

## CHAPTER 728

## H.B. No. 75

## AN ACT

relating to certain election processes and procedures; providing criminal penalties.

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

SECTION 1. Section 1.012, Election Code, is amended by adding Subsection (c) to read as follows:

*(c) Except as otherwise provided by this code or the open records law, Chapter 424, Acts of the 63rd Legislature, Regular Session, 1973 (Article 6252-17a, Vernon's Texas Civil Statutes), all election records are public information.*

SECTION 2. Section 2.025, Election Code, is amended to read as follows:

Sec. 2.025. RUNOFF ELECTION DAY. *(a) Except as provided by Subsection (b), a [A] runoff election shall be held not earlier than the 20th [day] or later than the 30th day after the date the final canvass of the main election is completed.*

*(b) A runoff election may be held after the period prescribed by law but not later than the 45th day after the date the final canvass of the main election is completed only to:*

*(1) permit a joint runoff election to be held with another political subdivision in accordance with Chapter 271; or*

*(2) avoid holding the runoff on:*

*(A) a legal state or national holiday; or*

(B) a weekend day within three days of a legal state or national holiday.

(c) Subsection (b) supersedes a law outside this subchapter to the extent of a conflict notwithstanding Section 2.022.

SECTION 3. Section 18.001(b), Election Code, is amended to read as follows:

(b) On request of the authority responsible for procuring election supplies for an election authorized by law to be held in the county during the voting year for which the lists are prepared, the registrar shall furnish to the authority a list for each county election precinct wholly ~~or partly~~ in the territory covered by the election. *On request of the authority for an election in which a county election precinct is partly in the political subdivision or partly in a territorial unit of the political subdivision from which a member of the subdivision's governing body is elected by only the voters residing in that unit, the registrar shall furnish for each partly included county election precinct a list that contains only the names of voters who reside in the political subdivision or territorial unit, as applicable. The request for restricted lists must be accompanied by a description or map of the applicable boundary of the political subdivision or territorial unit that is in sufficient detail to enable the registrar to prepare the requested lists. The request must be delivered early enough to afford the registrar reasonable time to prepare timely lists.*

SECTION 4. Subchapter A, Chapter 31, Election Code, is amended by adding Section 31.006 to read as follows:

Sec. 31.006. *REFERRAL OF COMPLAINT TO ATTORNEY GENERAL. If, after receiving a complaint alleging criminal conduct in connection with an election, the secretary of state determines that there is reasonable cause to suspect that the alleged criminal conduct occurred, the secretary shall promptly refer the complaint to the attorney general. The secretary shall deliver to the attorney general all pertinent documents in the secretary's possession.*

SECTION 5. Section 31.122, Election Code, is amended to read as follows:

Sec. 31.122. *OFFICE HOURS OF ELECTION AUTHORITY DURING ELECTION PERIOD. Except as provided by Section 31.123, each county clerk, city secretary, or secretary of the governing body of a political subdivision other than a county or city or the authority performing the duties of a secretary under this code shall keep that officer's [his] office open for election duties for at least three hours each day, during regular office hours, on regular business days during the period:*

- (1) beginning not later than the 50th ~~[40th]~~ day before the date of each general election of the political subdivision or the third day after the date a special election is ordered by an authority of the political subdivision; and
- (2) ending not earlier than the 40th day after election day.

SECTION 6. Subchapter C, Chapter 32, Election Code, is amended by adding Section 32.0551 to read as follows:

Sec. 32.0551. *INELIGIBILITY OF CAMPAIGN MANAGER. (a) A person is ineligible to serve as an election judge or clerk in an election if the person is a campaign manager of a candidate in that election.*

(b) *In this section:*

- (1) "Campaign manager" means:

(A) *the person who directs, with or without compensation, the day-to-day operations of a candidate's election campaign; or*

(B) *each person who directs, with or without compensation, a substantial portion of the day-to-day operations of a candidate's election campaign if no single person performs that function.*

- (2) "Candidate" means *a person who has taken affirmative action, as described by the law regulating political funds and campaigns, for the purpose of gaining nomination or election.*

SECTION 7. Section 32.091(a), Election Code, is amended to read as follows:

(a) An election judge or clerk is entitled to compensation for services rendered at a precinct polling place at an hourly rate not to exceed \$6 ~~[\$5]~~.

SECTION 8. Section 33.006(b), Election Code, is amended to read as follows:

(b) A certificate of appointment must:

- (1) be in writing and signed by the appointing authority or, for an appointment for a write-in candidate, by each of the voters making the appointment;
- (2) indicate the capacity in which the appointing authority is acting;
- (3) state the name, residence address, and voter registration number of the appointee and be signed by the appointee;
- (4) identify the election and the precinct polling place or other location at which the appointee is to serve; [and]
- (5) in an election on a measure, identify the measure if more than one is to be voted on and state which side of the measure the appointee represents; and
- (6) *contain an affidavit executed by the appointee stating that the appointee will not have possession of any mechanical or electronic means of recording images or sound while serving as a watcher.*

SECTION 9. Section 33.051, Election Code, is amended by amending Subsections (b), (c), and (d) to read as follows:

(b) The officer presented with a watcher's certificate of appointment shall require the watcher to countersign the certificate to ensure that the watcher is the same person who signed the certificate. *Except as provided by Subsection (c), a [A] watcher who presents himself at the proper time with a certificate of appointment shall be accepted for service unless the person is ineligible to serve or the number of appointees to which the appointing authority is entitled have already been accepted.*

(c) *A watcher may not be accepted for service if the watcher has possession of any mechanical or electronic means of recording images or sound. The presiding judge may inquire whether a watcher has possession of any prohibited recording device before accepting the watcher for service.*

(d) The certificate of a watcher serving at an early voting polling place shall be retained at the polling place until voting at the polling place is concluded. At each subsequent time that the watcher reports for service, he shall inform the clerk or deputy in charge. The officer may require the watcher to sign his name in the officer's presence, for comparison with the signature on the certificate, if the officer is uncertain of the watcher's identity.

(e) [(d)] If a watcher is not accepted for service, the certificate of appointment shall be returned to the watcher with a signed statement of the reason for the rejection.

SECTION 10. Section 34.001(c), Election Code, is amended to read as follows:

(c) A request under Subsection (b) must be received by the secretary of state not later than the *fourth regular business* [fifth] day before the date of the election for which the inspectors are requested.

SECTION 11. Subchapter A, Chapter 41, Election Code, is amended by adding Section 41.0052 to read as follows:

*Sec. 41.0052. CHANGING GENERAL ELECTION DATE. (a) The governing body of a political subdivision other than a county may, not later than December 31, 1993, change the date on which it holds its general election for officers to another authorized uniform election date. An election on the new date may not be held before 1994.*

*(b) A governing body changing an election date under this section shall adjust the terms of office to conform to the new election date.*

SECTION 12. Section 43.033(a), Election Code, is amended to read as follows:

(a) No charge, *including a charge for personnel, utilities, or other expenses incurred before or after regular business hours*, may be made for the use of a public building for a polling place if the day of the election is a day on which the building is normally open for business. If the day of the election is a day on which the building is not normally open for business, a charge may be made only for reimbursement for the actual expenses resulting from use of the building in the election.

