

CHAPTER 472

H.B. No. 612

AN ACT

relating to electoral and political processes and procedures, including conducting elections, voter registration, financing certain elections, political party conventions, candidacy for public office, and the regulation of certain political funds; providing criminal penalties.

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

SECTION 1. Section 13.002(c), Election Code, is amended to read as follows:

(c) A registration application must include:

(1) the applicant's name as follows:

(A) first name, middle name, if any, and surname; or

(B) first name, maiden name, and husband's surname if the applicant is a married woman using the husband's surname;

(2) the applicant's sex;

(3) the month, day, and year of the applicant's birth;

(4) a statement that the applicant is a United States citizen;

(5) if the applicant is a naturalized citizen, the location of the court of naturalization;

(6) a statement that the applicant is a resident of the county;

(7) ~~[a statement that the applicant has not been determined mentally incompetent by a final judgment of a court;~~

[~~8~~] a statement that the applicant has not been finally convicted of a felony or that the applicant is a felon eligible for registration under Section 13.001(a)(4);

(8) [~~9~~] if the applicant is currently registered in another county, the name of that county and the applicant's residence address on the registration certificate for that county;

(9) [~~10~~] the applicant's residence address or, if the residence has no address, the address at which the applicant receives mail and a concise description of the location of the applicant's residence; and

(10) [~~11~~] if the application is made by an agent, a statement of the agent's relationship to the applicant.

SECTION 2. Section 13.042(a), Election Code, is amended to read as follows:

(a) A volunteer deputy registrar shall deliver in person, *or by personal delivery through another designated volunteer deputy*, to the registrar each completed voter registration application submitted to the deputy, as provided by this section. *The secretary of state shall prescribe any procedures necessary to ensure the proper and timely delivery of completed applications that are not delivered in person by the volunteer deputy who receives them.*

SECTION 3. Section 13.121(a), Election Code, is amended to read as follows:

(a) The officially prescribed application form for registration by mail must be in the form of a business reply postcard, unless another form or system is used under Subsection (b), with postage paid by the state. *The form may not be larger than the form in use immediately prior to January 1, 1986.* The secretary of state shall design the form to enhance the legibility of its contents.

SECTION 4. Subsections (b) and (d), Section 19.002, Election Code, are amended to read as follows:

(b) *After June 1* [~~Before July 1~~] of each year, the comptroller of public accounts shall issue warrants [~~to each registrar a warrant~~] pursuant to vouchers [~~a voucher~~] submitted by the registrar and approved by the secretary of state in amounts that in the aggregate do [~~an amount~~] not exceed [~~exceeding~~] the registrar's entitlement. *The secretary of state shall prescribe the procedures necessary to implement this subsection.* [~~Subsequent warrants for any remainder of the entitlement shall be issued in the same manner.~~]

(d) The comptroller may not issue a warrant [~~to a registrar~~] if on June 1 of the year in which the warrant is to be issued the most recent notice received by the comptroller from the secretary of state under Section 18.065 indicates that the registrar is not in compliance with Section 18.063 or with rules implementing the registration service program.

SECTION 5. Sections 19.004 and 19.005, Election Code, are amended to read as follows:

Sec. 19.004. USE OF STATE FUNDS RESTRICTED. State funds *disbursed* [~~received by a registrar~~] under this chapter may be used only to defray expenses of the registrar's office in connection with voter registration.

Sec. 19.005. STATE FUNDS NOT FEES OF OFFICE. State funds *disbursed* [~~received by a registrar~~] under this chapter are not and may not be treated as fees of office.

SECTION 6. Section 32.073, Election Code, is amended to read as follows:

Sec. 32.073. ABSENCE OF ELECTION OFFICERS FROM POLLING PLACE. (a) The presiding judge and the clerks who *are on duty at the time of any manual count or examination of ballots* [~~begin work~~] before the time for closing the polls shall remain on duty without leaving the polling place while the polls are open. *Clerks may be assigned to work for periods ending before any manual count or examination of ballots begins.* ~~The~~ [~~However, the~~] presiding judge may permit *temporary* absences for meals or other necessary activities.

(b) If the presiding judge does not permit the clerks to be absent for meals, he must permit meals to be brought or delivered to the polling place.

(c) With respect to regulating *temporary* absences from the polling place while the polls are open, the presiding judge shall treat all election officers serving at the polling place uniformly.

SECTION 7. Section 33.052(b), Election Code, is amended to read as follows:

(b) A watcher may not leave the polling place during the time the polls are open unless the presiding judge gives the watcher permission to be absent for a meal or other necessary activity. If the presiding judge permits the clerks to leave the polling place *temporarily* during the time the polls are open, the judge must grant the same privilege to watchers.

SECTION 8. Section 42.006(d), Election Code, is amended to read as follows:

(d) In a county in which a voting system has been adopted for use in the general election for state and county officers, the maximum number of registered voters a precinct may contain is:

- (1) 3,000, in a county with a population of 250,000 [~~175,000~~] or more; [~~and~~]
- (2) 4,000, in a county with a population of 175,000 or more but less than 250,000; and
- (3) 5,000, in a county with a population of less than 175,000.

