

BILL ANALYSIS

C.S.H.B. 3840
By: Laubenberg
Elections
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties contend that, due to technological advances, the current procedures for administering primary elections in Texas are outdated. C.S.H.B. 3840 seeks to address this issue by updating these procedures.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill expressly does one or more of the following: creates a criminal offense, increases the punishment for an existing criminal offense or category of offenses, or changes the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the secretary of state in SECTIONS 13, 27, 29, and 40 of this bill.

ANALYSIS

C.S.H.B. 3840 amends the Election Code to replace the authorization for a county election officer to contract with the county executive committee of a political party holding a primary election in the county to perform election services in the party's general primary election, runoff primary election, or both with a requirement that a county election officer, on request of the county chair of a political party holding a primary election in the county, contract with the party's county executive committee to perform election services in the party's general primary election and runoff primary election in accordance with a cost schedule agreed on by the contracting parties. The bill requires a custodian of automatic tabulating equipment to notify the county chair of a political party of the first test of the equipment conducted for a primary election at least 48 hours before the date of the test and to require a general custodian of election records to notify the county chair of a political party of a logic and accuracy test of a voting system conducted for a primary election at least 48 hours before the date of the test. The bill requires the county chair to confirm receipt of such notices. The bill increases the penalty for unlawful participation in party affairs from a Class C misdemeanor to a second degree felony except in the case of an attempt, in which case the penalty is increased to a state jail felony.

C.S.H.B. 3840 transfers from the county executive committee to the county chair the duty to conduct the drawing that determines the order of names on the general primary ballot for the county but maintains the county executive committee's ability to provide by resolution that the drawing be conducted by the primary committee. The bill removes the requirement that the drawing be conducted at the county seat. The bill conditions the requirement for notice of the date, hour, and place of the drawing to be posted on the bulletin board used for posting notice of meetings of the commissioners court on the party not maintaining a website. The bill requires the state chair to conduct the drawing if the county chair requests that the state chair do so or the county chair fails to conduct the drawing by the prescribed deadline. The bill conditions the

requirement for the county chair to submit the format for the official ballot for a general primary election to the primary committee for its review and approval before having the official ballots printed on the establishment of a primary committee. The bill replaces the requirement for the order of the candidates' names on the runoff primary election ballot for each county to be determined by a drawing conducted in the same manner as the regular drawing for position on the general primary election ballot, subject to certain exceptions, with a requirement for the order of the candidates' names on the runoff primary election ballot for each county to be in the same order as on the general primary election ballot.

C.S.H.B. 3840 changes the contents of the written notice regarding conventions that is required to be posted by the presiding judge at each outside door through which a voter may enter the building in which a polling place for a primary election is located from the date, hour, and place for convening the precinct convention to the date, hour, and place for each precinct, county, senatorial, or state convention that a voter in the precinct may be eligible to attend during the election year. The bill authorizes such notice to include the website of the county party and state party and any other information deemed necessary by the state executive committee. The bill requires the state chair to develop a form for the notice that may be used statewide and expressly requires a presiding judge who does not use an officially prescribed form for the notice to include the required notice information. The bill requires a state chair, county chair, or precinct chair to provide the presiding judge with the necessary information respecting the chair's associated convention.

C.S.H.B. 3840 transfers from the county chair to the county clerk the duty to post a notice of a primary election and a notice of consolidated precincts, if applicable, in the manner prescribed for general and special elections. The bill requires the notice to be posted on the party's website if the party maintains a website and conditions the requirement for the notice to be posted on the bulletin board used for posting notice of meetings of the commissioners court on the party not maintaining a website.