SECTION 13. Section 52.0064, Election Code, is amended by adding Subsection (d) to read as follows:

*(d) The authority responsible for having the official ballot prepared shall prepare a record of the incorrect ballots that are destroyed. The authority shall preserve the record for the period for preserving the precinct election records.*

SECTION 14. Section 63.009, Election Code, is amended to read as follows:

Sec. 63.009. VOTER WITHOUT CERTIFICATE WHO IS NOT ON LIST. (a) A voter who does not present a voter registration certificate when offering to vote, and whose name is not on the list of registered voters for the precinct in which *the voter* [he] is offering to vote, shall [may] be accepted for voting if:

(1) an election officer can determine from the voter registrar that the person is a registered voter of the county,[?] and

[2] the voter executes the affidavits required by Sections 63.007 and 63.008; or

(2) *the voter executes an affidavit in accordance with Section 63.010.*

(b) After the voter is accepted *under Subsection (a)(1)*, an election officer shall indicate beside the voter's name on the poll list that the voter was accepted under this section.

SECTION 15. Sections 63.010(a) and (d), Election Code, are amended to read as follows:

(a) The eligibility of a person offering to vote may be challenged by an election officer, watcher, or any other person lawfully in the polling place. *An election officer may not refuse to accept a voter without informing the voter of the voter's right to vote under the challenge procedure prescribed by this section.*

(d) The presiding judge shall inform a voter of a challenge and of the issues raised by the challenge. *The presiding judge may request a voter to present proof of identification, if available. A voter's failure to present proof of identification does not affect the voter's right to vote under this section.*

SECTION 16. Subsection (b), Section 64.002, Election Code, is amended to read as follows:

(b) A child under 18 [19] years of age may accompany his parent to a voting station.

SECTION 17. Section 65.007, Election Code, is amended by amending Subsection (b) and adding Subsection (d) to read as follows:

(b) Except as provided by Subsection (c) *or (d)*, each straight-party vote shall be tallied for the party receiving the vote instead of being tallied for the individual candidates of the party. The total number of straight-party votes tallied for each party shall be added to the total votes received for each of the party nominees individually.

*(d) If a ballot indicates straight-party votes for more than one party, those votes may not be tallied and a vote shall be counted for each candidate receiving an individual vote if no other individual votes are received in that race. If no candidate receives an individual vote, the portion of the ballot for offices may not be counted.*

SECTION 18. Section 65.010(a), Election Code, is amended to read as follows:

(a) The following ballots may not be counted:

(1) a ballot that is not provided to the voter at the polling place; [ex]

(2) two or more ballots that are folded together in a manner indicating that they were folded together when deposited in the ballot box;

(3) *a write-in envelope containing a write-in vote without an attached ballot; or*

(4) *a ballot that has not been deposited in the ballot box used for the deposit of marked ballots.*

SECTION 19. Section 65.011, Election Code, is amended to read as follows:

Sec. 65.011. OVERVOTING. Except as provided by Section 65.007(c) *or (d)*, if a voter marks the ballot for more candidates for an office than the number of persons to be elected for that office, none of the votes may be counted for that office.

SECTION 20. Section 66.026, Election Code, is amended to read as follows:

Sec. 66.026. CONTENTS OF BALLOT BOX NO. 4. Ballot box no. 4 must contain:

- (1) the original of the ballot register;
- (2) the register of spoiled ballots;
- (3) any spoiled ballots;
- (4) any defectively printed ballots; ~~and~~
- (5) *any envelope containing cancellation requests and canceled ballots; and*
- (6) ~~[(5)]~~ any other unused ballots.

SECTION 21. Section 66.051(d), Election Code, is amended to read as follows:

(d) The presiding judge shall deliver envelope no. 4 in person to the voter registrar. *If the voter registrar is unavailable, the envelope shall be delivered to the general custodian of election records, who shall deliver it to the voter registrar on the next regular business day.*

SECTION 22. Section 67.003, Election Code, is amended to read as follows:

Sec. 67.003. TIME FOR LOCAL CANVASS. ~~[(a)]~~ Each local canvassing authority shall convene to conduct the local canvass not earlier than the second day or later than the sixth day after election day at the time set by the canvassing authority's presiding officer.

~~[(b) This section does not apply to a local option election under the Alcoholic Beverage Code.]~~

SECTION 23. Section 67.004(a), Election Code, is amended to read as follows:

(a) At the time set for convening the canvassing authority for the local canvass, the presiding officer of the canvassing authority shall deliver the sealed precinct returns to the authority. The authority shall open the returns for each precinct and canvass them as provided by this section. *Two members of the authority constitute a quorum for purposes of canvassing an election.*

SECTION 24. Section 67.011(b), Election Code, is amended to read as follows:

(b) *If a county's election returns are incomplete or missing, the legislature may substitute the secretary of state's tabulation for that county or may obtain the necessary information from the county. On request of the legislature, the secretary of state or the county shall promptly transmit the information to the legislature by the most expeditious means available.*

(c) On completion of the canvass, the speaker of the house of representatives shall deliver the county returns to the secretary of state, who shall retain them for the period for preserving the precinct election records.

SECTION 25. Section 67.012, Election Code, is amended to read as follows:

Sec. 67.012. TIME FOR CANVASS BY GOVERNOR. (a) The governor shall conduct the state canvass not earlier than the 15th or later than the 30th day after election day at the time set by the secretary of state.

(b) *The secretary of state shall post, on the bulletin board used for posting notice of meetings of state governmental bodies, a notice of the date, hour, and place of the canvass at least 72 hours before the canvass is conducted.*

SECTION 26. Section 84.007(b), Election Code, is amended to read as follows:

(b) An application must be submitted to the early voting clerk by:

- (1) mail;
- (2) common or contract carrier; or
- (3) telephonic facsimile machine, *if the applicant is absent from the county and if a machine is available in the clerk's office.*

SECTION 27. Sections 84.032, 84.033, and 84.034, Election Code, are amended to read as follows:

Sec. 84.032. REQUEST FOR CANCELLATION. (a) A person desiring to cancel the person's ~~[his]~~ application for a ballot to be voted by mail must submit a request for the cancellation to an election officer as provided by this section ~~[the early voting clerk].~~

(b) A request must:

- (1) be in writing and signed by the applicant;
- (2) specify the election for which the application was made; and
- (3) except as provided by Subsection (c) or (d), be received by the early voting clerk:
  - (A) not later than the third day before election day; and

(B) if an early voting ballot sent to the applicant is returned to the clerk as a marked ballot, before the marked ballot's arrival at the address on the carrier envelope.