SECTION 9. Sections 42.031 and 42.032, Election Code, are amended to read as follows:

Sec. 42.031. REVIEWING PRECINCTS FOR COMPLIANCE: BOUNDARY CHANGES. (a) During *March* [~~July~~] or *April* [~~August~~] of each odd-numbered year, each commissioners court shall determine whether the county election precincts comply with Sections 42.005, 42.006, and 42.007. The commissioners court may make that determination during *March* [~~July~~] or *April* [~~August~~] of an even-numbered year. Before *May* [~~September~~] 1 of the year in which the determination is made, the commissioners court shall order the boundary changes necessary for compliance.

(b) The commissioners court may order a boundary change only during *March* [~~July~~] or *April* [~~August~~] unless the change is necessary to:

- (1) comply with Section 42.005 or 42.032;
- (2) reduce the number of registered voters in a precinct so it does not exceed the maximum number permitted by Section 42.006; or
- (3) include within a precinct a suitable building available for use as a polling place if no suitable building is available for that purpose within the existing precinct boundary.

Sec. 42.032. REDISTRICTING: BOUNDARY CHANGES. If changes in county election precinct boundaries are necessary to give effect to a redistricting plan under Article III, Section 28, of the Texas Constitution, each commissioners court shall order the changes before *October* [~~December~~] 1 of the year in which the redistricting is done.

SECTION 10. Subchapter A, Chapter 51, Election Code, is amended by adding Section 51.013 to read as follows:

Sec. 51.013. IDENTIFICATION OF PRINTERS FOR PRIMARY ELECTION OR GENERAL ELECTION FOR STATE AND COUNTY OFFICERS. (a) Each person who prints ballots or other election supplies for a primary election or the general election for state and county officers shall file a statement with the secretary of state as provided by this section.

(b) The statement must be filed not later than the 60th day before the date of the applicable election.

(c) The statement must include:

- (1) the name, business address, and business telephone number of the printer;*
- (2) the name and telephone number of any agent or employee of the printer who is designated to receive inquiries or issue information about the printing of ballots or other election supplies; and*
- (3) the name and address of each client for whom the ballots or other supplies are printed, the voting methods for which the materials are printed for the client, and a description of the materials printed for the client.*

(d) The secretary of state shall prescribe the form for the statement required by this section.

SECTION 11. Section 51.032, Election Code, is amended by amending Subsection (c) and by adding Subsection (d) to read as follows:

(c) A voting booth may be used without approval of the secretary of state if the booth complies with the standards prescribed by the secretary of state or if the booth:

- (1) is rectangular, with at least three sides of opaque material beginning not more than three feet from the floor and extending to a height of at least six feet from the floor;*
- (2) has inside dimensions at least 22 inches wide and 30 inches deep; and*
- (3) has a shelf for writing.*

(d) The voting booth standards prescribed by the secretary of state must assure that privacy for voters while marking their ballots is provided and that the voting booth's composition and design are suitable for the intended use.

SECTION 12. Section 52.032, Election Code, is amended to read as follows:

Sec. 52.032. CANDIDATES WITH SAME OR SIMILAR SURNAMES. (a) If two or more candidates for the same office have the same or similar surnames, each of those candidates may have printed on the ballot a brief distinguishing description or title, not to exceed four words, following the candidate's name.

(b) The description or title may only refer to the candidate's place of residence or present or former profession, occupation, or position. However, the description or title may not refer to a public office.

SECTION 13. Section 52.068(a), Election Code, is amended to read as follows:

(a) If no candidate's name is to appear on the ballot for a particular office to be voted on at an ~~the~~ election in which write-in votes for the office are permitted by law, the authority responsible for having the ballot prepared shall have the office title printed on the ballot and ~~[if write-in votes are permitted by law in the election,]~~ shall provide a space for a write-in vote as required by this code. However, in an election in which write-in votes may be counted only for names appearing on a list of write-in candidates, if no candidate's name is to appear on the ballot or the list of write-in candidates for a particular office, the office title is not printed on the ballot.

SECTION 14. Section 52.070(d), Election Code, is amended to read as follows:

(d) If more than one candidate is to be elected in any race on the ballot, "Vote for none, one, two, . . . or _____" (in the numerical sequence appropriate for ~~and~~ the number of candidates to be elected) shall be printed immediately below each office title appearing on the ballot.

SECTION 15. Section 52.071(b), Election Code, is amended to read as follows:

(b) The following instruction shall be added to the instruction required by Section 52.070(b): "You may cast a straight-party vote (that is, cast a vote for all the nominees of one party) by placing an 'X' in the square beside the name of the party of your choice. *If you cast a straight-party vote for all the nominees of one party and also cast a vote for an opponent of one of that party's nominees, your vote for the opponent will be counted as well as your vote for all the other nominees of the party for which the straight-party vote was cast.*"

SECTION 16. Section 61.007, Election Code, is amended by adding Subsection (c) to read as follows:

(c) *Beginning at 9:30 a.m. and at each subsequent two-hour interval through 5:30 p.m., the presiding judge shall post written notice of the total number of voters who have voted in the precinct. The notice shall be posted at an outside door through which a voter may enter the building in which the polling place is located.*

SECTION 17. Subchapter A, Chapter 61, Election Code, is amended by adding Section 61.010 to read as follows:

Sec. 61.010. WEARING BADGE IN POLLING PLACE PROHIBITED. (a) *Except as provided by Subsection (b), a person may not wear a badge, insignia, emblem, or other similar communicative device relating to a candidate, measure, or political party appearing on the ballot, or to the conduct of the election, in the polling place or within 100 feet of any outside door through which a voter may enter the building in which the polling place is located.*

(b) *An election judge, an election clerk, a state or federal election inspector, a certified peace officer, or a special peace officer appointed for the polling place by the presiding judge may wear in the area described by Subsection (a) a name tag or official badge that indicates the person's title or position.*

(c) *A person commits an offense if the person violates Subsection (a). An offense under this subsection is a Class C misdemeanor.*

SECTION 18. Section 66.025, Election Code, is amended to read as follows:

Sec. 66.025. CONTENTS OF BALLOT BOX NO. 3. (a) Ballot box no. 3 must contain:

- (1) the voted ballots;
- (2) a copy of the precinct returns;
- (3) a tally list; and
- (4) a copy of the poll list.