C.S.H.B. 3840 authorizes a political party to prepare a notice not larger than letter-sized for distribution to each voter participating in the party's primary election at the time the voter is accepted for voting and authorizes the notice to include information describing the party's convention process, information detailing the time and place of the party's first level convention process, contact information for the county and state political parties, and website links for information and registration for party conventions. The bill requires the state chair of a political party to prescribe a form for a notice that may be used in any county, authorizes a county chair of a political party to prescribe a specific notice for the county chair's county, and requires the same notice to be used in all precincts within a county. The bill requires such a notice to be approved by the secretary of state. If a county chair of a political party uses the form of notice prescribed by the state chair, only the convention location and time may be added without the secretary of state's approval. The bill requires a county chair of a political party to supply a notice prepared according to these provisions to the authority conducting the election not later than the 30th day before the date early voting by personal appearance begins. The bill requires the secretary of state to prescribe procedures and adopt rules as necessary to implement the bill's provisions relating to the distribution of such a notice. The bill exempts the distribution of the notice from application of an offense for electioneering and authorizes an affiliation certificate issued by a presiding judge to a voter that is accepted to vote without presenting a registration certificate to be combined with the notice. The bill establishes that if the combined form is used, an election officer at a primary election polling place is not required to comply with the requirement to stamp the party's name in the party affiliation space of the registration certificate of each voter who presents the voter's registration certificate and is accepted to vote.

C.S.H.B. 3840 removes the exception for a general primary election for the offices of county chair and precinct chair from the prohibition against write-in voting in a primary election. The bill transfers from the county chair to the authority establishing a central counting station the duties to prepare the unofficial tabulation of precinct results for a primary election, to make

periodic announcements of the current state of the tabulation, and to deliver the tabulation to the general custodian of election records on completion. The bill requires the authority to post the periodic announcements on the county's website, if the county maintains a website, and gives the authority the option of posting the tabulation on the county's website or the secretary of state's website as an alternative to delivering the tabulation to the general custodian. The bill repeals the requirement for the custodian to deliver the precinct returns to the county chair for the purpose of preparing the unofficial tabulation and repeals certain requirements imposed on the county chair upon receiving those precinct returns. The bill changes the period for which a general custodian of election records is required to preserve the poll lists maintained for a primary election and for which a voter registrar is required to preserve each precinct list of registered voters that is used for a primary election from until the end of the voting year in which the primary election is held to 22 months. The bill authorizes a county chair, if the county records the acceptance of a voter electronically, to request an electronic document listing the persons who voted in the party primary.

C.S.H.B. 3840 requires a county clerk to prepare and submit to the secretary of state a report of the results of the canvass of precinct primary election returns for the county and requires the report to include the total number of votes cast in each precinct for each candidate or measure and the number of counted and uncounted provisional ballots cast in each precinct. The bill establishes that the final canvass is concluded when the county chair digitally certifies the canvass report on the secretary of state's website and that the posting on the site that the results are final completes the canvass report. The bill expressly does not require the county chair to file any additional notice or report with the county clerk.

C.S.H.B. 3840 replaces the requirement for a county chair to execute and file with the county clerk an affidavit certifying that the returns for county and precinct offices posted on the secretary of state's website are the correct and complete returns with a requirement for the chair to digitally execute the affidavit. The bill replaces the authority of the secretary of state to adopt by rule a process to allow the chair to submit the affidavit digitally with a requirement for the secretary to do so. The bill includes "declared ineligible" among the appropriate notations developed by the secretary of state to describe the status of each primary candidate nominated for a county or precinct office. The bill requires the county chair to notify the state chair after any withdrawal or death of such a candidate, and subsequent replacement of the candidate on the ballot, and transfers the duty to update the notation on the secretary of state's website from the county chair to the state chair.

C.S.H.B. 3840 revises the process by which notice of persons elected as party officers is given by replacing the requirement that the county chair deliver written notice to the state chair and to the county clerk of the names of the persons elected as county chair and precinct chairs for the county not later than the 20th day after the date the local canvass is completed with a requirement for the county chair to post such names on the secretary of state's website by that deadline; by including among the required contents of the notice each precinct officer's phone number and email address, if supplied by the officer; and by requiring the secretary of state to make such phone numbers and email addresses and each party officer's address available to the state chair, but not available to the public. The bill requires any appointment to fill a vacancy in the office of precinct or county chair to be posted on the secretary of state's website.