(c) An applicant may submit a request after the close of early voting by personal appearance by appearing in person and:

- (1) returning the ballot to be voted by mail to the early voting clerk; or
- (2) executing an affidavit that the applicant has not received the ballot to be voted by mail.

*(d) An applicant may also submit a request on election day by appearing in person at the applicant's precinct polling place and returning the ballot to be voted by mail to the presiding election judge.*

Sec. 84.033. ACTION ON REQUEST [~~BY CLERK~~]. (a) The election officer [~~early voting clerk~~] shall review each cancellation request to determine whether it complies with Section 84.032.

(b) If the request complies, the *early voting* clerk shall cancel the application and enter on the application "canceled" and the date of cancellation.

*(c) If the request complies, the presiding election judge shall enter on the returned ballot "canceled," place it and the request in an envelope, and deposit the envelope in ballot box no. 4. The applicant's application is considered to be canceled.*

*(d) If the request does not comply, the election officer [clerk] shall deny the request and enter on the request "denied" and the date of and reason for the denial. The presiding election judge shall place the request in an envelope and deposit the envelope in ballot box no. 4.*

Sec. 84.034. NOTICE OF DENIAL. Immediately after denying a cancellation request, the election officer [~~early voting clerk~~] shall notify the applicant of the denial. The notice must state the reason for the denial.

SECTION 28. Section 88.004, Election Code, is amended to read as follows:

Sec. 88.004. NOTICE OF OUTCOME TO VOTER. (a) If as a result of a challenge under this chapter a ballot is not accepted, the *presiding judge of the early voting ballot board* [~~early voting clerk~~] shall deliver written notice of the result of the challenge, including the reason for the result, to the challenged voter.

(b) If the notice is delivered by mail, it shall be sent to the voter's residence address.

(c) The notice shall be delivered not later than the 10th [~~third~~] day after *election day* [~~the date the challenge is determined~~].

SECTION 29. Section 103.001(a), Election Code, is amended to read as follows:

(a) A qualified voter is eligible to vote a late ballot as provided by this chapter if:

(1) the voter will be absent from the county of residence on election day because of the death of a person related to the voter within the *second* [~~first~~] degree by consanguinity or affinity, as determined under Article 5996h, Revised Statutes; and

(2) the death occurs on or after the day before the last day of the period for early voting by personal appearance.

SECTION 30. Section 122.001(b), Election Code, is amended to read as follows:

(b) A voting system may not be used in an election in which straight-party voting is permitted unless the system permits or prevents, as applicable, counting votes in accordance with Sections [~~Section~~] 65.007(c) and (d).

SECTION 31. Subchapter A, Chapter 122, Election Code, is amended by adding Section 122.005 to read as follows:

*Sec. 122.005. VENUE FOR OFFENSES. Venue for prosecution of an offense under this chapter is in the county in which the offense was committed.*

SECTION 32. Section 122.031, Election Code, is amended by adding Subsections (c) and (d) to read as follows:

*(c) A person commits an offense if the person executes a contract to sell, lease, or otherwise provide a voting system or voting system equipment that the person knows has not been approved. An offense under this subsection is a Class A misdemeanor.*

*(d) This section does not prohibit a person from exhibiting a voting system or unit of voting system equipment that has not been approved.*

SECTION 33. Section 122.034(e), Election Code, is amended to read as follows:

*(c) The secretary of state shall prescribe fees for the submission of applications under this section in amounts reasonably necessary to administer this subchapter and compensate examiners appointed by the secretary.*

SECTION 34. Section 122.035, Election Code, is amended to read as follows:

*Sec. 122.035. APPOINTMENT OF EXAMINERS. (a) On submission of an application for approval of a voting system or voting system equipment, the secretary of state shall appoint four [three] persons as examiners, one of whom must be a full-time employee of the secretary. The attorney general [or the general's designee] shall appoint two persons as examiners, one of whom must be a full-time employee of the general [also serve as an examiner].*

*(b) Two of the secretary of state's appointees must have demonstrated ability and experience in mechanics or electronics appropriate to the system or equipment to be examined, and two of the secretary's appointees [one appointee] must have demonstrated knowledge of and experience in election law and procedure.*

*(c) Only one [A] person employed by the secretary of state may be appointed [is ineligible for appointment].*

*(d) A person who has a pecuniary interest in the manufacturing or marketing of any part of a voting system or voting system equipment is ineligible for appointment.*

SECTION 35. Section 122.037, Election Code, is amended to read as follows:

*Sec. 122.037. COMPENSATION OF EXAMINERS. (a) Each examiner appointed under this subchapter, other than an employee of the secretary of state or attorney general, [by the secretary of state] is entitled to compensation [in an amount set by the secretary of state] for services rendered in connection with an application.*

*(b) The secretary of state shall set the amount of compensation for examiners appointed by the secretary and shall use the application fees collected under Section 122.034 to pay the compensation [to examiners].*

*(c) The attorney general shall set the amount of compensation for an examiner appointed by the general and shall pay the compensation from funds available to the general.*

SECTION 36. Section 122.066(a), Election Code, is amended to read as follows:

*(a) The secretary of state shall prescribe an examination fee or fee schedule to compensate examiners appointed by the secretary under this subchapter.*

SECTION 37. Section 122.067, Election Code, is amended to read as follows:

*Sec. 122.067. APPOINTMENT OF EXAMINERS. (a) If the secretary of state requires an independent examination of the modified system or equipment, the secretary shall appoint four persons as [two or three] examiners, one of whom must be a full-time employee of the secretary [for the examination, the number to be determined by the secretary]. The attorney general [or the general's designee] shall appoint two persons as examiners, one of whom must be a full-time employee of the general [also serve as an examiner].*

*(b) To be eligible for appointment as an examiner under this section, a person must be eligible for appointment as an examiner for an application for initial approval of a system or equipment. Only one employee of the secretary of state may be appointed.*

(c) ~~Two~~ ~~[One]~~ of the *secretary of state's* appointees must have demonstrated ability and experience in mechanics or electronics appropriate to the system or equipment to be examined.

SECTION 38. Section 122.069, Election Code, is amended to read as follows:

Sec. 122.069. COMPENSATION OF EXAMINERS. (a) Subject to Subsections (b) and (c), an examiner appointed by the secretary of state under this subchapter, *other than the secretary's employee*, is entitled to compensation in an amount set by the secretary.

(b) The compensation rate for each examiner appointed *by the secretary of state* for the same examination must be uniform.

(c) The total compensation paid to the examiners appointed *by the secretary of state* for the same examination may not exceed the examination fee.