(b) *The copy of the poll list may be placed in a container other than ballot box no. 3 on approval by the secretary of state if the secretary determines that placement in the other container is more suitable for a particular election.*

SECTION 19. Chapter 82, Election Code, is amended to read as follows:

CHAPTER 82. ELIGIBILITY TO VOTE ABSENTEE

Sec. 82.001. ABSENCE FROM COUNTY OF RESIDENCE. (a) ~~[A qualified voter is eligible to vote absentee by personal appearance if the voter expects to be absent from the county of the voter's residence on election day.~~

~~[(b)]~~ Subject to Subsection (b) ~~[(e)]~~, a qualified voter is eligible to vote absentee by mail if the voter expects to be absent from the county of the voter's residence on election day and during the regular hours for conducting absentee voting at the main absentee polling place for that part of the period for voting absentee by personal appearance remaining after the voter's absentee ballot application is submitted to the absentee voting clerk.

(b) ~~[(e)]~~ If a voter's absentee ballot application is submitted on or after the first day of the period for voting absentee by personal appearance, the voter is ineligible to vote absentee by mail unless the voter is absent from the county when the application is submitted and satisfies the requirements prescribed by Subsection (a) ~~[(b)]~~.

Sec. 82.002. **DISABILITY.** (a) A qualified voter is eligible to vote absentee by ~~[personal appearance or by]~~ mail if the voter has a sickness or physical condition that prevents the voter from appearing at the polling place on election day without a likelihood of needing personal assistance or of injuring his health.

(b) Expected or likely confinement for childbirth on election day is sufficient cause to entitle a voter to vote absentee under Subsection (a).

Sec. 82.003. **AGE.** A qualified voter is eligible to vote absentee by ~~[personal appearance or by]~~ mail if the voter is 65 years of age or older on election day.

Sec. 82.004. **RELIGION.** A qualified voter is eligible to vote absentee by ~~[personal appearance or by]~~ mail if the voter is forbidden by religious conviction to vote during all or part of the time the polls are open on election day.

Sec. 82.005. **CONFINEMENT IN JAIL.** (a) A qualified voter is eligible to vote absentee by ~~[personal appearance or by]~~ mail if, at the time the voter's absentee ballot application is submitted, the voter is confined in jail:

- (1) serving a misdemeanor sentence for a term that ends on or after election day;
- (2) pending trial after denial of bail;
- (3) without bail pending an appeal of a felony conviction; or
- (4) pending trial or appeal on a bailable offense for which release on bail before election day is unlikely.

(b) A voter confined in jail who is eligible to vote absentee is not entitled to vote absentee by personal appearance unless the authority in charge of the jail, in his discretion, permits the voter to do so.

Sec. 82.006. **ELIGIBILITY TO VOTE ABSENTEE BY PERSONAL APPEARANCE.** *Any qualified voter is eligible to vote absentee by personal appearance.* ~~[SERVING IN ELECTION. (a) A qualified voter is eligible to vote absentee by personal appearance if:~~

~~[(1) the voter expects to serve on election day as an election officer or watcher in the election or in another election held on the same day; and~~

~~[(2) the location at which the voter expects to serve is not the polling place at which he would vote in the election in which he desires to vote absentee.~~

~~[(b) A qualified voter is eligible to vote absentee by personal appearance if the voter expects, by reason of his employment, to perform official functions in the administration of an election during all or part of the voting hours on election day.]~~

SECTION 20. Section 84.001, Election Code, is amended to read as follows:

Sec. 84.001. **APPLICATION REQUIRED.** (a) To be entitled to vote absentee, a person who is eligible to vote absentee must make an application for an absentee ballot as provided by this title.

(b) An application must be in writing and signed by the applicant.

(c) An applicant is not required to use an official application form.

(d) *An applicant for a ballot to be voted by mail may apply for ballots for the main election and any resulting runoff election on the same application. The timeliness of the application for both elections is determined in relation to the main election. However, if the application is not timely for the main election, the timeliness of the application for the runoff election is determined in relation to that election.*

(e) *A [An absentee ballot voted by a] person who has not made an application as provided by this title is [may] not entitled to receive an absentee ballot [be counted].*

SECTION 21. Section 84.002(a), Election Code, is amended to read as follows:

(a) An absentee ballot application must include:

- (1) the applicant's name and residence address;
- (2) ~~[and,]~~ for an application for a ballot to be voted by mail, the address to which the ballot is to be mailed and *an indication of each election for which the voter is applying for a ballot* ~~[the date on or after which the applicant can receive mail at that address]; and~~

(3) [(2)] an indication of the ground of eligibility to vote absentee.

