (b) Immediately below "OFFICIAL BALLOT," the following
4-53 instruction shall be printed: "Vote for the candidate of your
4-54 choice in each race by placing an 'X' or filling in the shape
4-55 [square] beside the candidate's name."

4-56 (e) A shape [square] shall be printed to the left of each
4-57 line provided for write-in voting under Section 52.066(c), but
4-58 failure to place a mark in the shape [square] does not affect the
4-59 counting of a write-in vote.

4-60 (f) Any variation from this instruction must be approved by
4-61 the secretary of state.

4-62 SECTION 18. Section 52.094(d), Election Code, is amended to
4-63 read as follows:

4-64 (d) ~~The [For an election held at county expense or a city~~
4-65 ~~election, on receipt of a candidate's written request accompanied~~
4-66 ~~by a stamped, self-addressed envelope, the authority conducting the~~
4-67 ~~drawing shall mail written notice of the date, hour, and place of~~
4-68 ~~the drawing to the candidate. For an election held by any other~~
4-69 ~~political subdivision, the] authority conducting the drawing shall~~

5-1 provide [~~mail written~~] notice of the date, hour, and place of the
 5-2 drawing to each candidate by:

5-3 (1) written notice:

5-4 (A) mailed to [~~at~~] the address stated on the
 5-5 candidate's application for a place on the ballot, not later than
 5-6 the fourth day before the date of the drawing; or

5-7 (B) provided at the time the candidate files an
 5-8 application with the appropriate authority;

5-9 (2) telephone, if a telephone number is provided on
 5-10 the candidate's application for a place on the ballot; or

5-11 (3) e-mail, if an e-mail address is provided on the
 5-12 candidate's application for a place on the ballot.

5-13 SECTION 19. Chapter 63, Election Code, is amended by adding
 5-14 Section 63.005 to read as follows:

5-15 Sec. 63.005. CONFIRMING REGISTRATION STATUS OF VOTER. (a)
 5-16 If the name of a voter who is offering to vote is not on the precinct
 5-17 list of registered voters, an election officer may contact the
 5-18 voter registrar regarding the voter's registration status.

5-19 (b) If the election officer determines the voter is a
 5-20 registered voter of the territory covered by the election but is
 5-21 offering to vote in the incorrect precinct, the election officer
 5-22 shall provide the correct precinct location information to the
 5-23 voter.

5-24 (c) Notwithstanding Section 63.009, a voter shall be
 5-25 accepted for voting if the voter's identity has been verified from
 5-26 documentation as required by Section 63.001(b) and it can be
 5-27 determined from the voter registrar that:

5-28 (1) the voter's registration was improperly canceled
 5-29 and has been reinstated under Section 16.037;

5-30 (2) an error in the voter registration record caused
 5-31 the voter's name to not appear on the list of registered voters, and
 5-32 the error has been corrected under Section 15.022; or

5-33 (3) the voter's name has been inadvertently left off
 5-34 the list of registered voters for the precinct.

5-35 (d) After the voter is accepted under Subsection (c), an
 5-36 election officer shall enter the voter's name on the registration
 5-37 omissions list.

5-38 (e) The voter shall be accepted for provisional voting under
 5-39 Section 63.011 if the election officer cannot determine that the
 5-40 voter is a registered voter of the territory covered by the election
 5-41 in which the voter is offering to vote.

5-42 SECTION 20. Section 65.052, Election Code, is amended to
 5-43 read as follows:

5-44 Sec. 65.052. DUTY OF VOTER REGISTRAR. The secretary of
 5-45 state shall prescribe procedures by which the voter registrar of
 5-46 the county in which a provisional ballot is cast shall provide
 5-47 assistance to the early voting ballot board in executing its
 5-48 authority under this subchapter. In an election described by
 5-49 Section 65.051(a-1), the procedures must allow for 10 [~~seven~~]
 5-50 calendar days for the voter registrar to review a provisional
 5-51 voter's eligibility.

5-52 SECTION 21. Subchapter B, Chapter 65, Election Code, is
 5-53 amended by adding Section 65.0581 to read as follows:

5-54 Sec. 65.0581. PUBLIC INSPECTION OF PROVISIONAL VOTING
 5-55 RECORDS. Provisional voting records are not available for public
 5-56 inspection until the first business day after the date the early
 5-57 voting ballot board completes the verification and counting of
 5-58 provisional ballots under Section 65.051 and delivers the
 5-59 provisional ballots and other provisional voting records to the
 5-60 general custodian of election records.