(d) The secretary of state shall use the examination fees collected under Section 122.066 to pay the compensation to examiners *appointed by the secretary*.

(e) *An examiner appointed by the attorney general under this subchapter, other than an employee of the general, is entitled to compensation in an amount set by the general. The attorney general shall pay the compensation from funds available to the general.*

SECTION 39. Section 122.091(c), Election Code, is amended to read as follows:

(c) The secretary of state may prescribe fees in amounts reasonably necessary to administer this subchapter and compensate examiners *appointed by the secretary*.

SECTION 40. Subchapter D, Chapter 122, Election Code, is amended by adding Section 122.0911 to read as follows:

Sec. 122.0911. ASSISTANCE REQUIRED BY SECRETARY OF STATE. (a) *If the secretary of state determines that the assistance of a particular person is necessary for the proper and efficient reexamination of a voting system or voting system equipment under this subchapter, the secretary may require that person to provide the necessary assistance as provided by this section.*

(b) *The secretary of state shall deliver written notice to a person whose assistance is required not later than 72 hours before the date the reexamination is scheduled to occur. The notice must state:*

(1) *that the person is required to provide assistance under Section 122.0911, Election Code;*

(2) *the nature of the assistance that is required; and*

(3) *the date, hour, and place of the reexamination.*

(c) *A person who, after proper notice, fails to provide the assistance required by the secretary of state is civilly liable to the state for \$100 for each day that the person fails to comply. The secretary of state shall notify the attorney general to initiate suit to recover the penalty.*

SECTION 41. Section 122.092, Election Code, is amended to read as follows:

Sec. 122.092. APPOINTMENT OF EXAMINERS. (a) The secretary of state shall appoint ~~four~~ ~~[two]~~ persons as examiners, *one of whom must be a full-time employee of the secretary*, to assist in a reexamination of an approved voting system or voting system equipment. The attorney general ~~[or the general's designee]~~ shall *appoint two persons as examiners, one of whom must be a full-time employee of the general* ~~[also serve as an examiner]~~.

(b) *Two of the secretary of state's appointees* ~~[Each appointee]~~ must have demonstrated knowledge of and experience in the operation of the system or equipment.

(c) *Only one* ~~[A]~~ person employed by the secretary of state *may be appointed* ~~[is ineligible for appointment]~~.

(d) A person who has a pecuniary interest in the manufacturing or marketing of any part of a voting system or voting system equipment is ineligible for appointment.

SECTION 42. Section 122.094, Election Code, is amended to read as follows:



Sec. 122.094. COMPENSATION OF EXAMINERS. (a) An examiner appointed under this subchapter, *other than an employee of [by] the secretary of state or attorney general*, is entitled to compensation for services rendered in connection with a reexamination [~~in an amount set by the secretary~~].

(b) The secretary of state shall *set the amount of compensation for examiners appointed by the secretary and shall use the fees collected under Section 122.091 to pay the compensation* [~~to examiners~~].

(c) *The attorney general shall set the amount of compensation for an examiner appointed by the general and shall pay the compensation from funds available to the general.*

SECTION 43. Section 123.031(a), Election Code, is amended to read as follows:

(a) A county may *contract to acquire the equipment necessary for operating a voting system by purchase, lease, or other means.*

SECTION 44. Sections 123.032(a) and (b), Election Code, are amended to read as follows:

(a) A political subdivision other than a county may *contract to acquire the equipment necessary for operating a voting system as provided by this section.*

(b) A political subdivision may [~~contract to~~] lease the equipment from a county in which the political subdivision is wholly or partly situated. If the desired equipment is not available from the county, the political subdivision may acquire it by purchase, lease, or other means from any other source.

SECTION 45. Subchapter B, Chapter 123, Election Code, is amended by adding Sections 123.035 and 123.036 to read as follows:

Sec. 123.035. VOTING SYSTEM EQUIPMENT CONTRACT. (a) *A contract for the acquisition of voting system equipment under this subchapter must be in writing and incorporate before execution:*

(1) *a letter from the secretary of state stating that the voting system and voting system equipment being acquired satisfy the applicable requirements for approval; and*

(2) *a certified copy of the written order issued by the secretary under Section 122.038 or 122.070 approving the voting system and voting system equipment for use in elections and, if applicable, of the written order issued under Section 122.095 granting conditional approval of the system or equipment.*

(b) *A contract that does not comply with Subsection (a) is void. The contract may not be ratified by either party and a payment may not be made relating to the contract.*

(c) *A person commits an offense if the person executes a voting system equipment contract that does not comply with Subsection (a). An offense under this subsection is a Class B misdemeanor.*

Sec. 123.036. VENUE FOR OFFENSES. *Venue for prosecution of an offense under this chapter is in the county in which the offense was committed.*

SECTION 46. Chapter 123, Election Code, is amended by adding Subchapter C to read as follows:

### SUBCHAPTER C. ANNUAL VOTING SYSTEM REPORT

Sec. 123.061. ANNUAL REPORT REQUIRED. (a) *Each authority adopting a voting system for use in its elections shall file an annual report as provided by this subchapter.*

(b) *The report must be filed with the secretary of state in the form prescribed by the secretary.*

Sec. 123.062. FILING PERIOD. *The report must be filed on or after July 1 and before July 15.*

Sec. 123.063. CONTENTS OF REPORT. *The report must contain:*

(1) *a description of the voting system currently used by the authority;*

(2) *a copy of the written order issued by the secretary of state under Section 122.038 or 122.070 approving the voting system and voting system equipment for use in elections and,*

if applicable, of the written order issued under Section 122.095 granting conditional approval of the system or equipment; and

(3) a statement that the voting system currently used by the authority has not been modified since the date of filing of the authority's previous report, or if modified, that approval of the modified design has been sought under Subchapter C, Chapter 122.

Sec. 123.064. **REVIEW OF REPORT.** (a) The secretary of state shall review each report filed under this subchapter not later than the 30th day after the date of the filing deadline for the report.

(b) The secretary of state shall deliver a written delinquency notice to each authority that filed a report covering the previous reporting period but that fails to file a report covering the current reporting period.

(c) The secretary of state may deliver to the attorney general the name of each authority that fails to file a report covering the current reporting period within 30 days after the date of receipt of a delinquency notice.

Sec. 123.065. **MANDAMUS BY ATTORNEY GENERAL.** The attorney general may seek a writ of mandamus to compel the filing of a report by each authority that fails to comply with this subchapter.

Sec. 123.066. **ADDITIONAL PROCEDURES PRESCRIBED BY SECRETARY OF STATE.** The secretary of state may prescribe any procedures necessary to implement this subchapter.