SECTION 22. Chapter 84, Election Code, is amended by adding Section 84.0041 to read as follows:

Sec. 84.0041. PROVIDING FALSE INFORMATION ON APPLICATION. (a) A person commits an offense if the person knowingly provides false information on an application for an absentee ballot.

(b) An offense under this section is a Class B misdemeanor.

SECTION 23. Subsections (a) and (b), Section 84.007, Election Code, are amended to read as follows:

(a) Except as provided by Sections 84.008 and 84.009, an application for a ballot to be voted by mail must be submitted as provided by this section.

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

(1) mail; or

(2) common or contract carrier.

SECTION 24. Section 84.011, Election Code, is amended to read as follows:

Sec. 84.011. OFFICIAL APPLICATION FORM. The officially prescribed application form for an absentee ballot must include:

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

(2) a statement informing voters of the offense prescribed by Section 84.004; [and]

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

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

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

(B) a space for indicating the fact that an applicant whose application is signed by a witness cannot make his mark and a space for indicating the relationship or the lack of relationship of the witness to the applicant.

SECTION 25. Section 85.006, Election Code, is amended by amending Subsection (a) and by adding Subsection (d) to read as follows:

(a) Except as provided by Subsection (b), the authority ordering an election may order absentee voting by personal appearance at the main absentee polling place to be conducted on one or more Saturdays or *Sundays during* [~~the last Sunday of~~] the absentee voting period.

(d) The authority authorized to order absentee voting on a Saturday or Sunday under Subsection (a) or (b) shall order the voting under the applicable subsection on receipt of a written request submitted by at least 15 registered voters of the territory covered by the election. The request must be submitted in time to enable compliance with Section 85.007. The authority is not required to order the voting on a particular date specified by the request but shall order the voting on at least one Saturday if a Saturday is requested and on at least one Sunday if a Sunday is requested.

SECTION 26. Section 86.001, Election Code, is amended by relettering Subsection (e) as Subsection (g) and by adding new Subsections (e) and (f) to read as follows:

(e) If the applicant does not have an effective voter registration for the election, the clerk shall reject the application unless the clerk can determine from the voter registrar that the applicant has submitted a voter registration application and the registration will be effective on election day.

(f) *If the clerk receives an application for an election for which the clerk is not serving as absentee voting clerk, the clerk shall reject the application for that election and notify the applicant of the rejection in accordance with Section 86.008.*

(g) ~~(e)~~ If a ballot is provided to the applicant, the clerk shall indicate beside the applicant's name on the list of registered voters that a ballot to be voted by mail was provided to him and the date of providing the ballot unless the form of the list makes it impracticable to do so.

SECTION 27. Section 86.002, Election Code, is amended by amending Subsection (c) and by adding Subsection (e) to read as follows:

(c) The clerk shall ~~may~~ enter on a carrier envelope the voter's name in printed form and any other information the clerk determines necessary for proper processing of the ballot.

(e) *If the clerk determines that the carrier envelope and other balloting materials will weigh more than one ounce when returned by mail to the clerk, the clerk shall include with the balloting materials a notice of the amount of first class postage that will be required for the return by mail of the carrier envelope and enclosed materials.*

SECTION 28. Section 86.006(a), Election Code, is amended to read as follows:

(a) A marked ballot voted by mail must be returned to the absentee voting clerk ~~by mail~~ in the official carrier envelope. *The carrier envelope may be delivered in another envelope and must be delivered by mail or by common or contract carrier.* A ballot returned by any other method may not be counted.

SECTION 29. Section 86.007(b), Election Code, is amended to read as follows:

(b) If the absentee voting clerk cannot determine whether a ballot arrived before the deadline, the ballot is considered to have arrived at the time the place at which the carrier envelopes are deposited was last inspected for removal of returned ballots. *The clerk shall check for returned ballots, at least once before the deadline, after the normal delivery time on the last day at the place at which the carrier envelopes are deposited.*

SECTION 30. Section 86.008, Election Code, is amended to read as follows:

Sec. 86.008. DEFECTIVE APPLICATION. (a) If on reviewing an application for a ballot to be voted by mail that was received on or before the 12th day before election day the absentee voting clerk determines that the application does not fully comply with the applicable requirements prescribed by this title, the clerk shall *mail or otherwise deliver* an official application form to the applicant.

(b) The clerk shall include with the application form mailed *or delivered* to the applicant a written notice containing:

- (1) a brief explanation of each defect in the noncomplying application;
- (2) a statement informing the voter that he is not entitled to vote absentee unless the application complies with all legal requirements; and
- (3) instructions for submitting the second application.

(c) If an application that does not fully comply with the applicable requirements prescribed by this title is received after the 12th day before election day and before the end of the period for voting absentee by personal appearance, the clerk shall *mail or otherwise deliver* a notice to the voter containing the information prescribed by Subdivisions (1) and (2) of Subsection (b), including a statement that the application was late, if applicable.

(d) *Notwithstanding any other provisions of this code, the clerk may deliver in person to the voter a second application if the defective original application is timely and may receive, before the deadline, the corrected application in person from the voter. If a procedure authorized by this subsection is used, it must be applied uniformly to all applications covered by this subsection. The clerk shall enter a notation on the application indicating any information added by the clerk under this subsection. A poll watcher is entitled to accompany the clerk and observe the procedures under this subsection. The secretary of state may prescribe any other*

procedures necessary to implement this subsection including requirements for posting notice of any deliveries.