5-61 SECTION 22. Chapter 82, Election Code, is amended by adding
 5-62 Section 82.008 to read as follows:

5-63 Sec. 82.008. INVOLUNTARY CIVIL COMMITMENT. A qualified
 5-64 voter is eligible for early voting by mail if, at the time the
 5-65 voter's early voting ballot application is submitted, the voter is
 5-66 a person who is civilly committed as a sexually violent predator
 5-67 under Chapter 841, Health and Safety Code, and is ordered as a
 5-68 condition of civil commitment to reside in a facility operated by or
 5-69 under contract with the Texas Civil Commitment Office.

6-1 SECTION 23. Section 84.002(a), Election Code, is amended to
6-2 read as follows:

6-3 (a) An early voting ballot application must include:

6-4 (1) the applicant's name and the address at which the
6-5 applicant is registered to vote;

6-6 (2) for an application for a ballot to be voted by mail
6-7 on the ground of absence from the county of residence, the address
6-8 outside the applicant's county of residence to which the ballot is
6-9 to be mailed;

6-10 (3) for an application for a ballot to be voted by mail
6-11 on the ground of age or disability, the address of the hospital,
6-12 nursing home or other long-term care facility, or retirement
6-13 center, or of a person related to the applicant within the second
6-14 degree by affinity or the third degree by consanguinity, as
6-15 determined under Chapter 573, Government Code, if the applicant is
6-16 living at that address and that address is different from the
6-17 address at which the applicant is registered to vote;

6-18 (4) for an application for a ballot to be voted by mail
6-19 on the ground of confinement in jail, the address of the jail or of a
6-20 person related to the applicant within the degree described by
6-21 Subdivision (3);

6-22 (5) for an application for a ballot to be voted by mail
6-23 on any ground, an indication of each election for which the
6-24 applicant is applying for a ballot; ~~and~~

6-25 (6) an indication of the ground of eligibility for
6-26 early voting; and

6-27 (7) for an application for a ballot to be voted by mail
6-28 on the ground of involuntary civil commitment, the address of the
6-29 facility operated by or under contract with the Texas Civil
6-30 Commitment Office or of a person related to the applicant within the
6-31 degree of consanguinity described by Subdivision (3).

6-32 SECTION 24. Section 84.008(a), Election Code, is amended to
6-33 read as follows:

6-34 (a) Except as otherwise provided by this code, an [An]
6-35 applicant for a ballot to be voted by mail may submit the
6-36 application by delivering it in person to the early voting clerk if
6-37 the application is submitted not later than the close of regular
6-38 business in the clerk's office on the day before the first day of
6-39 the period for early voting by personal appearance.

6-40 SECTION 25. Section 84.011(a), Election Code, is amended to
6-41 read as follows:

6-42 (a) The officially prescribed application form for an early
6-43 voting ballot must include:

6-44 (1) immediately preceding the signature space the
6-45 statement: "I certify that the information given in this
6-46 application is true, and I understand that giving false information
6-47 in this application is a crime.";

6-48 (2) a statement informing the applicant of the
6-49 offenses prescribed by Sections 84.003 and 84.004;

6-50 (3) spaces for entering an applicant's voter
6-51 registration number and county election precinct of registration,
6-52 with a statement informing the applicant that failure to furnish
6-53 that information does not invalidate the application; and

6-54 (4) on an application for a ballot to be voted by mail:

6-55 (A) a space for an applicant applying on the
6-56 ground of absence from the county of residence to indicate the date
6-57 on or after which the applicant can receive mail at the address
6-58 outside the county;

6-59 (B) a space for indicating the fact that an
6-60 applicant whose application is signed by a witness cannot make the
6-61 applicant's mark and a space for indicating the relationship or
6-62 lack of relationship of the witness to the applicant;

6-63 (C) a space for entering an applicant's telephone
6-64 number, with a statement informing the applicant that failure to
6-65 furnish that information does not invalidate the application;

6-66 (D) a space or box for an applicant applying on
6-67 the ground of age or disability to indicate that the address to
6-68 which the ballot is to be mailed is the address of a facility or
6-69 relative described by Section 84.002(a)(3), if applicable;

7-1 (E) a space or box for an applicant applying on
 7-2 the ground of confinement in jail or involuntary civil commitment
 7-3 to indicate that the address to which the ballot is to be mailed is
 7-4 the address of a relative described by Section 84.002(a)(4) or
 7-5 (a)(7), if applicable;

7-6 (F) a space for an applicant applying on the
 7-7 ground of age or disability to indicate if the application is an
 7-8 application under Section 86.0015;

7-9 (G) spaces for entering the signature, printed
 7-10 name, and residence address of any person assisting the applicant;

7-11 (H) a statement informing the applicant of the
 7-12 condition prescribed by Section 81.005; and

7-13 (I) a statement informing the applicant of the
 7-14 requirement prescribed by Section 86.003(c).