SECTION 47. Section 124.063, Election Code, is amended by adding a new Subsection (d) and by relettering the subsequent subsections to read as follows:

(d) *An electronic system ballot on which a voter indicates a vote by punching a hole in the ballot must contain the following instruction following the other required instructions: "Check your ballot after voting to make sure that the holes are actually punched through."*

(e) [(d)] The electronic system ballot must contain instructions for casting a write-in vote. The secretary of state shall prescribe the wording of the instructions.

(f) [(e)] The electronic system ballot for an election in which straight-party voting is allowed must contain the instruction prescribed by Section 52.071(b) with the language relating to placing an "X" in the party square changed as appropriate to accommodate the method by which the voter indicates a vote.

(g) [(f)] The instructions required by this section may be placed on the punch-card ballot label instead of on the punch-card ballot.

SECTION 48. Section 127.002(d), Election Code, is amended to read as follows:

(d) The general custodian of election records is eligible for appointment notwithstanding the custodian's status as a candidate or officeholder.

SECTION 49. Section 127.005(b), Election Code, is amended to read as follows:

(b) Except as otherwise provided by this section, the eligibility requirements prescribed by this code for precinct presiding judges apply to a presiding judge of a central counting station. To be eligible to serve as a judge under this section, a person must be a qualified voter of the political subdivision served by the authority adopting the voting system. The general custodian of election records and employees of the custodian are eligible to serve as a judge under this section notwithstanding the custodian's status as a candidate or officeholder.

SECTION 50. Section 127.096(a), Election Code, is amended to read as follows:

(a) ~~The custodian of the automatic tabulating equipment [presiding judge of the central counting station]~~ shall publish notice of the date, hour, [time] and place of the test conducted under Section 127.093(b) in a newspaper, as provided by general law for official publications by political subdivisions, at least 48 hours before the date of the test.

SECTION 51. Sections 127.126(d) and (e), Election Code, are amended to read as follows:

(d) *A procedure other than duplication may not be used to process a ballot subject to this section unless the procedure is expressly authorized by the secretary of state.*

(e) Each duplicate ballot must be clearly labeled "Duplicate" and must bear the serial number of the original ballot.

(f) [(e)] The duplicate shall be substituted for the original ballot in the ballots prepared for automatic counting. The original shall be preserved with the other voted ballots for the same period.

SECTION 52. Section 127.130, Election Code, is amended by adding Subsections (d) and (e) to read as follows:

(d) *Subject to Subsection (e), in any manual count conducted under this code, a vote on a ballot on which a voter indicates a vote by punching a hole in the ballot may not be counted unless:*

- (1) *at least two corners of the chad are detached;*
  - (2) *light is visible through the hole;*
  - (3) *an indentation on the chad from the stylus or other object is present and indicates a clearly ascertainable intent of the voter to vote; or*
  - (4) *the chad reflects by other means a clearly ascertainable intent of the voter to vote.*
- (e) *Subsection (d) does not supersede any clearly ascertainable intent of the voter.*

SECTION 53. Section 127.201, Election Code, is amended to read as follows:

Sec. 127.201. PARTIAL COUNT OF ELECTRONIC VOTING SYSTEM BALLOTS BY GENERAL CUSTODIAN. (a) To ensure the accuracy of the tabulation of electronic voting system results; the general custodian of election records shall conduct a manual count of all the races in at least one percent of the election precincts or in three precincts, whichever is greater, in which the electronic voting system was used. *Except as provided by Subsection (b), the [The] custodian shall select the precincts at random and shall begin the count not later than 72 hours after the polls close.*

(b) *In a general election for state and county officers, primary election, or election on a proposed amendment to the state constitution or other statewide measure submitted by the legislature, the secretary of state shall select, in accordance with rules adopted by the secretary, the precincts to be counted under Subsection (a). The secretary shall notify the general custodian of election records of the precincts selected under this subsection not earlier than the day after election day.*

(c) [(b)] Each candidate in the election is entitled to be present at the count and is entitled to have a representative present.

(d) [(e)] Not later than the third day after the date the count is completed, the general custodian of election records shall deliver a written report of the results of the count to the secretary of state.

(e) [(d)] The secretary of state at any time may waive or reinstate the requirements of this section for a particular political subdivision.

SECTION 54. Section 141.032, Election Code, is amended by adding Subsection (f) to read as follows:

(f) *This section does not apply to a determination of a candidate's eligibility.*

SECTION 55. Section 141.034, Election Code, is amended to read as follows:

Sec. 141.034. LIMITATION ON CHALLENGE OF APPLICATION. (a) An application for a place on the ballot may not be challenged for compliance with the applicable requirements as to form, content, and procedure after the day before the beginning of early voting by personal appearance for the election for which the application is made.

(b) *This section does not apply to a determination of a candidate's eligibility.*

SECTION 56. Section 145.003, Election Code, is amended to read as follows:

Sec. 145.003. ADMINISTRATIVE DECLARATION OF INELIGIBILITY. (a) Except for a judicial action in which a candidate's eligibility is in issue, a candidate may be declared ineligible only as provided by this section.

(b) A candidate in the general election for state and county officers may be declared ineligible before the 30th day preceding election day by:

- (1) the party officer responsible for certifying the candidate's name for placement on the general election ballot, in the case of a candidate who is a political party's nominee; or

(2) the authority with whom the candidate's application for a place on the ballot is required to be filed, in the case of an independent candidate.

(c) A candidate in an election other than the general election for state and county officers may be declared ineligible before the beginning of early voting by personal appearance by the authority with whom an application for a place on the ballot for the office sought by the candidate is required to be filed.

(d) The presiding officer of the final canvassing authority for the office sought by a candidate may declare the candidate ineligible after the polls close on election day and, except as provided by Subsection (e), before a certificate of election is issued.

(e) In the case of a candidate for governor or lieutenant governor, a declaration of ineligibility by the final canvassing authority's presiding officer may not be made after the final canvass for that office is completed.

(f) A candidate may be declared ineligible only if:

(1) the information on the candidate's application for a place on the ballot indicates that the candidate is ineligible for the office; or

(2) facts indicating that the candidate is ineligible are conclusively established by another public record.