SECTION 31. Section 86.011, Election Code, is amended by adding Subsection (d) to read as follows:

(d) Notwithstanding any other provisions of this code, if the clerk receives a timely carrier envelope that does not fully comply with the applicable requirements prescribed by this title, the clerk may deliver the carrier envelope in person to the voter and may receive, before the deadline, the corrected carrier envelope from the voter. If the procedure authorized by this subsection is used, it must be applied uniformly to all carrier envelopes covered by this subsection. A poll watcher is entitled to accompany the clerk and observe the procedures under this subsection. The secretary of state may prescribe any other procedures necessary to implement this subsection including requirements for posting notice of any deliveries.

SECTION 32. Chapter 86, Election Code, is amended by adding Section 86.014 to read as follows:

Sec. 86.014. PUBLIC INSPECTION OF ABSENTEE RECORDS. (a) A copy of an application for a ballot to be voted by mail may be obtained from the clerk 48 hours after the receipt of the application by the clerk.

(b) Originals of the applications and carrier envelopes are not available for public inspection until those materials are delivered to the general custodian of election records after the election.

SECTION 33. Subchapter B, Chapter 87, Election Code, is amended by adding Sections 87.026 and 87.027 to read as follows:

Sec. 87.026. BYSTANDERS EXCLUDED. Except as permitted by this code, a person may not be in the meeting place of an absentee ballot board during the time of the board's operations.

Sec. 87.027. SIGNATURE VERIFICATION COMMITTEE. (a) A signature verification committee may be appointed in any election. The absentee voting clerk is the authority responsible for determining whether a signature verification committee is to be appointed. If the clerk determines that a committee is to be appointed, the clerk shall issue a written order calling for the appointment.

(b) The following authority is responsible for appointing the members of a signature verification committee:

- (1) the county election board, in an election for which the board is established;*
- (2) the county chairman, in a primary election; and*
- (3) the governing body of the political subdivision, in an election ordered by an authority of a political subdivision other than a county.*

(c) Not later than the fifth day after the date the absentee voting clerk issues the order calling for the appointment of a signature verification committee, the appropriate authority shall appoint the members of the committee and designate one of the appointees as chairman. The authority shall fill a vacancy on the committee by appointment as soon as possible after the vacancy occurs. The absentee voting clerk shall post notice of the name and residence address of each appointee. The notice must remain posted continuously for the period beginning the day after the date of the appointment and ending on the last day of the committee's operation in the election.

(d) The absentee voting clerk shall determine the number of members who are to compose the signature verification committee and shall state that number in the order calling for the committee's appointment. A committee must consist of not fewer than five nor more than 15 members and, in elections in which party alignment is indicated on the ballot, must be balanced as equally as possible by members of each political party required to nominate candidates by primary election.

(e) To be eligible to serve on a signature verification committee, a person must be a qualified voter:

(1) of the county, in a countywide election ordered by the governor or a county authority or in a primary election;

(2) of the part of the county in which the election is held, for an election ordered by the governor or a county authority that does not cover the entire county of the person's residence; or

(3) of the political subdivision, in an election ordered by an authority of a political subdivision other than a county.

(f) The absentee voting clerk shall determine the place, day or days, and hours of operation of the signature verification committee and shall state that information in the order calling for the committee's appointment. A committee may not begin operating before the 10th day before election day.

(g) The absentee voting clerk shall post a copy of the order calling for the appointment of the signature verification committee. The copy must remain posted continuously for at least 10 days before the first day the committee meets.

(h) If a signature verification committee is appointed for the election, the absentee voting clerk shall deliver the jacket envelopes containing the absentee ballots voted by mail to the committee instead of to the absentee ballot board. Deliveries may be made only during the period of the committee's operation at times scheduled in advance of delivery by the absentee voting clerk. The clerk shall post notice of the time of each delivery. The notice must remain posted continuously for at least two days before the date of the delivery.

(i) The signature verification committee shall compare the signature on each carrier envelope certificate, except those signed for a voter by a witness, with the signature on the voter's ballot application to determine whether the signatures are those of the same person. The committee shall place the jacket envelopes, carrier envelopes, and applications of voters whose signatures do not match in separate containers from those of voters whose signatures match. The committee chairman shall deliver the sorted materials to the absentee ballot board at the time specified by the board's presiding judge but within the period permitted for the absentee voting clerk's delivery of absentee ballots to the board.

(j) If a signature verification committee is appointed, the absentee ballot board shall follow the same procedure for accepting the absentee ballots voted by mail as in an election without a signature verification committee, except that the board may not determine whether a voter's signatures on the carrier envelope certificate and ballot application match if the committee has determined that the signatures match.

(k) Postings required by this section shall be made on the bulletin board used for posting notice of meetings of the commissioners court, in an election for which the county election board is established or a primary election, or of the governing body of the political subdivision in other elections.