C.S.H.B. 3840 repeals provisions relating to the requirements for a county chair to prepare and deliver county election returns for the statewide and district offices voted on in a primary election. The bill changes from in writing to on the secretary of state's website the method by which the state chair is required to certify for placement on the runoff primary election ballot the name of each general primary candidate for a statewide or district office who is to be a candidate in the runoff. The bill replaces the requirement for the state chair to deliver the certification to the county chair in each affected county as soon as practicable after the state canvass of the general primary election is completed with a requirement for the state chair to deliver the certification by posting next to the candidate's name on the secretary of state's website whether

the person lost in the primary or is in a runoff for the position as soon as practicable after the state canvass of the general primary election is completed. The bill adds to the requirement for the state chair to execute and file with the secretary of state an affidavit certifying that the election returns for statewide and district offices posted on the secretary's website are the correct and complete returns the specification that the state chair do so digitally. The bill replaces the authorization for the secretary of state to adopt by rule a process to allow the state chair to submit the affidavit digitally with a requirement for the secretary of state to do so.

C.S.H.B. 3840 authorizes the requirements for a county clerk and the secretary of state to enter the precinct results for a primary election in the applicable election register to be met by entering the results on the secretary of state's website if the secretary of state maintains a website for that purpose. The bill transfers from the county chair to the county clerk the duty to deliver the report of the number of votes in a primary election, including early voting votes, received in each county election precinct by each candidate for a statewide office or the office of United States representative, state senator, or state representative.

C.S.H.B. 3840 removes the requirement for a written certification of the candidates' names that are to appear on the ballot for a joint primary election to be delivered to the county clerk in accordance with rules prescribed by the secretary of state. The bill instead requires the county clerk to obtain the candidates' names that are to appear on the primary ballot, office sought, and candidate and office ballot order from the certified list on the secretary of state's website. The bill requires a voter to be allowed privacy to the extent possible when indicating the voter's choice as to which political party's primary the voter chooses to vote in. The bill authorizes a voter to indicate, without verbalizing, the voter's choice by pointing to which party's ballot the voter chooses, requires the secretary of state to prescribe a sign to inform voters of this option, and requires the co-judges of each polling place to post the sign beside the signature roster.

C.S.H.B. 3840 replaces certain content requirements for a sign used to identify the location of a polling place for a primary election or a primary runoff election with an authorization for the presiding judge or alternate presiding judge for a precinct to post signs at such a polling place that identify the names of, or symbols representing, any political parties holding an election at the polling place and do not refer to a candidate or measure on the ballot. The bill requires the secretary of state to adopt rules to provide that such signs posted in the same county have a similar size and format and repeals a provision limiting the applicability of provisions relating to the content of such signs to signs posted at a polling place used to hold an election for more than one political party.

C.S.H.B. 3840 includes a primary election that is required for the nomination of a political party to a multicounty district office in an applicable county among the elections required to be held in accordance with statutory provisions relating to the alternative primary procedure for counties without county party leadership. The bill removes the authorization for such a county to designate the location of the polling place for a primary election held under those provisions at the main early voting polling place or to designate a location to serve as a polling place in the county seat of the county if the polling place is located so that it will adequately serve the voters. The bill instead authorizes the county clerk to combine voting precincts for such an election to the extent necessary to adequately serve the voters.

C.S.H.B. 3840 prohibits an election officer conducting a primary election at a polling place used to hold an election for more than one political party from suggesting a political party's ballot to a voter or discussing any race on the ballot with a voter. The bill authorizes the state chair, or the state chair's designee, to perform any administrative duty of a county chair or county executive committee related to the conduct of a primary election that has not been performed in the time required by law. The bill requires the state chair to notify the county chair or county executive committee in writing or electronically that a duty has been performed under such authority. The bill authorizes a county chair who has a reasonable impediment or lacks appropriate technology to perform any administrative duty of the county chair related to the conduct of a primary

election within the time required by law to request that the state chair, or the state chair's designee, perform the duty instead of the county chair. The bill authorizes the state chair to act in the role of a county chair for the purposes of state financing of primary elections with the approval of the secretary of state. The bill requires the secretary of state to adopt rules to implement the bill's provisions relating to a state chair's performance of the duties of a county chair or county executive committee in accordance with the conduct of elections and with party rule.