7-15 SECTION 26. Section 85.007(d), Election Code, is amended to
 7-16 read as follows:

7-17 (d) Any notice required under this section must also be
 7-18 posted:

7-19 (1) on the Internet website of the authority ordering
 7-20 the election, if the authority maintains a website; and

7-21 (2) for a primary election or the general election for
 7-22 state and county officers, by the secretary of state on the
 7-23 secretary's Internet website.

7-24 SECTION 27. Section 85.062(d), Election Code, is amended to
 7-25 read as follows:

7-26 (d) In a primary election, the general election for state
 7-27 and county officers, or a special election to fill a vacancy in the
 7-28 legislature or in congress:

7-29 (1) the commissioners court of a county with a
 7-30 population of 400,000 or more shall establish one or more early
 7-31 voting polling places other than the main early voting polling
 7-32 place in each state representative district containing territory
 7-33 covered by the election, except that the polling place or places
 7-34 shall be established in the state senatorial or congressional
 7-35 district, as applicable, in a special election to fill a vacancy in
 7-36 the office of state senator or United States representative;

7-37 (2) the commissioners court of a county with a
 7-38 population of 120,000 or more but less than 400,000 shall establish
 7-39 one or more early voting polling places other than the main early
 7-40 voting polling place in each commissioners precinct containing
 7-41 territory covered by the election; and

7-42 (3) the early voting clerk [~~commissioners court~~] of a
 7-43 county with a population of 100,000 or more but less than 120,000
 7-44 shall establish one or more early voting polling places as
 7-45 described by Subdivision (2) in each precinct for which the early
 7-46 voting clerk [~~commissioners court~~] receives in time to enable
 7-47 compliance with Section 85.067 a written request for that action
 7-48 submitted by at least 15 registered voters of that precinct.

7-49 SECTION 28. Section 86.0015(c), Election Code, is amended
 7-50 to read as follows:

7-51 (c) In an election of a political subdivision located in a
 7-52 county in which the county clerk is not the early voting clerk, the
 7-53 county clerk shall provide the early voting clerk of the political
 7-54 subdivision that is holding the election a list of voters in the
 7-55 portion of the political subdivision located in the county who have
 7-56 ballot applications on file under this section along with copies of
 7-57 the applications submitted by those voters. The early voting clerk
 7-58 shall provide a ballot to be voted by mail to each voter on the list
 7-59 for whom the early voting clerk received a copy of an application
 7-60 submitted under this section.

7-61 SECTION 29. Section 86.002(f), Election Code, is amended to
 7-62 read as follows:

7-63 (f) The clerk shall include with the balloting materials:

7-64 (1) a notice of the clerk's physical address for
 7-65 purposes of return by common or contract carrier or personal
 7-66 delivery in accordance with Section 86.006(a-1); and

7-67 (2) the list of declared write-in candidates for the
 7-68 election, if applicable.

7-69 SECTION 30. Sections 86.003(c) and (d), Election Code, are

8-1 amended to read as follows:

8-2 (c) The address to which the balloting materials must be
8-3 addressed is the address at which the voter is registered to vote,
8-4 or the registered mailing address if different, unless the ground
8-5 for voting by mail is:

8-6 (1) absence from the county of residence, in which
8-7 case the address must be an address outside the voter's county of
8-8 residence;

8-9 (2) confinement in jail, in which case the address
8-10 must be the address of the jail or of a relative described by
8-11 Section 84.002(a)(4); ~~[or]~~

8-12 (3) age or disability and the voter is living at a
8-13 hospital, nursing home or other long-term care facility, or
8-14 retirement center, or with a relative described by Section
8-15 84.002(a)(3), in which case the address must be the address of that
8-16 facility or relative; or

8-17 (4) involuntary civil commitment, in which case the
8-18 address must be the address of the facility or of a relative
8-19 described by Section 84.002(a)(7).

8-20 (d) If the applicable address specified in a voter's
8-21 application is an address other than that prescribed by Subsection
8-22 (c) or subject to Section 86.002(a), the voter's application shall
8-23 be rejected in accordance with Section 86.001(c).

