

CHAPTER 560

H.B. No. 2177

An Act relating to certain documents relating to elections that are required to be delivered to the secretary of state.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Subdivision 3, Section 3, Texas Election Code (Article 1.03, Vernon's Texas Election Code), is amended to read as follows:

Subdiv. 3. Upon petition of fifteen or more resident citizens of any one county to the Secretary of State, the Secretary of State shall, or may at any time upon his own initiative, appoint inspectors to observe all functions, activities, or procedures conducted pursuant to the election laws of this State. *The petition must be received by the Secretary of State not later than the fifth day before the date of the election for which the inspectors are requested.* Any such inspectors shall be subject to the direction of and responsible to the Secretary of State and he may terminate any appointment at any time. Any such inspectors may be present at, observe, and take reasonable steps to evidence all activities, functions, and procedures (except for the marking of any ballot by a voter, unless being assisted by an election officer) at any polling place, place of canvass, central counting station, or other place where official election or registration functions take place. The Secretary of State or any member of his staff may, upon the initiative of the Secretary of State alone, whether any violation of election laws is suspected or not, be present at, observe, and take reasonable steps to evidence any activities, functions, and procedures at any polling place, place of canvass, central counting station, or other place where

official election or registration functions take place. Any inspectors appointed under this provision shall report to the Secretary of State any violations of law observed and the Secretary of State may refer the violation to the Attorney General or a prosecuting attorney for appropriate action.

SECTION 2. Section 53a, Texas Election Code (Article 5.21a, Vernon's Texas Election Code), is amended to read as follows:

53a. **STATEMENT OF REGISTRATIONS.** (a) On or before March 5 of each year, the registrar shall make a statement to the secretary of state of the number of registered voters in each precinct as shown by the list of registered voters on March 1, and the secretary of state shall file the statement as a record of his office. The registrar shall also file a copy of the statement as a record of his office.

(b) *Not later than the 20th day before the date of the general primary election and the date of the general election for state and county officers, each voter registrar shall deliver to the secretary of state a statement, in the form prescribed by the secretary, of the number of persons whose voter registrations in the county will be effective on election day.*

SECTION 3. Subdivision 1, Section 125a, Texas Election Code (Article 8.43a, Vernon's Texas Election Code), is amended to read as follows:

Subdiv. 1. Within 70 days after each general election, and within 30 days after each special election at which *the appropriate [a statewide]* office is voted on, the county clerk shall forward to the Secretary of State a report of the number of votes cast for each candidate for a statewide office *or the office of United States representative, state senator, or state representative* in each precinct of the county. In a presidential election year the report shall include the votes cast for each party's candidates for president and vice-president. The report may be in the form of either transcribed or photographic copies of the precinct returns for *those [the statewide]* offices as made by the presiding judges of the election, or in the form of a tabulated statement compiled from the official canvass by the Commissioners Court, or in such other form as the Secretary of State approves for reporting the information to him.

SECTION 4. Subdivision 1, Section 202a, Texas Election Code (Article 13.24a, Vernon's Texas Election Code), is amended to read as follows:

Subdiv. 1. Within 30 days after each primary election, the chairman of the county executive committee shall forward to the Secretary of State a report of the number of votes cast for each candidate for a statewide office *or the office of United States representative, state senator, or state representative* in each precinct of the county. The report may be in the form of either transcribed or photographic copies of the precinct returns for *those [the statewide]* offices as made by the presiding judges of the election, or in the form of a tabulated statement compiled from the official canvass by the county executive committee, or in such other form as the Secretary of State approves for reporting the information to him.

SECTION 5. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed by the House on April 25, 1985, by a non-record vote; House concurred in Senate amendments to H.B. No. 2177 on May 23, 1985, by a non-record vote; passed by the Senate, with amendments, on May 21, 1985, by the following vote: Yeas 31, Nays 0.

Approved: June 12, 1985

Effective: August 26, 1985