C.S.H.B. 3840 revises an entitlement relating to the distribution on a pro rata basis of state funds appropriated for the financing of primary elections. The bill revises the process by which the secretary of state furnishes rules and guidelines regarding primary election expenses by requiring the secretary of state, during October preceding each primary election year, to post on the secretary's website a current set of the rules and any available guidelines relating to primary election expenses generally and by requiring the secretary of state, if a rule or amendment of a rule is adopted after the set is posted, to update the posting with the new rule or amendment not later than the 10th day after the date of its adoption. The bill requires the secretary of state to email each state or county chair who has provided the secretary of state an email address when the rules and guidelines have been posted.

C.S.H.B. 3840 authorizes the state chair to accept money into the state primary fund on behalf of a county party with the consent of the secretary of state and the county executive committee, if one exists for the county. The bill requires the state chair to keep records to track the money that is attributable to a county. The bill removes from the required uses of a county primary fund payment of expenses incurred by the county executive committee in connection with a primary election and removes from the required uses of a state primary fund payment of expenses incurred by the state executive committee in connection with a primary election. The bill transfers the duty of managing a county primary fund from the county executive committee to the county chair and transfers the duty of managing a state primary fund from the state executive committee to the state chair. The bill authorizes the secretary of state to approve an expenditure of state funds for an audit of a county primary fund on request of the state chair.

C.S.H.B. 3840 replaces the requirement for the state chair to allocate the filing fee for a district office accompanying an application for a place on the ballot filed with the state chair during the regular filing period among the county executive committees serving the counties comprising the district with a requirement for such a fee to be remitted to the secretary of state and deposited in the state treasury for the financing of primary election expenses. The bill repeals the requirement for the state chair to prepare a report of the filing fees accompanying applications for a place on the ballot filed with the state chair. The bill removes the requirement for a written statement of estimated expenses of a county or state executive committee in connection with a primary election to be submitted to the secretary of state by the county or state chair, respectively. The bill includes the amount of certain contributions to the county or state chair among the required contents of a statement of estimated primary expenses submitted to the secretary of state by the applicable chair. The bill authorizes the state chair of a party, or the state chair's designee, to submit such a statement of estimated primary expenses on behalf of a county chair if the county chair requests the state chair do so or the county chair fails to submit the statement by the prescribed deadline. The bill replaces the authorization for the secretary of state, on the request of a county election officer who conducts a primary election under an election services contract, to provide payment of primary expenses directly to the county election officer who incurs the expense rather than to the county chair on request of the county election officer with a requirement for the secretary of state to do so and removes language limiting the officers to which this provision applies to officers of a county with a population of 100,000 or more.

C.S.H.B. 3840 requires a vendor providing election services or materials for use in a primary election or primary runoff election to a county chair or a county election officer contracting with a county chair for such an election to directly bill the secretary of state for the cost of the services or materials used on election day for which state funding is available. The bill sets out additional

provisions relating to the direct billing of such primary expenses and authorizes the secretary of state to adopt rules as necessary to implement the direct billing process.

C.S.H.B. 3840 revises the filing deadline for a county chair's party expense report and includes as a circumstance that constitutes good cause to extend the deadline failure of a vendor or a county election officer contracted to conduct the primary election to provide complete invoices in a timely fashion. The bill replaces the authorization for any state compensation claimed by a county chair or the secretary of a county executive committee to be forfeited on the failure of the county chair to file a timely report with a requirement for such compensation to be forfeited on such failure. The bill replaces the prescribed deadline for the required remittance to the secretary of state of any surplus remaining in a primary fund after the final payment from the fund of the necessary expenses for holding the primary elections for that year with a specification that such remittance occurs upon request of the secretary of state.