8-24 SECTION 31. Section 86.006(a-1), Election Code, is amended
8-25 to read as follows:

8-26 (a-1) The voter may deliver a marked ballot in person to the
8-27 early voting clerk's office only while the polls are open during the
8-28 early voting period or on election day. A voter who delivers a
8-29 marked ballot in person must present an acceptable form of
8-30 identification described by Section 63.0101.

8-31 SECTION 32. Section 86.009(e), Election Code, is amended to
8-32 read as follows:

8-33 (e) A voter's defective ballot that is timely returned to
8-34 the clerk as a marked ballot shall be treated as:

8-35 (1) a marked ballot not timely returned if the
8-36 corrected ballot is timely returned as a marked ballot by the close
8-37 of the polls on election day; or

8-38 (2) as the voter's ballot for the election if the
8-39 corrected ballot is not timely returned by the close of the polls on
8-40 election day.

8-41 SECTION 33. Section 87.0222(a), Election Code, is amended
8-42 to read as follows:

8-43 (a) Notwithstanding Section 87.024, in an election
8-44 conducted by an authority of a county with a population of 100,000
8-45 or more, or conducted jointly with such a county or conducted with
8-46 such a county through a contract for election services, the jacket
8-47 envelopes containing the early voting ballots voted by mail may be
8-48 delivered to the board between the end of the ninth day before the
8-49 last day of the period for early voting by personal appearance and
8-50 the closing of the polls on election day, or as soon after closing
8-51 as practicable, at the time or times specified by the presiding
8-52 judge of the board.

8-53 SECTION 34. Section 87.0241(b), Election Code, is amended
8-54 to read as follows:

8-55 (b) The board may not count early voting ballots until:

8-56 (1) the polls open on election day; or

8-57 (2) in an election conducted by an authority of a
8-58 county with a population of 100,000 or more, or conducted jointly
8-59 with such a county or conducted with such a county through a
8-60 contract for election services, the end of the period for early
8-61 voting by personal appearance.

8-62 SECTION 35. Section 87.102(b), Election Code, is amended to
8-63 read as follows:

8-64 (b) Early voting ballots that are to be duplicated under
8-65 this section ~~[shall be delivered to the central counting station as~~
8-66 ~~prescribed by Section 87.101 and]~~ shall be treated in the same
8-67 manner as damaged electronic system ballots that are duplicated for
8-68 automatic counting.

8-69 SECTION 36. Section 101.001, Election Code, is amended to

9-1 read as follows:

9-2 Sec. 101.001. ELIGIBILITY. A person is eligible for early
9-3 voting by mail as provided by this chapter if:

9-4 (1) the person is qualified to vote in this state or,
9-5 if not registered to vote in this state, would be qualified if
9-6 registered; and

9-7 (2) the person is:

9-8 (A) a member of the armed forces of the United
9-9 States, or the spouse or a dependent of a member;

9-10 (B) a member of the merchant marine of the United
9-11 States, or the spouse or a dependent of a member;

9-12 (B-1) a member of the Texas National Guard or the
9-13 National Guard of another state or a member of a reserve component
9-14 of the armed forces of the United States serving on active duty
9-15 under an order of the president of the United States or activated on
9-16 state orders, or the spouse or dependent of a member; or

9-17 (C) domiciled in this state but temporarily
9-18 living outside the territorial limits of the United States and the
9-19 District of Columbia.

9-20 SECTION 37. Section 101.003(1), Election Code, is amended
9-21 to read as follows:

9-22 (1) "Federal postcard application" means an
9-23 application for a ballot to be voted under this chapter submitted on
9-24 the official federal form prescribed under the federal Uniformed
9-25 and Overseas Citizens Absentee Voting Act (52 U.S.C. Sections 20301
9-26 through 20311) [~~42 U.S.C. Section 1973ff et seq.~~].

9-27 SECTION 38. Section 101.008, Election Code, is amended to
9-28 read as follows:

9-29 Sec. 101.008. STATUS OF APPLICATION OR BALLOT VOTED. The
9-30 secretary of state, in coordination with county [~~local~~] election
9-31 officials, shall implement an electronic free-access system by
9-32 which a person eligible for early voting by mail under this chapter
9-33 or Chapter 114 may determine by telephone, by e-mail, or over the
9-34 Internet whether:

9-35 (1) the person's federal postcard application or other
9-36 registration or ballot application has been received and accepted;
9-37 and

9-38 (2) the person's ballot has been received and the
9-39 current status of the ballot.