*(g) When presented with an application for a place on the ballot or another public record containing information pertinent to a candidate's eligibility, the appropriate authority shall promptly review the record. If the authority determines that the record establishes ineligibility as provided by Subsection (f), the authority shall declare the candidate ineligible.*

*(h) [(g)] If a candidate is declared ineligible after the deadline for omitting an ineligible candidate's name from the ballot, the authority making the declaration shall promptly certify in writing the declaration of ineligibility to the canvassing authority for the election.*

*(i) [(h)] If a candidate is declared ineligible, the authority making the declaration shall promptly give written notice of the declaration of ineligibility to the candidate.*

SECTION 57. Subchapter A, Chapter 145, Election Code, is amended by adding Section 145.006 to read as follows:

*Sec. 145.006. INELIGIBILITY DEADLINE EXTENDED BY WEEKEND OR HOLIDAY. Section 1.006 applies to the last day on which a candidate may be declared ineligible to cause the candidate's name to be omitted from the ballot.*

SECTION 58. Section 146.023(c), Election Code, is amended to read as follows:

*(c) A candidate may not file a declaration of write-in candidacy for more than one office. If a person files more than one declaration of write-in candidacy in violation of this subsection, each declaration filed subsequent to the first one filed is invalid.*

*(d) A declaration of write-in candidacy is public information immediately on its filing.*

SECTION 59. Section 146.025, Election Code, is amended to read as follows:

**Sec. 146.025. FILING PERIOD [DEADLINE].** (a) A declaration of write-in candidacy must be filed not later than 5 p.m. of the 60th day before general election day, except as otherwise provided by this code. *A declaration may not be filed earlier than the 30th day before the date of the regular filing deadline.*

(b) If a candidate whose name is to appear on the general election ballot dies or is declared ineligible after the third day before the date of the filing deadline prescribed by Subsection (a), a declaration of write-in candidacy for the office sought by the deceased or ineligible candidate may be filed not later than 5 p.m. of the 57th day before election day.

(c) A declaration of write-in candidacy filed by mail is considered to be filed at the time of its receipt by the appropriate authority.

SECTION 60. Section 146.030, Election Code, is amended to read as follows:

**Sec. 146.030. [INELIGIBLE] CANDIDATE NOT CERTIFIED.** A write-in candidate may not be certified for placement on the list of write-in candidates if:

(1) the information on the candidate's declaration of write-in candidacy indicates that the candidate is ineligible for the office;

(2) facts indicating that the candidate is ineligible are conclusively established by another public record; ~~or~~

(3) the candidate is determined ineligible by a final judgment of a court;

(4) the candidate's declaration of write-in candidacy is invalid for the office under Section 146.023(c); or

(5) the certifying authority learns that the candidate's name is to be omitted from the list under Section 146.0301.

SECTION 61. Subchapter B, Chapter 146, Election Code, is amended by adding Section 146.0301 to read as follows:

*Sec. 146.0301. WITHDRAWAL AS WRITE-IN CANDIDATE. (a) A write-in candidate may not withdraw from the election after the 46th day before election day.*

*(b) To withdraw from the election, a write-in candidate must file a written withdrawal request, signed and acknowledged by the candidate, with the authority with whom the candidate's declaration of write-in candidacy is required to be filed.*

*(c) A withdrawal request filed by mail is considered to be filed at the time of its receipt by the appropriate authority.*

*(d) A candidate's name shall be omitted from the list of write-in candidates if the candidate withdraws on or before the 46th day before election day.*

*(e) Not later than the day after the date the withdrawal request is received, the appropriate authority shall deliver a written notice of the withdrawal of any candidate previously certified under Section 146.029 to the same authority to whom the certification was delivered.*

SECTION 62. Sections 146.031(b), (c), and (d), Election Code, are amended to read as follows:

*(b) A write-in candidate's name may not appear more than once on the list.*

*(c) Copies of the list shall be distributed to the counting officers in the election for use in counting write-in votes.*

*(d) ~~(e)~~ Copies of the list shall be distributed to each presiding election judge with the other election supplies. A copy of the list shall be posted in each polling place at each place where an instruction poster is required to be posted.*

*(e) ~~(d)~~ The authority responsible for having the official ballot prepared shall retain a copy of the list and preserve it for the period for preserving the precinct election records.*

SECTION 63. Section 171.022(a), Election Code, is amended to read as follows:

(a) A county executive committee consists of:

(1) a county chairman, who is the presiding officer, elected at the general primary election by majority vote of the qualified voters of the county who vote in the primary on that office *or appointed by the county executive committee as provided by this subchapter*; and

(2) a precinct chairman from each county election precinct, elected at the general primary by majority vote of the qualified voters of the precinct who vote in the primary on that office *or appointed by the county executive committee as provided by this subchapter*.

SECTION 64. Section 172.021, Election Code, is amended by adding Subsection (f) to read as follows:

*(f) A political party's state executive committee by rule may require that an application for the office of county chairman be accompanied by a nominating petition containing the signatures of at least 10 percent of the incumbent precinct chairmen serving on the county executive committee.*

SECTION 65. Section 172.022(b), Election Code, is amended to read as follows:

(b) Not later than the day before the last day of the filing period, the county chairman shall post on the bulletin board used for posting notice of meetings of the commissioners court a notice of the address at which the county chairman or secretary will be available to receive applications on the last day of the filing period. *Section 1.006 does not apply to this subsection.*

SECTION 66. Section 172.116(b), Election Code, is amended to read as follows:

(b) The committee shall convene to conduct the local canvass at the county seat *not earlier than 6 p.m. on the first Thursday or later than 1 p.m. on the first Friday* after election day at the hour specified by the county chairman.

SECTION 67. Subchapter E, Chapter 172, Election Code, is amended by adding Section 172.125 to read as follows:

*Sec. 172.125. ADDITIONAL PROCEDURE FOR ACCEPTING VOTERS IN RUNOFF.*

(a) *For a runoff primary election, the voter registrar shall enter on the list of registered voters a notation beside each voter's name indicating the preceding party primary for which the voter was accepted for voting, if any.*

(b) *An election officer at a runoff primary election polling place shall determine whether the name of a voter offering to vote is noted on the list as having been accepted for voting in another party's primary. If the voter's name is so noted, the voter may not be accepted for voting at the runoff unless the voter executes an affidavit stating that the voter did not vote in the primary or participate in a convention of another party during the same voting year.*

SECTION 68. Subchapter D, Chapter 173, Election Code, is amended by adding Section 173.0831 to read as follows:

*Sec. 173.0831. STATE PAYMENT OF START-UP PRIMARY FUNDS. (a) Not later than the 30th day before the beginning date of the regular filing period for public offices in the general primary election, a county chairman may submit to the secretary of state a written statement of estimated primary election expenses.*

(b) *Not later than the 10th day after the date the statement is received, the secretary of state shall have disbursed to the county chairman start-up funds in an amount equal to 10 percent of the amount approved for and expended by the county chairman and executive committee in the preceding general primary election.*

SECTION 69. Section 173.084, Election Code, is amended by amending Subsection (b) and adding Subsection (d) to read as follows:

(b) The authority preparing the report shall file it with the secretary of state not later than the 30th [20th] day after runoff primary election day or not later than the 30th [20th] day after general primary election day if no runoff primary is held in the county, in the case of the county chairman's report, or if no runoff primary is held for a statewide or district office, in the case of the state chairman's report. The secretary for good cause may extend the filing deadline.

