

CHAPTER 966

S.B. No. 1470

An Act relating to the financing of primary elections and to filing fees; to preparation, distribution, and care of certified list of voters; amending the Texas Election Code by amending Subsections (a), (b), and (c), Section 186a; Subsections (a), (b), and (c), Section 186a-1; Section 186c; Subsections (c) and (e), Section 186; Subdivision (5), Section 196; Subdivision (1), Section 51a; Subdivision (5), Section 48a; and Section 113 (Articles 13.08a, 13.08a-1, 13.08c, 13.08, 13.18, 5.19a, 5.16a, and 8.31 Vernon's Texas Election Code).

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

SECTION 1. Subdivision (1), Section 51a, Texas Election Code (Article 5.19a, Vernon's Texas Election Code), is amended to read as follows:

"(1) The registrar shall prepare for each election precinct of the county a certified list of registered voters who are registered as of the 30th day prior to the first election in each voting year. In preparing the list of registered voters for an election occurring during the period March 1 through August 15 of an even-numbered year, the registrar of voters may not include on the list of registered voters the name of any voter whose voter registration certificate was returned to the registrar of voters after the mailout required by Subdivision 2(b), Section 46a, Texas Election Code, as amended (Article 5.14a, Vernon's Texas Election Code), unless such voter has filed the affidavit required by Subdivision 2(e), Section 46a, Texas Election Code, as amended (Article 5.14a, Vernon's Texas Election Code), more than 29 days before the date of such election. Each precinct list shall be arranged alphabetically by the names of the voters and showing each voter's name, residence address, sex, date of birth and registration number. The Secretary of State may prescribe the content and format of the precinct list. The registrar shall deliver *on request* to each board, executive committee, or other authority having the duty of furnishing supplies for any general, special, or primary election to be held within the county during the voting year for which the list is prepared, one set of such lists for all precincts in the county if *the [any] election [which may be] held by such authority is countywide, and one set of such lists for all precincts wholly or partially within the boundaries of the particular political subdivision if the election [all elections which may be] held by such authority is [are] less than countywide.* The registrar shall also furnish *on request* to each such authority an updated supplemental list of the voters in each precinct who will have been registered for 29 days on the day of the election and whose names do not appear on the original list. In ~~[the event the prescribed combination form in accordance with Section 16 of this code has been furnished, before the first day of absentee voting in any subsequent election held by the authority during that voting year, the registrar shall furnish to the authority in either the prescribed combination form or simple list form; another copy of the original list and an updated supplemental list of the voters in each precinct who will have been registered for 20 days on the day of the election and whose names do not appear on the original list, except that in] the case of a runoff election the registrar may furnish a copy of the supplemental list prepared for the preceding election and a supplemental list of the voters who will have been registered for 29 days on the day of the runoff election and whose names do not appear on the original list or the supplemental list prepared for the preceding election instead of preparing a single updated supplemental list for that election. In every instance, instead of preparing a supplemental list or lists, the registrar may prepare a revised original list consolidating into it the names of the voters that would have been included on the supplemental list or lists. With each supplemental list or revised original list the registrar shall also furnish a list of persons whose registration information has been changed or corrected or whose registration has been cancelled or transferred to another precinct since preparation of the last set of lists. The authority shall furnish to the presiding judge in each precinct the original and supplemental lists of voters in his precinct at the time it furnishes other election supplies. Prior to the opening of the polls, the presiding judge shall strike from the registration list the names of persons whose registration has been cancelled or transferred to another precinct, and shall correct the list for persons whose registration information has been changed or corrected.~~

"Before the first day of March in each even-numbered year and whenever appropriate thereafter, the registrar shall attach to each list herein required an alphabetical corresponding certified list of all the persons whose registration certificates were returned, pursuant to the provisions of Section 46a of this code ~~]; and such list shall remain attached to the election precinct list for four months thereafter].~~ The precinct lists may be combined with the corresponding lists of returned registration certificates in accordance with the form and content prescribed by the Secretary of State."

SECTION 2. Subdivision 5, Section 48a, Texas Election Code (Article 5.16a, Vernon's Texas Election Code), is amended to read as follows:

"Subdivision 5. Correction of registration records. ~~After receiving the lists of registered voters and the affidavits after an election, the [Within 10 days after the election, the officer to whom the list of registered voters is returned shall notify the registrar of any additions which the election officers made to the list of registered voters and deliver to the registrar each affidavit of residence submitted at the election. Within the same period, the officer to whom the affidavit of erroneous election precinct is returned shall notify the registrar of the names and other information contained on the affidavits used in the election. The] registrar shall take the necessary steps to verify and correct the registration~~

records, including deleting from the list of returned registration certificates the name of each voter who voted after submitting an affidavit of residence and delivering a corrected registration certificate to each voter. To ensure the accuracy of the registration certificates, the registrar may order a recall of the original registration certificates for correction where necessary. If the registrar finds that a person who voted is not registered, he shall report the matter to the prosecuting attorney."