9-40 SECTION 39. Sections 101.052(a-1) and (c), Election Code,
9-41 are amended to read as follows:

9-42 (a-1) A federal postcard application must be submitted by:

9-43 (1) mail; [~~or~~]

9-44 (2) electronic transmission of an image of the
9-45 application under procedures prescribed by the secretary of state;

9-46 (3) in-person delivery in accordance with Section
9-47 84.008; or

9-48 (4) common or contract carrier.

9-49 (c) An application is considered submitted in the following
9-50 calendar year for purposes of this section if:

9-51 (1) the applicant is eligible to vote in an election
9-52 occurring in January or February of the next calendar year; and

9-53 (2) the application is submitted in the last 60 days of
9-54 a calendar year but not earlier than the 60th day before the date of
9-55 the January or February election [A federal postcard application
9-56 requesting a ballot for an election to be held in January or
9-57 February may be submitted in the preceding calendar year but not
9-58 earlier than the earliest date for submitting a regular application
9-59 for a ballot to be voted by mail].

9-60 SECTION 40. Section 101.054(c), Election Code, is amended
9-61 to read as follows:

9-62 (c) An application shall be treated as if it requests a
9-63 ballot for a runoff election that results from an election for which
9-64 a ballot is requested, including a runoff election that occurs in
9-65 the next calendar year.

9-66 SECTION 41. Section 101.056(a), Election Code, is amended
9-67 to read as follows:

9-68 (a) The balloting materials provided under this subchapter
9-69 shall be airmailed to the voter free of United States postage, as

10-1 provided by the federal Uniformed and Overseas Citizens Absentee
 10-2 Voting Act (52 U.S.C. Sections 20301 through 20311) [~~42 U.S.C.~~
 10-3 ~~Section 1973ff et seq.~~], in an envelope labeled "Official Election
 10-4 Balloting Material - via Airmail." The secretary of state shall
 10-5 provide early voting clerks with instructions on compliance with
 10-6 this subsection.

10-7 SECTION 42. Section 101.057(b), Election Code, is amended
 10-8 to read as follows:

10-9 (b) A ballot voted by a voter described by Section
 10-10 101.001(2)(A), ~~[or]~~ (B), or (B-1) shall be counted if the ballot
 10-11 arrives at the address on the carrier envelope not later than the
 10-12 sixth day after the date of the election, except that if that date
 10-13 falls on a Saturday, Sunday, or legal state or national holiday,
 10-14 then the deadline is extended to the next regular business day.

10-15 SECTION 43. Section 101.058, Election Code, is amended to
 10-16 read as follows:

10-17 Sec. 101.058. OFFICIAL CARRIER ENVELOPE. The officially
 10-18 prescribed carrier envelope for voting under this subchapter shall
 10-19 be prepared so that it can be mailed free of United States postage,
 10-20 as provided by the federal Uniformed and Overseas Citizens Absentee
 10-21 Voting Act (52 U.S.C. Sections 20301 through 20311) [~~42 U.S.C.~~
 10-22 ~~Section 1973ff et seq.~~], and must contain the label prescribed by
 10-23 Section 101.056(a) for the envelope in which the balloting
 10-24 materials are sent to a voter. The secretary of state shall provide
 10-25 early voting clerks with instructions on compliance with this
 10-26 section.

10-27 SECTION 44. Section 101.102(b), Election Code, is amended
 10-28 to read as follows:

10-29 (b) The early voting clerk shall grant a request made under
 10-30 this section for the e-mail transmission of balloting materials if:

10-31 (1) the requestor has submitted a valid federal
 10-32 postcard application and:

10-33 (A) if the requestor is a person described by
 10-34 Section 101.001(2)(C), has provided a current mailing address that
 10-35 is located outside the United States; or

10-36 (B) if the requestor is a person described by
 10-37 Section 101.001(2)(A), ~~[or]~~ (B), or (B-1), has provided a current
 10-38 mailing address that is located outside the requestor's county of
 10-39 residence;

10-40 (2) the requestor provides an e-mail address:

10-41 (A) that corresponds to the address on file with
 10-42 the requestor's federal postcard application; or

10-43 (B) stated on a newly submitted federal postcard
 10-44 application;

10-45 (3) the request is submitted on or before the deadline
 10-46 prescribed by Section 84.007 [~~seventh day before the date of the~~
 10-47 ~~election~~]; and

10-48 (4) a marked ballot for the election from the
 10-49 requestor has not been received by the early voting clerk.

10-50 SECTION 45. Section 101.107(a), Election Code, is amended
 10-51 to read as follows:

10-52 (a) A voter described by Section 101.001(2)(A), ~~[or]~~ (B), or
 10-53 (B-1) must be voting from outside the voter's county of
 10-54 residence. A voter described by Section 101.001(2)(C) must be
 10-55 voting from outside the United States.