C.S.H.B. 3840 repeals the following provisions of the Election Code:

- Sections 172.084(b), (c), (d), and (e)
- Sections 172.113(b) and (c)
- Section 172.119
- Sections 172.127(a)
- Sections 173.062(b), (c), and (d)
- Section 173.064
- Section 173.088

EFFECTIVE DATE

September 1, 2017.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 3840 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

No equivalent provision.

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Sections 31.092(b), (d), and (e), Election Code, are transferred to Section 31.093, Election Code, redesignated as Sections 31.093(c), (d), and (e), Election Code, respectively, and amended to read as follows:

(c) ~~(b)~~ On request of the county chair of a political party holding a primary election in the county, the [The] county election officer shall [may] contract with the county executive committee of the [a-political] party [holding a primary election in the county] to perform election services, as provided by this subchapter, in the party's general primary election and [or] runoff primary election in accordance with a cost

schedule agreed on by the contracting parties[, or both].

(d) In a contract required ~~[authorized]~~ by Subsection (c) ~~[(b)]~~, the county election officer may not prevent the county chair or the chair's designee from supervising the conduct of the primary election, including the tabulation of results, as required by Chapter 172.

(e) A ~~[If a]~~ county election officer ~~[enters into a contract with a county executive committee under Subsection (b) to perform election services, the officer]~~ must offer to contract on the same terms with the county executive committee of each political party holding a primary election in the county.

No equivalent provision.

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

(a) If requested to do so by a political subdivision ~~[or political party]~~, the county elections administrator shall enter into a contract to furnish the election services requested, in accordance with a cost schedule agreed on by the contracting parties.

SECTION 1. Section 61.003(b)(1), Election Code, is amended.

SECTION 3. Same as introduced version.

SECTION 2. Section 127.096, Election Code, is amended.

SECTION 4. Same as introduced version.

SECTION 3. Section 129.023, Election Code, is amended.

SECTION 5. Same as introduced version.

SECTION 4. Section 162.004(c), Election Code, is amended to read as follows:

(c) If a voter is accepted to vote without presenting a registration certificate, the presiding judge shall issue the voter an affiliation certificate. The certificate is not required to be issued to a voter in a runoff primary unless the voter requests it. An affiliation certificate issued under this subsection may be combined with the notice provided under Section 172.1114.

SECTION 6. Section 162.004(c), Election Code, is amended to read as follows:

(c) If a voter is accepted to vote without presenting a registration certificate, the presiding judge shall issue the voter an affiliation certificate. The certificate is not required to be issued to a voter in a runoff primary unless the voter requests it. The affiliation certificate may be combined with the notice provided under Section 172.1114. If the combined form is used, an election officer is not required to comply with Subsection (b).

SECTION 5. Section 162.014(b), Election Code, is amended.

SECTION 6. Section 172.0221, Election Code, is amended to read as follows:

Sec. 172.0221. NOTICE TO CANDIDATE REGARDING POSTING OF CERTAIN INFORMATION. (a) The authority with whom an application is filed must inform the candidate that the candidate's public mailing address and, if provided on the application, the candidate's electronic mail address will be posted by the secretary of state on the secretary's publicly viewable website.

(b) If a candidate fails to supply a public mailing address on the application, the county chair shall provide the secretary of state with the candidate's residence address, to be posted on the secretary's publicly viewable website as the candidate's mailing address.

(c) A prescribed form for an application for a place on the general primary election ballot shall state:

(1) the information described by Subsection (a); and

(2) that the candidate's residence address will be posted on the secretary of state's publicly viewable website if the candidate fails to provide a public mailing address.

SECTION 7. Section 172.082, Election Code, is amended.

SECTION 8. Section 172.083, Election Code, is amended.

SECTION 9. Section 172.084(a), Election Code, is amended.