SECTION 34. Section 87.041(b), Election Code, is amended to read as follows:

(b) A ballot may ~~not~~ be accepted *only* if ~~unless~~:

(1) the carrier envelope certificate is properly executed;

(2) *neither* the voter's signature on the ballot application *nor* ~~matches~~ the signature on the carrier envelope certificate *is determined to have been executed by a person other than the voter*, unless signed by a witness;

(3) the voter's ballot application ~~[complies with the applicable requirements of this title and]~~ states a legal ground for voting absentee by mail;

(4) the ballot was timely returned to the absentee voting clerk by the proper method;

(5) ~~[if registration is required by law,]~~ the voter is registered to vote, *if registration is required by law*; and

(6) ~~[if the ground for voting absentee is absence from the county of residence,]~~ the address to which the ballot was mailed to the voter, as indicated by his application, was

outside the voter's county of residence, *if the ground for voting absentee is absence from the county of residence.*

SECTION 35. Subchapter C, Chapter 124, Election Code, is amended by adding Section 124.0621 to read as follows:

Sec. 124.0621. NO WRITE-IN SPACE PROVIDED ON CERTAIN BALLOTS. If no candidate's name is to appear for a particular office on the list of write-in candidates in an election in which write-in votes may be counted only for names appearing on the list, a write-in space is not required for that office on an electronic system ballot on which a voter indicates a vote by making a mark on the ballot.

SECTION 36. Section 124.063, Election Code, is amended by amending Subsection (d), relettering Subsection (e) as Subsection (f), and adding a new Subsection (e) to read as follows:

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

(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.*

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

SECTION 37. Section 126.003(e), Election Code, is amended to read as follows:

(e) If the printout is illegible, the presiding judge shall note that fact on the returns, *and the results shall be entered on the returns in the manner prescribed by Section 126.002.* ~~[Before completing its canvass of the returns, the local canvassing authority shall make the appropriate entries on the returns using the registering counters of the voting machine as the source of the election results. On the written request of the presiding officer of the local canvassing authority, the custodian of the voting machine shall open its registering counters at the time specified by the request for the purpose of obtaining the election results registered on the machine.]~~

SECTION 38. Section 127.126(d), Election Code, is amended to read as follows:

(d) Each duplicate ballot must be clearly labeled "Duplicate" and must bear *the* [a] serial number ~~of,~~ ~~which shall also be placed on,~~ the [corresponding] original ballot.

SECTION 39. Section 142.006, Election Code, is amended to read as follows:

Sec. 142.006. REGULAR FILING DEADLINE FOR APPLICATION. (a) An application for a place on the ballot must be filed not later than 5 p.m. of the 30th day after runoff primary election day, except as provided by Section 202.007.

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

SECTION 40. Section 145.092, Election Code, is amended to read as follows:

Sec. 145.092. DEADLINE FOR WITHDRAWAL. (a) Except as *otherwise* provided by *this section* ~~[Subsection (b)],~~ a candidate may not withdraw from an election after 5 p.m. of the second day before the beginning of absentee voting by personal appearance.

(b) *A candidate in an election for which the filing deadline for an application for a place on the ballot is not later than 5 p.m. of the 45th day before election day may not withdraw from the election after 5 p.m. of the 36th day before election day.*

(c) ~~(b)~~ A candidate in a runoff election following a main election subject to Subsection (a) may not withdraw from the election after 5 p.m. of the 10th day after the date of the main election or 5 p.m. of the second day before the beginning of absentee voting by personal appearance for the runoff, whichever is earlier.

(d) *A candidate in a runoff election following a main election subject to Subsection (b) may not withdraw from the election after 5 p.m. of the third day after the date of the main election.*

(e) [(e)] Section 1.006 does not apply to this section.

SECTION 41. Section 145.094(a), Election Code, is amended to read as follows:

(a) The name of a candidate shall be omitted from the ballot if the candidate:

(1) dies before the second day before the date of the deadline for filing the candidate's application for a place on the ballot; [or]

(2) withdraws or is declared ineligible before 5 p.m. of the second day before the beginning of absentee voting by personal appearance, *in an election subject to Section 145.092(a); or*

(3) *withdraws or is declared ineligible before 5 p.m. of the 36th day before election day, in an election subject to Section 145.092(b).*

SECTION 42. Section 145.096(a), Election Code, is amended to read as follows:

(a) Except as provided by Subsection (b), *a candidate's name shall be placed on the ballot if the [a] candidate:*

(1) dies on or after the second day before the deadline for filing the candidate's application for a place on the ballot;

(2) [or] is declared ineligible after 5 p.m. of the second day before the beginning of absentee voting by personal appearance, *in an election subject to Section 145.092(a); or*

(3) *is declared ineligible after 5 p.m. of the 36th day before election day, in an election subject to Section 145.092(b) [the candidate's name shall be placed on the ballot].*

SECTION 43. Sections 146.025 and 146.029, Election Code, are amended to read as follows:

Sec. 146.025. FILING DEADLINE. (a) A declaration of write-in candidacy must be filed not later than 5 p.m. of the *60th* [55th] day before general election day, except as otherwise provided by this code.

(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* [27th] 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.

Sec. 146.029. CERTIFICATION OF CANDIDATE FOR PLACEMENT ON LIST OF WRITE-IN CANDIDATES. (a) Except as provided by Section 146.030, the authority with whom a declaration of write-in candidacy is required to be filed shall certify in writing for placement on the list of write-in candidates the name of each candidate who files with the authority a declaration that complies with Section 146.023(b). *If no name is to be certified, the authority shall certify that fact in writing.*

(b) Each name shall be certified in the form indicated on the candidate's declaration of write-in candidacy, subject to Subchapter B, Chapter 52.

(c) ~~Not [Except as provided by Subsection (d), not]~~ later than the *55th* [45th] day before election day, the certifying authority shall deliver the certification to the authority responsible for having the official ballot prepared in each county in which the office sought by the candidate is to be voted on.