10-56 SECTION 46. Section 102.002, Election Code, is amended to
 10-57 read as follows:

10-58 Sec. 102.002. CONTENTS OF APPLICATION. An application for
 10-59 a late ballot must comply with the applicable provisions of Section
 10-60 84.002 and must include or be accompanied by a certificate of a
 10-61 licensed physician or chiropractor or accredited Christian Science
 10-62 practitioner in substantially the following form:

10-63 "This is to certify that I know that _____ has a sickness
 10-64 or physical condition that will prevent him or her from appearing at
 10-65 the polling place for an election to be held on the _____ day
 10-66 of _____, 20 [19]____, without a likelihood of needing personal
 10-67 assistance or of injuring his or her health and that the sickness or
 10-68 physical condition originated on or after _____.

10-69 "Witness my hand at _____, Texas, this _____ day of

11-1 _____, 20 [~~19~~]____.

11-2
11-3 (signature of physician,
11-4 chiropractor, or practitioner)"

11-5 SECTION 47. Section 113.003, Election Code, is amended to
11-6 read as follows:

11-7 Sec. 113.003. SUBMITTING APPLICATION FOR MAIL BALLOT. An
11-8 application for a presidential ballot to be voted by mail must be
11-9 submitted to the early voting clerk serving the county of the
11-10 applicant's most recent registration to vote by the deadline
11-11 prescribed by Section 84.007.

11-12 SECTION 48. Section 141.032(g), Election Code, is amended
11-13 to read as follows:

11-14 (g) Except as otherwise provided by this code [~~After the~~
11-15 ~~filing deadline~~]:

11-16 (1) a candidate may not amend an application filed
11-17 under Section 141.031; and

11-18 (2) the authority with whom the application is filed
11-19 may not accept an amendment to an application filed under Section
11-20 141.031.

11-21 SECTION 49. Section 141.034(a), Election Code, is amended
11-22 to read as follows:

11-23 (a) An application for a place on the ballot may not be
11-24 challenged for compliance with the applicable requirements as to
11-25 form, content, and procedure after the day before any ballot to be
11-26 voted early by mail in the election for which the application is
11-27 made is mailed [~~to an address in the authority's jurisdiction for~~
11-28 ~~the election for which the application is made~~].

11-29 SECTION 50. The heading to Section 141.040, Election Code,
11-30 is amended to read as follows:

11-31 Sec. 141.040. NOTICE OF DEADLINES AND FILING METHODS.

11-32 SECTION 51. Section 141.040, Election Code, is amended by
11-33 adding Subsection (c) to read as follows:

11-34 (c) An authority may designate an e-mail address in the
11-35 notice required by this section for the purpose of filing an
11-36 application for a place on the ballot under Section 143.004.

11-37 SECTION 52. Section 141.063, Election Code, is amended by
11-38 adding Subsection (e) to read as follows:

11-39 (e) The signer's residence address and registration address
11-40 are not required to be the same if the signer would otherwise be
11-41 able to vote for that office under Sections 11.004 or 112.002.

11-42 SECTION 53. Chapter 141, Election Code, is amended by
11-43 adding Subchapter D, and a heading is added to that subchapter to
11-44 read as follows:

11-45 SUBCHAPTER D. COERCION OF CANDIDACY

11-46 SECTION 54. Section 2.054, Election Code, is transferred
11-47 to Subchapter D, Chapter 141, Election Code, as added by this Act,
11-48 redesignated as Section 141.101, Election Code, and amended to read
11-49 as follows:

11-50 Sec. 141.101 [~~2.054~~]. COERCION AGAINST CANDIDACY
11-51 PROHIBITED. (a) A [~~In an election that may be subject to this~~
11-52 ~~subchapter, a~~] person commits an offense if by intimidation or by
11-53 means of coercion the person influences or attempts to influence a
11-54 person to:

11-55 (1) not file an application for a place on the ballot
11-56 or a declaration of write-in candidacy; or

11-57 (2) withdraw as a candidate.

11-58 (b) In this section, "coercion" has the meaning assigned by
11-59 Section 1.07, Penal Code.

11-60 (c) An offense under this section is a Class A misdemeanor
11-61 unless the intimidation or coercion is a threat to commit a felony,
11-62 in which event it is a felony of the third degree.

11-63 SECTION 55. Section 143.004, Election Code, is amended to
11-64 read as follows:

11-65 Sec. 143.004. APPLICATION REQUIRED. (a) Subject to
11-66 Section 143.005, to be entitled to a place on the ballot, a
11-67 candidate must make an application for a place on the ballot.