SECTION 3. Section 113, Texas Election Code (Article 8.31, Vernon's Texas Election Code), is amended to read as follows:

"113. RETURN OF ELECTION SUPPLIES, REGISTRATION LISTS, AND AFFIDAVITS. (a) The presiding judge shall deliver ~~[the certified lists of qualified voters and]~~ all stationery, rubber stamps, blank forms, and other election supplies not used, to the county clerk at the same time that he delivers the returns of the election, and not later than twenty-four hours after the closing of the polls.

"(b) At the same time the election supplies are delivered under Subsection (a) of this section, the presiding judge shall deliver in an envelope to the voter registrar the lists of registered voters and the affidavits of residence, erroneous election precinct, and challenge of voters.

"(c) The presiding judge [He] shall provide for the safe storage of the voting booths in some place and notify the county clerk."

SECTION 4. Subsections (a), (b), and (c), Section 186a, Texas Election Code, as amended (Article 13.08a, Vernon's Texas Election Code), are amended to read as follows:

"(a) Regardless of whether state funds are to be requested, each [Each] county chairman of each political party in the state which is holding primary elections shall submit to the secretary of state at least 45 [30] days before the first primary election a sworn itemized estimate of the costs for conducting the first primary election in his county, together with a sworn statement of the filing fees and contributions received by the chairman, for such primary elections to and including the date of such sworn statement. The secretary of state shall review the estimate and shall notify the chairman of any items which he has disallowed as unauthorized or excessive expenditures. Expenditures may be allowed only for those purposes which are properly payable out of the primary fund under existing law as established by the statutes, court decisions, and administrative rulings of this state. Any other provisions of this code notwithstanding, the secretary of state shall pay for expenditures which, in his discretion, are reasonably necessary for the proper conduct and supervision of the primary elections under the provisions of this code. The secretary of state is authorized to set forth guidelines to determine the necessity of expenditures in conducting primary elections. The secretary of state shall subtract from the approved estimate [any balance remaining from previous primary elections in the appropriate primary fund, and] any amount of the fees and contributions received by the chairman for the conduct and financing of the primary elections for the particular year, and shall certify to the comptroller of public accounts the net estimated amount which is payable out of the state funds, together with the secretary of state's calculation of three-fourths, or three-fifths if the secretary determines that figure to be more efficient, of that amount. The comptroller shall forthwith issue a warrant to the chairman for three-fourths, or three-fifths if appropriate, of the certified amount.

"(b) Regardless of whether state funds are to be requested, in [In] each county in which a second or runoff primary is necessary, within 10 days after the first primary the county chairman shall submit to the secretary of state a sworn itemized estimate of the costs of the runoff primary. As in the case of the first primary, the secretary of state shall notify the chairman of items which he disallows, and shall certify to the comptroller the approved estimated amount which is payable out of state funds, together with the secretary of state's calculation of three-fourths, or three-fifths if the secretary determines that figure to be more efficient, of that amount; and the comptroller shall issue a warrant to the chairman for three-fourths, or three-fifths if appropriate, of the certified amount.

"(c) Regardless of whether state funds are to be requested, within [Within] 20 days after the date of the runoff primary or within 20 days after the date of the general primary if no runoff primary is held in the county, the county chairman shall submit to the secretary of state a sworn itemized report of the actual costs, filing fees collected, and contributions received for the primary election or elections (as the case may be) held by his party in his county. If the actual expenditure for an item exceeded the estimated amount, the chairman shall submit an explanation of the reason for the increased expenditure, and the secretary of state shall allow the increase if good cause is shown. The secretary of state shall certify to the comptroller the difference between the total amount payable out of state funds and the amount which has already been transmitted to the chairman. If the total amount of fees and contributions and the payments from the state, if any, exceeds the actual expenditures incurred, the chairman shall immediately remit the surplus [retain the difference] in the primary fund referred to in Section

196 of this code (Article 13.18, Vernon's Texas Election Code) to the secretary of state. [The exact amount of the balance in the primary fund shall be reported to the secretary of state in the actual expense report provided by this section and said amount shall be a beginning balance on hand for the next ensuing primary conducted by the chairman or his successor. If the primary fund is invested as authorized in Section 196, the beginning balance on hand for the next ensuing primary shall be the amount of the primary fund after termination of the investment.]”