(d) *Any compensation claimed under Section 173.004 may be forfeited on the failure of a county chairman to file a timely report.*

SECTION 70. Subchapter A, Chapter 181, Election Code, is amended by adding Section 181.0041 to read as follows:

*Sec. 181.0041. REGISTRATION OF PARTY REQUIRED. A political party that intends to make nominations under this chapter for the general election for state and county officers must register with the secretary of state, in the manner prescribed by the secretary, not later than January 2 of the election year.*

SECTION 71. Section 201.027, Election Code, is amended to read as follows:

*Sec. 201.027. NEW OFFICE. If a new office is created, a vacancy occurs on the effective date of the Act of the legislature [statute] creating the office or on the date the order creating the office is adopted.*

SECTION 72. Section 202.003, Election Code, is amended to read as follows:

*Sec. 202.003. NEW OFFICE. (a) Subject to Subsection (b), an [An] election for the first full term of an office for which no previous election has been held is governed by the same provisions as an election for the remainder of an unexpired term, and for that purpose, references in this chapter to an unexpired term include a full term in the case of those offices.*

(b) *If an Act of the legislature creating an office prescribes a date of creation that is later than the effective date of the Act, and if an authority authorized to create the office at an earlier date has not done so, the office shall appear on the ballot as follows:*

(1) if the date of creation occurs in an even-numbered year, the office appears on the ballot in that even-numbered year;

(2) if the date of creation occurs on or before March 1 of an odd-numbered year, the office appears on the ballot in the preceding even-numbered year; and

(3) if the date of creation occurs after March 1 of an odd-numbered year, the office appears on the ballot in the subsequent even-numbered year.

SECTION 73. Sections 203.012(b) and (c), Election Code, are amended to read as follows:

(b) The governor shall conduct the state canvass not later than the seventh day after election day.

(c) The secretary of state shall post, on the bulletin board used for posting notice of meetings of state governmental bodies, a notice of the date, hour, and place of the canvass at least 24 hours before the canvass is conducted.

(d) Section 1.006 does not apply to this section.

SECTION 74. Section 213.005(a), Election Code, is amended to conform to Section 3, Chapter 288, Acts of the 71st Legislature, Regular Session, 1989, to read as follows:

(a) A recount committee in a recount other than a recount on automatic tabulating equipment shall function as one or more counting teams composed of three members each. The recount coordinator may [shall] appoint one member of each team.

SECTION 75. Section 213.013(i), Election Code, is amended to read as follows:

(i) No mechanical or electronic means of recording images or sound are allowed inside the room in which the recount is conducted, or in any hallway or corridor in the building in which the recount is conducted within 30 feet of the entrance to the room, while the recount is in progress. However, on request of a person entitled to appoint representatives to serve at the recount, the recount committee chairman shall permit the person to photocopy under the chairman's supervision any ballot, including any supporting materials, challenged by the person or person's representative. The person must pay a reasonable charge for making the copies and, if no photocopying equipment is available, may supply that equipment at the person's expense. The person shall provide a copy on request to another person entitled to appoint representatives to serve at the recount.

SECTION 76. Section 214.002(b), Election Code, is amended to read as follows:

(b) The count shall be made, and the correctness of the tally lists shall be certified, in the same manner as an original count of regular paper ballots, except that:

(1) only two tally lists are prepared; and

(2) Section 127.130(d) applies to a count of punch-card ballots.

SECTION 77. Section 271.006(b), Election Code, is amended to read as follows:

(b) The joint early voting shall be conducted at the early voting polling place or places at which and during the hours, including any extended or weekend hours, that the early voting clerk regularly conducts early voting for the clerk's political subdivision.

SECTION 78. Section 273.001, Election Code, is amended by amending Subsection (b) and adding Subsection (d) to read as follows:

(b) A district or county attorney having jurisdiction or the attorney general may conduct an investigation on the officer's [his] own initiative to determine if criminal conduct occurred in connection with an election. ~~[The attorney general may conduct such an investigation in connection with an election covering territory in more than one county.]~~

(d) On referral of a complaint from the secretary of state under Section 31.006, the attorney general may investigate the allegations.

SECTION 79. Section 273.021(a), Election Code, is amended to read as follows:

(a) The attorney general may prosecute a criminal offense prescribed by the election laws of this state ~~[if the offense occurs in connection with an election covering territory in more than one county].~~

SECTION 80. Sections 276.004(a) and (b), Election Code, are amended to read as follows:

(a) A person commits an offense if, with respect to another person over whom the person has authority in the scope of employment, the person knowingly:

(1) refuses to permit the other person to be absent from work *on election day* for the purpose of attending the polls to vote; or

(2) subjects or threatens to subject the other person to a penalty for attending the polls *on election day* to vote.

(b) It is an exception to the application of this section that the person's conduct occurs in connection with an election in which the polls are open *on election day* for voting for two consecutive hours outside of the voter's working hours.

SECTION 81. Section 277.001, Election Code, is amended to read as follows:

Sec. 277.001. **APPLICABILITY OF CHAPTER.** This chapter applies to a petition authorized or required to be filed under a law outside this code in connection with an election, except a petition for[:

~~[(4)] a local option election held under the Alcoholic Beverage Code[;—or~~

~~[(2) an election held under Section 26.07 or 26.08, Tax Code].~~

SECTION 82. Section 277.002, Election Code, is amended by amending Subsection (b) and adding Subsections (c), (d), and (e) to read as follows:

(b) *The signature is the only information that [A voter registration number] is [not] required to appear on the petition in the signer's own handwriting.*

(c) *The use of ditto marks or abbreviations does not invalidate a signature if the required information is reasonably ascertainable.*

(d) *The omission of the state from the signer's residence address does not invalidate a signature unless the political subdivision from which the signature is obtained is situated in more than one state.*

(e) *A petition signature is invalid if the signer signed the petition earlier than the 180th day before the date the petition is filed.*

SECTION 83. Chapter 277, Election Code, is amended by adding Sections 277.0022 and 277.0023 to read as follows:

Sec. 277.0022. **WITHDRAWAL OF SIGNATURE.** (a) *A signer may not withdraw the signature from a petition on or after the date the petition is received by the authority with whom it is required to be filed. Before that date, a signer may withdraw the signature by deleting the signature from the petition or by filing with the authority with whom the petition is required to be filed an affidavit requesting that the signature be withdrawn from the petition.*

(b) *A withdrawal affidavit filed by mail is considered to be filed at the time of its receipt by the appropriate authority.*

(c) *The withdrawal of a signature nullifies the signature on the petition and places the signer in the same position as if the signer had not signed the petition.*

Sec. 277.0023. **SUPPLEMENTING PETITION.** (a) *Except as provided by Subsection (b), a petition may not be supplemented, modified, or amended on or after the date it is received by the authority with whom it is required to be filed unless expressly authorized by law.*

(b) *If a petition is required to be filed by a specified deadline, the petitioner may file one supplementary petition by that deadline if the original petition contains a number of signatures that exceeds the required minimum number by 10 percent or more and is received by the authority with whom it is required to be filed not later than the 10th day before the date of the deadline. The authority shall notify the petitioner as to the sufficiency of the petition not later than the fifth regular business day after the date of its receipt.*

SECTION 84. Section 26.07(b), Tax Code, is amended to read as follows:

(b) A petition is valid only if:

(1) it states that it is intended to require an election in the taxing unit on the question of reducing the tax rate for the current year;



(2) it is signed by a number of *registered* ~~[qualified]~~ voters of the taxing unit equal to at least 10 percent of the number of *registered* ~~[qualified]~~ voters of the taxing unit according to the most recent official list of *registered* ~~[qualified]~~ voters ~~[not counting the signatures of voters gathered by a person who received compensation for circulating the petition];~~ and

(3) it is submitted to the governing body on or before the 90th day after the date on which the governing body adopted the tax rate for the current year.