11-68 (b) An application, other than an application required to be
11-69 accompanied by fee or petition, may be filed through e-mail

12-1 transmission of the completed application in a scanned format only
 12-2 if the filing authority designates an e-mail address for this
 12-3 purpose in the notice required under Section 141.040.

12-4 SECTION 56. Section 144.003(a), Election Code, is amended
 12-5 to read as follows:

12-6 (a) Except as otherwise provided by law, to be entitled to a
 12-7 place on the ballot, a candidate must make an application for a
 12-8 place on the ballot. An application, other than an application
 12-9 required to be accompanied by fee or petition, may be filed through
 12-10 e-mail transmission of the completed application in a scanned
 12-11 format only if the filing authority designates an e-mail address
 12-12 for this purpose in the notice required under Section 141.040.

12-13 SECTION 57. Section 145.003, Election Code, is amended by
 12-14 adding Subsection (j) to read as follows:

12-15 (j) This section does not apply to a challenge on an
 12-16 application under Section 141.034.

12-17 SECTION 58. Section 192.033(d), Election Code, is amended
 12-18 to read as follows:

12-19 (d) In conjunction with the certification required under
 12-20 Subsection (a), the secretary of state shall include appropriate
 12-21 ballot translation language, as applicable, for each language
 12-22 certified statewide or in a specific county by the director of the
 12-23 census under the federal Uniformed and Overseas Citizens Absentee
 12-24 Voting Act (52 U.S.C. Sections 20301 through 20311) [~~42 U.S.C.~~
 12-25 ~~Section 1973aa-1a~~].

12-26 SECTION 59. Subchapter B, Chapter 201, Election Code, is
 12-27 amended by adding Section 201.030 to read as follows:

12-28 Sec. 201.030. VACANCY RESULTING FROM RECALL ELECTION. For
 12-29 cities conducting recall elections, a vacancy in the officer's
 12-30 office occurs on the date of the final canvass of a successful
 12-31 recall election.

12-32 SECTION 60. Section 203.004(b), Election Code, is amended
 12-33 to read as follows:

12-34 (b) If the election is to be held as an emergency election,
 12-35 it shall be held on a Tuesday or Saturday occurring on or after the
 12-36 36th day and before the 64th [~~50th~~] day after the date the election
 12-37 is ordered.

12-38 SECTION 61. Section 212.001, Election Code, is amended to
 12-39 read as follows:

12-40 Sec. 212.001. GENERAL REQUIREMENTS FOR RECOUNT DOCUMENT. A
 12-41 recount document submitted under this title must:

12-42 (1) be in writing;
 12-43 (2) identify the office or measure for which a recount
 12-44 is desired;

12-45 (3) state the grounds for the recount;

12-46 (4) state the side of the measure that the person
 12-47 requesting the recount represents, if applicable;

12-48 (5) identify the election precincts, grouped by county
 12-49 or other appropriate territorial unit if the election involves more
 12-50 than one local canvassing authority, for which a recount is desired
 12-51 and must indicate the method of voting used in each precinct;

12-52 (6) be signed by:

12-53 (A) the person requesting the recount or, if
 12-54 there is more than one, any one or more of them; or

12-55 (B) an agent of the person requesting the
 12-56 recount;

12-57 (7) state each requesting person's name, residence
 12-58 address, and, if authorization to obtain the recount is based on
 12-59 eligibility to vote in the election, voter registration number, and
 12-60 county of registration if the election covers territory in more
 12-61 than one county;

12-62 (8) designate an agent who is a resident of this state
 12-63 to receive notice under this title on behalf of the person
 12-64 requesting the recount if:

12-65 (A) the person requesting the recount is not a
 12-66 resident of this state; or

12-67 (B) there is more than one person requesting the
 12-68 recount;

12-69 (9) state the mailing address and at least one

13-1 telephone number, if any, at which the person requesting the
 13-2 recount or an agent, identified by name, may receive notice given
 13-3 under this title;

13-4 (10) state the mailing address, e-mail address, if
 13-5 any, and at least one telephone number, if any, at which the
 13-6 opposing candidates for the office or their agents, identified by
 13-7 name, may receive notice given under this title; and

13-8 (11) be accompanied by a deposit as provided by
 13-9 Subchapter E.

13-10 SECTION 62. Section 212.002(b), Election Code, is amended
 13-11 to read as follows:

13-12 (b) The designation is not effective unless the document
 13-13 states the designee's name, address, e-mail address, if any, and
 13-14 telephone number, if any.