SECTION 5. Subsections (a), (b), and (c), Section 186a-1, Texas Election Code (Article 13.08a-1, Vernon's Texas Election Code), are amended to read as follows:

“(a) *Regardless of whether* [~~If~~] the state executive committee of a political party which is holding primary elections wishes to obtain state financing of the expenses incurred by the state chairman and the committee in conducting the primary elections in addition to the filing fees retained by the state chairman under Section 186 of this code, as amended (Article 13.08, Vernon's Texas Election Code), the state chairman shall submit to the secretary of state at least 45 [~~30~~] days before the first primary election a sworn itemized estimate of the costs for conducting the first primary, together with an itemized statement of any filing fees received by him under filing deadlines falling after the regular deadline to and including the date of the estimate [~~and a statement of the amount of any balance remaining from previous primary elections~~]. The secretary of state shall review the estimate and shall notify the chairman of any items which he has disallowed as unauthorized or excessive expenditures. No expenditure in connection with a party convention or with any party activity other than the conduct of a primary election may be allowed. The secretary of state is authorized to set forth guidelines to determine the necessity of expenditures in conducting primary elections. The secretary of state shall subtract from the approved estimate the amount of the fees collected and retained by the state chairman for that election year [~~and any balance remaining from previous primary elections~~] and shall certify to the comptroller of public accounts the net estimated amount which is payable out of state funds, together with the secretary of state's calculation of three-fourths, or three-fifths if the secretary determines that figure to be more efficient, of that amount. The comptroller shall forthwith issue a warrant to the chairman for three-fourths, or three-fifths if appropriate, of the certified amount.

“(b) *Regardless of whether state funds are to be requested, when* [~~When~~] a runoff for any statewide or district office is necessary, within 15 days after the first primary the state chairman shall submit to the secretary of state a sworn itemized estimate of the state executive committee's costs for the runoff primary. As in the case of the first primary, the secretary of state shall notify the chairman of items which he disallows and shall certify to the comptroller the approved estimated amount which is payable out of state funds, together with the secretary of state's calculation of three-fourths, or three-fifths if the secretary determines that figure to be more efficient, of that amount; and the comptroller shall issue a warrant to the chairman for three-fourths, or three-fifths if appropriate, of the certified amount.

“(c) *Regardless of whether state funds are to be requested, within* [~~Within~~] 20 days after the date of the runoff primary or within 20 days after the date of the general primary if no runoff primary for a statewide or district office is held, the state chairman shall submit to the secretary of state a sworn itemized report of the actual costs incurred by the state chairman and the state executive committee in conducting the primary election or elections (as the case may be) and of any filing fees not previously reported. If the actual expenditure for an item exceeded the estimated amount, the chairman shall submit an explanation of the reason for the increased expenditure, and the secretary of state shall allow the increase if good cause is shown. The secretary of state shall certify to the comptroller the difference between the total amount payable out of state funds and the amount which has already been transmitted to the chairman. If the total amount of fees retained and the payments from the state, if any, exceed the actual expenditures incurred, the chairman shall immediately remit the surplus to the secretary of state [~~retain the difference, to be used as a beginning balance on hand for the next ensuing primary conducted by the party~~].”

SECTION 6. Section 186c, Texas Election Code (Article 13.08c, Vernon's Texas Election Code), is amended to read as follows:

“186c. **FUNDING; DISPOSITION OF SURPLUS.** (a) Funds for the administration of the primary financing provisions of this code shall be supplied from the General Revenue Fund or any special fund which the legislature may direct by the General Appropriations Act. Said funds shall be appropriated for [~~the 1976 primary elections and for subsequent~~] primary elections [~~thereafter~~], and shall be an amount payable from the General Revenue Fund or any special fund which the legislature may direct to pay all necessary expenses of primary elections approved by the secretary of state under the provisions of this code. The secretary of state is authorized to expend funds appropriated in the General Appropriations Act for the administra-

tion of primary elections for seasonal and part-time help, consumable supplies and materials, travel expenses, professional fees and services, and current and recurring operating expenses in an amount not to exceed \$60,000.

“(b) If the amount of the funds appropriated for the financing of primary elections is insufficient to satisfy the requests for those funds made under this code, the secretary of state may distribute the amount of the appropriation on a pro rata basis. Each party executive committee is entitled to a proportionate share of that amount according to that committee’s percentage of the total amount requested.

“(c) Any surplus primary funds received by the secretary of state under this code shall be deposited in the State Treasury and may be used only for the financing of primary elections.”