~~[(d) If the deadline for filing a declaration of write-in candidacy is extended under Section 146.025(b), the certification shall be delivered before the first day of the period for voting absentee by personal appearance.]~~

SECTION 44. Subchapter E, Chapter 172, Election Code, is amended by adding Section 172.1111 to read as follows:

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

the date, hour, and place for convening the precinct convention. The judge is not required to use an officially prescribed form for the notice.

SECTION 45. Section 173.003, Election Code, is amended to read as follows:

Sec. 173.003. EXPENSES INCURRED BY COUNTY. Except as otherwise provided by law, the county shall pay *all* the expenses incurred ~~[by the county clerk]~~ in connection with absentee voting in a primary election, *except expenses relating to the printing of absentee ballots*, and any other expenses incurred by a county authority in connection with a primary election.

SECTION 46. Section 173.0851(a), Election Code, as added by S.B. 280, 70th Legislature, Regular Session, 1987, to be effective September 1, 1987, is amended to read as follows:

(a) *Any surplus remaining in a primary fund shall be remitted to the secretary of state immediately after the final payment from the fund of the necessary expenses for holding the primary elections for that year, but not later than July 1 following the applicable primary election* ~~[If after the final installment, if any, is paid under Section 173.083(d), the total amount required to be deposited in a primary fund exceeds the primary election expenses actually incurred, the county chairman for a county primary fund or the state chairman for a state primary fund shall immediately remit the surplus in the applicable fund to the secretary of state].~~ The surplus in a primary fund shall be remitted regardless of whether state funds were requested by the chairman.

SECTION 47. Section 174.027, Election Code, is amended to read as follows:

Sec. 174.027. RECORDS OF CONVENTION. (a) The convention chairman shall prepare, sign, and make a copy of a list of the names and residence addresses of the delegates and any alternates selected by the convention.

(b) The convention chairman shall sign and make a copy of the list of precinct convention participants required by Section 174.025(c).

(c) The convention chairman shall deliver the originals and copies of the lists to the county *chairman* ~~[clerk]~~ not later than the third day after the date of the precinct convention, except that if delivered by mail, they shall be deposited in the mail not later than the second day after the date of the precinct convention.

(d) ~~[The county clerk shall sign and put a file mark on the originals and copies of the lists.]~~ The county chairman ~~[shall obtain the originals from the county clerk before the date of the county and senatorial district conventions. The county clerk]~~ shall retain the copies of the lists until the end of the voting year in which they are received.

(e) If senatorial district conventions will be held in the county, the county chairman shall deliver the originals of the lists to the temporary chairmen of the senatorial district conventions before the conventions convene.

(f) The original lists are not public information.

SECTION 48. Section 181.005(b), Election Code, is amended to read as follows:

(b) A political party *is entitled* ~~[that has qualified]~~ to have the names of its nominees placed on the ballot, *without qualifying* under Subsection (a), *in each subsequent general election following a general election in which the party* ~~[and that]~~ had a nominee for a statewide office who received a number of votes equal to at least five percent of the total number of votes received by all candidates for that office ~~[is entitled to have the names of its nominees placed on the ballot in the subsequent general election].~~

SECTION 49. Chapter 182, Election Code, is amended by adding Section 182.0041 to read as follows:

Sec. 182.0041. APPLICATION FOR NOMINATION. (a) *To be entitled to be considered for nomination by a convention held under this chapter, a person must make an application for nomination.*

(b) *Subchapter B, Chapter 181, applies to an application for nomination under this chapter.*

SECTION 50. Section 203.012, Election Code, is amended by adding Subsection (c) to read as follows:

(c) *Section 1.006 does not apply to this section.*

SECTION 51. Section 251.010(a), Election Code, is amended to read as follows:

(a) It is unlawful for any corporation, as defined in Section 251.001, to make a contribution or expenditure, as defined in Section 251.001, or any labor organization to make a contribution or expenditure, or for any candidate, office-holder, political committee, or other person to knowingly accept any contribution prohibited by this section except that a corporation or labor organization may make a contribution or expenditure for the purpose of aiding or defeating a measure in accordance with Section 251.003. *It is unlawful for any corporation or labor organization to make a contribution or expenditure in connection with a recall election, including the circulation and submission of a petition to require the election.*

SECTION 52. Section 1.005(23), Election Code, is amended to read as follows:

(23) "Voting year" means the 12-month period beginning *January* [~~March~~] 1 of each year.

SECTION 53. Section 13.142(c), Election Code, is amended to read as follows:

(c) An initial certificate takes effect on the effective date of the registration and expires the following *January* [~~March~~] 1 of an even-numbered year.

SECTION 54. Subsections (c) and (d), Section 14.001, Election Code, as amended by Chapter 14, Acts of the 69th Legislature, 3rd Called Session, 1986, to be effective September 1, 1987, are amended to read as follows:

(c) A renewal certificate is valid for two years beginning on *January* [~~March~~] 1 following its issuance.

(d) At the time the registrar issues an initial certificate for a voter whose registration will be effective after November 14 of an odd-numbered year and before *January* [~~March~~] 1 of the following year, the registrar shall also issue the voter a renewal certificate.