SECTION 85. Section 26.08(b), Tax Code, is amended to read as follows:

(b) A petition is valid only if:

(1) it states that it is intended to require an election in the school district on the question of limiting the tax rate for the following year;

(2) it is signed by a number of *registered* ~~[qualified]~~ voters of the school district equal to at least 10 percent of the number of *registered* ~~[qualified]~~ voters of the district according to the most recent official list of *registered* ~~[qualified]~~ voters ~~[not counting the signatures of voters gathered by a person who received compensation for circulating the petition];~~ and

(3) it is submitted to the governing body on or before the 90th day after the date on which the governing body adopted the tax rate for the current year.

SECTION 86. Section 26.085(b), Tax Code, is amended to read as follows:

(b) A petition is valid only if:

(1) it states that it is intended to require an election on the question of limiting the amount of school district tax funds to be dedicated to the junior college district for the current year;

(2) it is signed by a number of *registered* ~~[qualified]~~ voters of the school district equal to at least 10 percent of the number of *registered* ~~[qualified]~~ voters of the school district according to the most recent official list of *registered* ~~[qualified]~~ voters ~~[not counting the signatures of voters gathered by a person who received compensation for circulating the petition];~~ and

(3) it is submitted to the governing body on or before the 90th day after the date on which the governing body made the dedication to the junior college district.

SECTION 87. Sections 130.033(b), (c), and (d), Education Code, are amended to read as follows:

(b) In the case of a union junior college district, the petition shall be signed by not fewer than 10 percent of the *registered voters* ~~[qualified taxpaying electors]~~ of each of the school districts within the territory of the proposed junior college district and shall be presented to the county school board or county school boards of the respective counties if the territory encompasses more than one county; but if there is no county school board, the petition shall be presented to the commissioners court of the county or counties involved.

(c) In the case of a county junior college district, the petition shall be signed by not fewer than 10 percent of the *registered voters* ~~[qualified taxpaying electors]~~ of the proposed college district and shall be presented to the county school board of the county; but if there is no county school board, the petition shall be presented to the commissioners court of the county.

(d) In case of a joint-county junior college district, the petition shall be signed by not fewer than 10 percent of the *registered voters* ~~[qualified taxpaying electors]~~ of each of the proposed counties and shall be presented to the respective county school boards of the counties to be included in the proposed district; in case there is no county school board, the petition shall be presented to the commissioners court of the county or counties involved.

SECTION 88. Sections 130.062(b) and (c), Education Code, are amended to read as follows:

(b) A petition requesting that such territory be added to the junior college district signed by a majority of the *registered* ~~[qualified property taxpaying]~~ voters of the territory may be presented to the governing board of the junior college district.

(c) The board shall determine whether the petition is signed by the required majority, ~~based upon the latest approved tax rolls of the independent school district,~~ and if such determination is affirmative and if the board shall also determine that the facilities of the junior college district may be extended to cover adequately the scholastics of the added

territory, the board shall pass an order admitting such territory. The order shall describe by metes and bounds the junior college district as extended; and a copy of the order shall be filed with the county superintendent. Thereafter, the territory shall be a part of the junior college district for all intents and purposes.

SECTION 89. Section 130.065(a), Education Code, is amended to read as follows:

(a) If the annexation is by election, a petition signed by five percent of the *registered voters* [~~property-taxpaying electors~~] in the territory seeking to be annexed shall be presented to the county school board of the county, or to the commissioners court of the county in case there is no county school board.

SECTION 90. Section 130.070(b), Education Code, is amended to read as follows:

(b) The proposed disannexation and creation of a separate junior college district shall be initiated by a petition signed by not less than five percent (5%) of the *registered voters* [~~qualified-taxpaying electors~~] of the independent school district seeking disannexation. The petition shall be presented to the board of trustees of the independent school district seeking to be disannexed, which shall pass upon the legality and genuineness of the petition and forward the petition, if approved, to the coordinating board.

SECTION 91. Section 251.51(a), Alcoholic Beverage Code, is amended to read as follows:

(a) ~~The [On the fifth day after the election, or as soon after the fifth day as practicable, the]~~ commissioners court shall [~~meet in special session to~~] canvass the returns *in accordance with Chapter 67, Election Code*. On completing the canvass, the commissioners court shall make an order declaring the result and cause the clerk of the commissioners court to record the order as provided by law.

SECTION 92. (a) Any authority that acquired the equipment necessary for operating a voting system before the effective date of this Act shall promptly obtain the documents required by Section 123.035, Election Code, as added by this Act.

(b) An authority that fails to obtain the documents before September 1, 1994, may not use the voting system in a future election.

(c) The attorney general may seek a writ of injunction to prevent a violation of Subsection (b) of this section. The injunction shall be granted unless the authority:

(1) produces the necessary documentation in court; or

(2) proves that it submitted a written request for the necessary documentation from the secretary of state not later than three months after the effective date of this Act and that the secretary has failed to respond to that request.

(d) If a writ of injunction is denied under Subsection (c)(2) of this section, the attorney general shall seek a writ of mandamus to compel the secretary of state to respond to the request made by the authority.

(e) The changes in law made by this Act apply only to a voting system equipment contract that is executed or renewed on or after the effective date of this Act. A contract that was executed and in force before that date is governed by the law as it existed on the date of execution, and that law is continued in effect for that purpose.

SECTION 93. For the primary election held in 1994, a written statement may be submitted under Section 173.0831, as added by this Act, not later than the 10th day after the effective date of this Act.

SECTION 94. Section 276.002, Election Code, is repealed.

SECTION 95. This Act takes effect September 1, 1993.

SECTION 96. 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 May 11, 1993, by a non-record vote; the House concurred in Senate amendments to H.B. No. 75 on May 28, 1993, by a non-record vote; passed by the Senate, with amendments, on May 25, 1993, by a viva-voce vote.

Approved June 16, 1993.

Effective Sept. 1, 1993.