SECTION 7. Subsection (e), Section 186, Texas Election Code, as amended (Article 13.08, Vernon’s Texas Election Code), is amended to read as follows:

“(e) The fees paid to the county chairman on applications filed with him pursuant to the provisions of Section 190 of this code, as amended (Article 13.12, Vernon’s Texas Election Code), the apportionment of fees received from the state chairman pursuant to this subsection, and any contributions made to the county chairman or the county executive committee for the specific purpose of helping defray the costs of the primary elections shall be deposited to the credit of the primary fund referred to in Section 196 of this code, as amended (Article 13.18, Vernon’s Texas Election Code), and shall be applied to payment of the costs of the primary elections, *subject to the requirements of this code for the remittance of any surplus*. The county chairman and the committee may also use any other available funds toward defraying costs. The remaining costs incurred shall be borne by the state except as otherwise provided by procedures outlined in this code. Within five days after the regular filing deadline, the chairman of the state executive committee shall forward to the secretary of state an itemized listing of all filing fees for statewide offices and for district offices collected on applications filed with him pursuant to Section 190. Within 10 days after the regular filing deadline, the state chairman shall also forward all filing fees for district offices collected by him pursuant to Section 190 to the county chairmen for the counties lying partially or wholly within such district. The amount forwarded to each county chairman shall be equal to the quotient obtained upon dividing the appropriate filing fee by the number of counties in the district of the candidate paying the fee. The state chairman shall retain all filing fees for statewide offices and all filing fees for district offices paid to him under filing deadlines falling after the regular deadline and shall apply them to the sole use of helping defray the costs incurred by the state chairman and the state executive committee in conducting the primary elections.”

SECTION 8. Subdivision 5, Section 196, Texas Election Code (Article 13.18, Vernon’s Texas Election Code), is amended to read as follows:

“Subdivision 5. The funds received by the county executive committee from contributions, fees and assessments paid by candidates, and expenses paid by the secretary of state shall constitute the primary fund, and any surplus remaining in the fund after payment of the necessary expenses for holding the primary elections for that year shall be *immediately remitted [retained in the primary fund, and the balance reported]* to the secretary of state [as required by Section 186a of this code. The county executive committee is authorized to invest the primary fund by deposit with any federally insured institution; provided, however, that the required length of time of the deposit shall not extend beyond 30 days prior to the next general primary election].”

SECTION 9. Subsection (c), Section 186, Texas Election Code, as amended (Article 13.08, Vernon’s Texas Election Code), is amended to read as follows:

“(c) The schedule of filing fees for either a full term or an unexpired term for the various offices is as follows:

“(1) United States Senator	\$4,000	[\$2,000]
“(2) All other statewide offices	3,000	[1,500]
“(3) United States representative	2,500	[1,500]
“(4) State senator	1,000	[750]
“(5) State representative	600	[400]
“(6) Member, state board of education	250	
“(7) Chief justice or associate justice, court of appeals	1,500	[750]
“(8) District judge or judge of any court having status of a district court as classified in Section 61c of this code, as added and amended (Article 605c, Vernon’s Texas Election Code)	1,200	[700]

“(9) Judge of a statutory county court or judge of any court having status of a county court as classified in Section 61c of this code, as added and amended (Article 605c, Vernon’s Texas Election Code), other than the constitutional county court	1,200	[700]
“(10) District attorney or criminal district attorney or county attorney that performs the same functions as either of the above	1,000	[600]
“(11) A county office as classified in Section 61c of this code, as added and amended (Article 605c, Vernon’s Texas Election Code), for which a specific fee is not set by this subsection	600	[300]
“(12) County surveyor or inspector of hides and animals		
“(13) Judge of the constitutional county court and county commissioner, County of 200,000 or more inhabitants	1,000	[600]
County under 200,000 inhabitants	600	[300]
“(14) Justice of the peace or constable, County of 200,000 or more inhabitants	800	[500]
County under 200,000 inhabitants	300	[200]
“(15) Public weigher	50	
“No fee shall be charged for any office of a political party.”		

SECTION 10. Any surplus as of the effective date of this Act in the primary funds under the control of each county executive committee and state executive committee of political parties required to make nominations by primary elections shall be remitted to the secretary of state not later than the 30th day after the effective date of this Act.

SECTION 11. This Act takes effect September 1, 1985.

SECTION 12. 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 the Senate on May 16, 1985, by a viva-voce vote; Senate concurred in House amendment on May 27, 1985, by the following vote: Yeas 31, Nays 0; passed the House, with amendment, on May 25, 1985, by the following vote: Yeas 95, Nays 50, two present not voting.

Filed: June 16, 1985, without signature.

Effective: September 1, 1985