SECTION 10. Section 172.1111, Election Code, is amended to read as follows:

Sec. 172.1111. POSTING NOTICE OF CONVENTIONS [PRECINCT CONVENTION] REQUIRED. (a) Before the opening of the polls, the presiding judge shall post at each outside door through which a voter may enter the building in which the polling place is located a written

SECTION 7. Same as introduced version.

No equivalent provision.

SECTION 8. Same as introduced version.

SECTION 9. Same as introduced version.

SECTION 10. Same as introduced version.

SECTION 11. Section 172.1111, Election Code, is amended to read as follows:

Sec. 172.1111. POSTING NOTICE OF CONVENTIONS [PRECINCT CONVENTION] REQUIRED. (a) Before the opening of the polls, the presiding judge shall post at each outside door through which a voter may enter the building in which the polling place is located a written

notice in bold print of the date, hour, and place for each [~~convening the~~] precinct, county, senatorial, or state convention occurring in the state during the election year.

(b) Notice posted under this section may include:

(1) the website of the county party and state party; and

(2) any other information deemed necessary by the state executive committee.

(b-1) The state chair shall develop a form for the notice that may be used statewide. The judge is not required to use an officially prescribed form for the notice, but must include any information required by this section.

(b-2) A state chair, county chair, or precinct chair shall provide the presiding judge with the necessary information respecting the chair's associated convention.

(c) The notice must remain posted continuously through election day.

SECTION 11. Section 172.1112(a), Election Code, is amended.

SECTION 12. Subchapter E, Chapter 172, Election Code, is amended by adding Section 172.1114 to read as follows:

Sec. 172.1114. DISTRIBUTION OF NOTICE OF CONVENTIONS. (a) A political party may prepare a notice not larger than letter-sized for distribution to each voter participating in the party's primary election at the time the voter is accepted for voting by personal appearance.

(b) The notice may include:

(1) information describing the party's convention process;

(2) information detailing the time and place of the party's first level convention process;

(3) contact information for the county and state political parties; and

(4) website links for information and registration for party conventions.

(c) The state chair of a political party shall prescribe a form for a notice approved by the secretary of state that may be used in any county. A county chair may prescribe a specific notice for the county chair's county. The same notice must be used in all precincts within a county.

notice in bold print of the date, hour, and place for each [~~convening the~~] precinct, county, senatorial, or state convention that a voter in the precinct may be eligible to attend during the election year.

(b) Notice posted under this section may include:

(1) the website of the county party and state party; and

(2) any other information deemed necessary by the state executive committee.

(b-1) The state chair shall develop a form for the notice that may be used statewide. The judge is not required to use an officially prescribed form for the notice, but must include any information required by this section.

(b-2) A state chair, county chair, or precinct chair shall provide the presiding judge with the necessary information respecting the chair's associated convention.

(c) The notice must remain posted continuously through election day.

SECTION 12. Same as introduced version.

SECTION 13. Subchapter E, Chapter 172, Election Code, is amended by adding Section 172.1114 to read as follows:

Sec. 172.1114. DISTRIBUTION OF NOTICE OF CONVENTIONS. (a) A political party may prepare a notice not larger than letter-sized for distribution to each voter participating in the party's primary election at the time the voter is accepted for voting.

(b) The notice may include:

(1) information describing the party's convention process;

(2) information detailing the time and place of the party's first level convention process;

(3) contact information for the county and state political parties; and

(4) website links for information and registration for party conventions.

(c) The state chair of a political party shall prescribe a form for a notice that may be used in any county. A county chair of a political party may prescribe a specific notice for the county chair's county. The same notice must be used in all precincts within a county.

If a county chair uses the form for the notice prescribed by the state chair, only the convention location and time may be added without the secretary of state's approval.

(d) A county chair of a political party that elects to distribute a notice prepared under this section shall supply a notice to the authority conducting the election not later than the 30th day before the date early voting by personal appearance begins.

(e) The secretary of state shall prescribe procedures and adopt rules as necessary to implement this section.

SECTION 13. Section 172.112, Election Code, is amended.

SECTION 14. Sections 172.113(a), (d), and (e), Election Code, are amended.