SECTION 55. Section 14.025(a), Election Code, as amended by Chapter 14, Acts of the 69th Legislature, 3rd Called Session, 1986, to be effective September 1, 1987, is amended to read as follows:

(a) Before *January* [~~March~~] 1 of each even-numbered year, the registrar shall deliver a copy of the list of returned certificates to the secretary of state in the form prescribed by the secretary.

SECTION 56. Section 14.052(a), Election Code, is amended to read as follows:

(a) In an election held on or after *January* [~~March~~] 1 and before August 16 of an even-numbered year, a voter whose name appears on a precinct list of registered voters with the notation "R", or a similar notation, may vote in the election precinct in which the list is used if the voter resides in the county in which the voter is registered and, if applicable:

(1) resides in the political subdivision served by the authority ordering the election if the political subdivision is other than the county; or

(2) resides in the territory covered by the election in a less-than-countywide election ordered by the governor or a county authority.

SECTION 57. Subsections (a) and (c), Section 18.041, Election Code, as amended by S.B. 280, 70th Legislature, Regular Session, 1987, to be effective September 1, 1987, are amended to read as follows:

(a) Each voting year, the registrar shall prepare a written statement of the number of persons in each county election precinct whose voter registrations will be effective on *January* [~~March~~] 1.

(c) The registrar shall file the statement with the secretary of state not later than *January* [~~March~~] 1.

SECTION 58. Section 18.063(a), Election Code, is amended to read as follows:

(a) On or after *January* [~~March~~] 1 but before *January* [~~March~~] 16 and on or after September 1 but before September 16 of each even-numbered year, each registrar shall

deliver to the secretary of state a list containing each new registration, canceled registration, and change in registration information that has occurred in the county since the delivery of the previous corresponding list. The information on the list must be current as of the date of delivery. The secretary shall use the information to update the state master file.

SECTION 59. Chapter 276, Election Code, is amended by adding Section 276.006 to read as follows:

Sec. 276.006. CHANGING ELECTORAL BOUNDARIES OF CERTAIN POLITICAL SUBDIVISIONS. A change in a boundary of a territorial unit of a political subdivision other than a county from which an office of the political subdivision is elected is not effective for an election unless the date of the order or other action adopting the boundary change is more than five months before election day.

SECTION 60. Section 36.10, Penal Code, is amended to read as follows:

Sec. 36.10. NON-APPLICABLE. Sections 36.08 (Gift to Public Servant) and 36.09 (Offering Gift to Public Servant) of this code do not apply to:

(1) a fee prescribed by law to be received by a public servant or any other benefit to which the public servant is lawfully entitled or for which he gives legitimate consideration in a capacity other than as a public servant;

(2) a gift or other benefit conferred on account of kinship or a personal, professional, or business relationship independent of the official status of the recipient;

(3) an honorarium in consideration for legitimate services rendered above and beyond official duties and responsibilities if:

(A) not more than one honorarium is received from the same person in a calendar year; ~~and~~

(B) not more than one honorarium is received for the same service; and

(C) ~~[the value of the honorarium does not exceed \$250 exclusive of reimbursement for travel, food, and lodging expenses incurred by the recipient in performance of the services;~~

~~[(D)]~~ the honorarium *and expenses*, regardless of amount, *are [is]* reported in the financial statement filed under Chapter 421, Acts of the 63rd Legislature, 1973 (Article 6252-9b, Vernon's Texas Civil Statutes), if the recipient is required to file a financial statement under that Act;

(4) a benefit consisting of food, lodging, transportation, or entertainment accepted as a guest and reported as required by law; or

(5) a benefit to a public servant required to file a statement under Chapter 421, Acts of the 63rd Legislature, Regular Session, 1973 (Article 6252-9b, Vernon's Texas Civil Statutes), or Section 243, Texas Election Code (Article 14.07, Vernon's Texas Election Code), that is derived from a function in honor or appreciation of the recipient if:

(A) the benefit and the source of any benefit in excess of \$50 is reported in the statement; and

(B) the benefit is used solely to defray the expenses that accrue in the performance of duties or activities in connection with the office which are nonreimbursable by the state or political subdivision.

(6) Subsection (5) of Section 36.10 of this Act does not apply to those public servants designated in Section 36.08(f) of this Act 30 days prior to or during a regular session of the Texas Legislature.

SECTION 61. An objection to any provision of this Act interposed by the United States Department of Justice under the federal Voting Rights Act (42 U.S.C. Secs. 1971, 1973 et seq.) does not affect the validity of the remainder of this Act.

SECTION 62. Each renewal registration certificate issued in 1987 in accordance with Section 14.001, Election Code, must indicate that it is valid from March 1, 1988, through December 31, 1989.

SECTION 63. (a) Except as provided by Subsection (b) of this section, this Act takes effect September 1, 1987.

(b) Sections 52–58 of this Act take effect September 1, 1989.

SECTION 64. 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 18, 1987, by a non-record vote; that the House refused to concur in Senate amendments to H.B. No. 612 on May 31, 1987, and requested the appointment of a conference committee to consider the differences between the two houses; and that the House adopted the conference committee report on H.B. No. 612 on June 1, 1987, by a non-record vote. Passed by the Senate, with amendments, on May 30, 1987, by a viva-voce vote; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; and that the Senate adopted the conference committee report on H.B. No. 612 on June 1, 1987, by a viva-voce vote.

Approved June 17, 1987.

Effective Sept. 1, 1987, except §§ 52 to 58 effective Sept. 1, 1989.