13-15 SECTION 63. Section 212.028(a), Election Code, is amended
 13-16 to read as follows:

13-17 (a) Except as provided by Subsection (b), a petition for an
 13-18 initial recount must be submitted by ~~[the later of:~~

13-19 ~~[(1) 5 p.m. of the fifth day after election day; or~~

13-20 ~~[(2)] 5 p.m. of the second day after the date the~~
 13-21 canvassing authority to whose presiding officer the petition must
 13-22 be submitted completes its canvass of the original election
 13-23 returns.

13-24 SECTION 64. Section 212.031(a), Election Code, is amended
 13-25 to read as follows:

13-26 (a) If a recount petition complies with the applicable
 13-27 requirements, the recount coordinator shall approve the petition
 13-28 and note on the petition its approved status and the date of the
 13-29 approval. The recount coordinator shall immediately notify the
 13-30 recount supervisor of the approval. The recount supervisor shall,
 13-31 with the written approval of the recount coordinator, order the
 13-32 recount to be held on the earlier of [a date occurring not later
 13-33 than] the seventh day after the date the petition is determined to
 13-34 comply with the applicable requirements or the day after all
 13-35 ballots have been delivered to the general custodian of election
 13-36 records.

13-37 SECTION 65. Section 212.083, Election Code, is amended to
 13-38 read as follows:

13-39 Sec. 212.083. DEADLINE FOR SUBMITTING PETITION. The
 13-40 deadline for submitting a recount petition under this subchapter is
 13-41 ~~[the later of:~~

13-42 ~~[(1) 2 p.m. of the third day after election day; or~~

13-43 ~~[(2)] 2 p.m. of the first day after the date of the~~
 13-44 local canvass.

13-45 SECTION 66. Section 212.112, Election Code, is amended to
 13-46 read as follows:

13-47 Sec. 212.112. AMOUNT OF DEPOSIT. The amount of the recount
 13-48 deposit is:

13-49 (1) \$60 for each of the entity's election day polling
 13-50 places [precinct] in which regular paper ballots were used; and

13-51 (2) \$100 for each of the entity's election day polling
 13-52 places [precinct] in which an electronic voting system was used.

13-53 SECTION 67. Section 216.003, Election Code, is amended to
 13-54 read as follows:

13-55 Sec. 216.003. INITIATING AUTOMATIC RECOUNT. For purposes
 13-56 of initiating an automatic recount, the authority designated under
 13-57 Section 212.026 shall order the recount [request the recount in the
 13-58 same manner as a recount petitioner under this title].

13-59 SECTION 68. Section 272.009, Election Code, is amended by
 13-60 adding Subsection (c) to read as follows:

13-61 (c) To be eligible to serve as a clerk under this section, a
 13-62 person must:

13-63 (1) be a qualified voter of the state and satisfy any
 13-64 additional eligibility requirements prescribed by written order of
 13-65 the commissioners court; or

13-66 (2) meet the eligibility requirements of a student
 13-67 election clerk under Section 32.0511.

13-68 SECTION 69. Section 277.0024, Election Code, is amended to
 13-69 read as follows:

14-1 Sec. 277.0024. COMPUTING NUMBER OF SIGNATURES. (a) Except
14-2 as provided by Subsection (b), if ~~if~~ the minimum number of
14-3 signatures required for a petition is determined by a computation
14-4 applied to the number of registered voters of a particular
14-5 territory, voters whose names appear on the list of registered
14-6 voters with the notation "S", or a similar notation, shall be
14-7 excluded from the computation.

14-8 (b) The signature of a voter whose name appears on the list
14-9 of registered voters with the notation "S", or a similar notation,
14-10 is considered valid if the voter:

14-11 (1) is otherwise eligible to vote in the territory;

14-12 and

14-13 (2) provides a residence address located in the
14-14 territory.

14-15 SECTION 70. (a) The following provisions of the Election
14-16 Code are repealed:

14-17 (1) Section 31.099(b);

14-18 (2) Section 42.061(c);

14-19 (3) Section 84.008(b);

14-20 (4) Section 87.101;

14-21 (5) Section 105.002; and

14-22 (6) Section 145.092(e).

14-23 (b) Section 5, Chapter 404 (H.B. 25), Acts of the 85th
14-24 Legislature, Regular Session, 2017, which amended Section
14-25 105.002(c), Election Code, is repealed.

14-26 SECTION 71. This Act takes effect September 1, 2019.

14-27 * * * * *