SECTION 15. Section 172.114, Election Code, is amended.

SECTION 16. Section 172.1141, Election Code, is amended.

SECTION 17. Section 172.115(a), Election Code, is amended.

SECTION 18. Section 172.116, Election Code, is amended.

SECTION 19. Sections 172.117(a), (a-1), and (a-2), Election Code, are amended.

SECTION 20. Section 172.118, Election Code, is amended to read as follows:
Sec. 172.118. NOTICE OF PERSONS ELECTED AS PARTY OFFICERS. (a) Not later than the 20th day after the date the local canvass is completed, the county chair shall post on the secretary of state's website [~~deliver written notice to the state chair and to the county clerk of~~] the names of the persons elected as county chair and precinct

(d) A notice must be approved by the secretary of state. If a county chair of a political party uses the form of notice prescribed by the state chair, only the convention location and time may be added without the secretary of state's approval.

(e) A county chair of a political party shall supply a notice prepared according to this section to the authority conducting the election not later than the 30th day before the date early voting by personal appearance begins.

(f) The secretary of state shall prescribe procedures and adopt rules as necessary to implement this section.

SECTION 14. Same as introduced version.

SECTION 15. Same as introduced version.

SECTION 16. Same as introduced version.

SECTION 17. Same as introduced version.

SECTION 18. Same as introduced version.

SECTION 19. Same as introduced version.

SECTION 20. Same as introduced version.

SECTION 21. Section 172.118, Election Code, is amended to read as follows:
Sec. 172.118. NOTICE OF PERSONS ELECTED AS PARTY OFFICERS. (a) Not later than the 20th day after the date the local canvass is completed, the county chair shall post on the secretary of state's website [~~deliver written notice to the state chair and to the county clerk of~~] the names of the persons elected as county chair and precinct

chairs for the county. ~~[This notice may be given by electronic means or through an electronic submission system adopted by the state executive committee of the party.]~~

(b) The notice must include:

(1) each party officer's address;

(2) ~~[and]~~ each precinct chair's precinct number; and

(3) each precinct officer's phone number and e-mail address, if supplied by the officer.

(c) The secretary of state shall make information described by Subsection (b)(3) available to the state chair, but not available to the public. ~~[The county clerk shall preserve the notice until the county clerk receives notice of the party officers elected at the succeeding primary election.]~~

(d) Any appointment to fill a vacancy in the office of precinct or county chair shall be posted on the secretary of state's website. ~~[On request of the secretary of state, the state chair shall deliver to the secretary written notice of the names and addresses of the party's county chairs. This notice may be given in electronic format as set out in rules adopted by the secretary of state.]~~

SECTION 21. Section 172.121, Election Code, is amended.

SECTION 22. Section 172.122(a), Election Code, is amended.

SECTION 23. Section 172.123, Election Code, is amended.

SECTION 24. Section 172.124(b), Election Code, is amended.

SECTION 25. Section 172.126, Election Code, is amended.

SECTION 26. The heading to Section 172.127, Election Code, is amended to read as follows:

Sec. 172.127. CONTENT OF SIGNS [SIGN] USED TO IDENTIFY POLLING PLACE [LOCATION].

chairs for the county. ~~[This notice may be given by electronic means or through an electronic submission system adopted by the state executive committee of the party.]~~

(b) The notice must include:

(1) each party officer's address;

(2) ~~[and]~~ each precinct chair's precinct number; and

(3) each precinct officer's phone number and e-mail address, if supplied by the officer.

(c) The secretary of state shall make information described by Subsections (b)(1) and (3) available to the state chair, but not available to the public. ~~[The county clerk shall preserve the notice until the county clerk receives notice of the party officers elected at the succeeding primary election.]~~

(d) Any appointment to fill a vacancy in the office of precinct or county chair shall be posted on the secretary of state's website. ~~[On request of the secretary of state, the state chair shall deliver to the secretary written notice of the names and addresses of the party's county chairs. This notice may be given in electronic format as set out in rules adopted by the secretary of state.]~~

SECTION 22. Same as introduced version.

SECTION 23. Same as introduced version.

SECTION 24. Same as introduced version.

SECTION 25. Same as introduced version.

SECTION 26. Same as introduced version.

No equivalent provision.

SECTION 27. Section 172.127, Election Code, is amended by adding Subsection (c) to read as follows:

(c) A sign used to indicate the location of voting inside the polling place for a primary election:

(1) may contain only the party's name and directional information to the voting location, including any room name or number;

(2) must be the same size and contain writing in the same font for each political party that is holding an election at the polling place; and

(3) may not contain content that would encourage or discourage a voter to vote in a particular political party's primary.

SECTION 28. Sections 172.128(a) and (c), Election Code, are amended.

SECTION 29. Subchapter E, Chapter 172, Election Code, is amended.

SECTION 30. Section 173.001(d), Election Code, is amended.

SECTION 31. Section 173.010, Election Code, is amended.

SECTION 32. Section 173.032, Election Code, is amended.

SECTION 33. Section 173.033, Election Code, is amended.

SECTION 34. Section 173.034, Election Code, is amended.

SECTION 35. Section 173.036(a), Election Code, is amended.

SECTION 27. Section 172.127, Election Code, is amended by amending Subsection (b) and adding Subsection (c) to read as follows:

(b) The presiding judge or alternate presiding judge for the precinct may post signs at [A sign used to indicate the location of] a polling place for a primary election or a primary runoff election that ~~[must either]~~:

(1) identify ~~[not contain]~~ the names ~~[name]~~ of, or symbols ~~[symbol]~~ representing, any political parties ~~[party that is]~~ holding an election at the polling place; and ~~[or]~~

(2) do not refer to a candidate or measure on the ballot ~~[contain each name of, or each symbol representing, a political party that is holding an election at the polling place].~~

(c) The secretary of state shall adopt rules to provide that signs posted as authorized by Subsection (b) in the same county have a similar size and format.

SECTION 28. Same as introduced version.

SECTION 29. Same as introduced version.

SECTION 30. Same as introduced version.

SECTION 31. Same as introduced version.

SECTION 32. Same as introduced version.

SECTION 33. Same as introduced version.

SECTION 34. Same as introduced version.

SECTION 35. Same as introduced version.

SECTION 36. The heading to Section 173.062, Election Code, is amended.

SECTION 36. Same as introduced version.

SECTION 37. Section 173.062(a), Election Code, is amended.

SECTION 37. Same as introduced version.

SECTION 38. Section 173.081, Election Code, is amended.

SECTION 38. Same as introduced version.

SECTION 39. Section 173.0832, Election Code, is amended.

SECTION 39. Same as introduced version.

SECTION 40. Subchapter D, Chapter 173, Election Code, is amended.

SECTION 40. Same as introduced version.

SECTION 41. Section 173.084, Election Code, is amended.

SECTION 41. Same as introduced version.

SECTION 42. Section 173.0851(a), Election Code, is amended.

SECTION 42. Same as introduced version.

SECTION 43. The following provisions of the Election Code are repealed:

- (1) Sections 172.084(b), (c), (d), and (e);
- (2) Sections 172.113(b) and (c);
- (3) Section 172.119;
- (4) Sections 172.128(d) and (f);
- (5) Sections 173.062(b), (c), and (d);
- (6) Section 173.064; and
- (7) Section 173.088.

SECTION 43. The following provisions of the Election Code are repealed:

- (1) Sections 172.084(b), (c), (d), and (e);
- (2) Sections 172.113(b) and (c);
- (3) Section 172.119;
- (4) Section 172.127(a);
- (5) Sections 173.062(b), (c), and (d);
- (6) Section 173.064; and
- (7) Section 173.088.

SECTION 44. The change in law made by this Act in amending Section 162.014(b), Election Code, applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect when the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 44. Same as introduced version.

SECTION 45. This Act takes effect
September 1, 2017.

SECTION 45. Same as introduced version.