

CHAPTER 54

S.B. No. 280

AN ACT

relating to conforming the Election Code to Acts of the 69th Legislature and making certain corrective and conforming amendments.

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

SECTION 1. (a) Subsection (c), Section 12.004, Election Code, is amended to conform to Chapter 941, Acts of the 69th Legislature, Regular Session, 1985, to read as follows:

(c) The registrar's office shall remain open for voter registration activities during the hours the polls are required to be open for voting on the date of any general or primary election in which a statewide office appears on the ballot *or any other election held in the county on a uniform election date.*

(b) Chapter 941, Acts of the 69th Legislature, Regular Session, 1985, is repealed.

SECTION 2. (a) This section amends the Election Code to conform to Chapter 560, Acts of the 69th Legislature, Regular Session, 1985, and to Section 6, Chapter 14, Acts of the 69th Legislature, 3rd Called Session, 1986.

(b) Subchapter B, Chapter 18, Election Code, as amended, is amended to read as follows:

SUBCHAPTER B. [ANNUAL] REGISTRATION

STATEMENTS [STATEMENT]

Sec. 18.041. ANNUAL REGISTRATION STATEMENT. (a) Each voting year, the registrar shall prepare a written statement of the number of *persons* ~~[registered voters]~~ in each county election precinct *whose voter registrations will be effective on* ~~[as of]~~ March 1.

(b) The registrar shall retain a copy of the statement on file as a registration record for two years.

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

(d) *The secretary of state shall retain the statement on file for two years.*

Sec. 18.042. ~~PREELECTION REGISTRATION [FILING] STATEMENT [WITH SECRETARY OF STATE].~~ *Not later than the 20th day before the date of the general primary election and the date of the general election for state and county officers, the registrar shall file with the secretary of state a statement of the number of persons whose voter registrations in the county will be effective on election day.* ~~[(a) The registrar shall file the annual registration statement with the secretary of state not later than March 8.~~

~~[(b) The secretary of state shall retain the statement on file for two years.]~~

(c) Subsection (a), Section 67.017, Election Code, is amended to read as follows:

(a) After each election for a statewide office *or the office of United States representative, state senator, or state representative*, the county clerk shall prepare a report of the number of votes received in each county election precinct for each candidate for *each of those offices* ~~[a statewide office]~~. In a presidential election year, the report must include the number of votes received in each precinct for each set of candidates for president and vice-president of the United States.

(d) Section 172.124, Election Code, is amended to read as follows:

Sec. 172.124. REPORTING PRECINCT RESULTS ~~[FOR STATEWIDE OFFICES] TO SECRETARY OF STATE.~~ (a) For each primary election, the county chairman shall prepare a report of the number of votes received in each county election precinct by each candidate for a statewide office *or the office of United States representative, state*

senator, or state representative, as provided by Section 67.017 for the report of [statewide office] precinct results for a general election.

(b) The county chairman shall deliver the report to the secretary of state not later than the 30th day after primary election day.

(c) Except as otherwise provided by this section, the report is subject to the requirements prescribed by Section 67.017 for the report prepared for a general election.

(e) Chapter 560, Acts of the 69th Legislature, Regular Session, 1985, is repealed.

(f) Section 6, Chapter 14, Acts of the 69th Legislature, 3rd Called Session, 1986, is repealed.

SECTION 3. (a) Section 32.033, Election Code, is amended to conform to Chapter 121, Acts of the 69th Legislature, Regular Session, 1985, by amending Subsection (b) and by adding Subsection (c) to read as follows:

(b) *Except as provided by Subsection (c), the [The] presiding judge shall appoint at least two clerks for each precinct in each election and may appoint as many additional clerks, within the prescribed limit, as are necessary for the proper conduct of the election.*

(c) *In each election ordered by the governor or a county authority in which the regular county election precincts are required to be used, the presiding judge shall appoint clerks for each precinct in the number, within the prescribed limit, the judge considers necessary for the proper conduct of the election.*

(b) Chapter 121, Acts of the 69th Legislature, Regular Session, 1985, is repealed.

SECTION 4. (a) Section 42.005, Election Code, is amended to conform to Chapter 340, Acts of the 69th Legislature, Regular Session, 1985, by adding Subsection (d) to read as follows:

(d) *County election precincts are not required to comply with Subsection (a)(6) if:*

(1) *the commissioners court by order recorded in its minutes determines that compliance is impracticable because of the requirements of a federal court order affecting elections in the county; and*

(2) *not later than January 1 of each year, the voter registrar furnishes to each political subdivision affected by the federal court order that is authorized or required to hold elections in the county during that year a list of registered voters for each election precinct used in the political subdivision's elections.*

(b) Chapter 340, Acts of the 69th Legislature, Regular Session, 1985, is repealed.

SECTION 5. (a) Section 62.015, Election Code, is amended to conform to Chapter 969, Acts of the 69th Legislature, Regular Session, 1985, to read as follows:

Sec. 62.015. **PLACING INDELIBLE MARKING INSTRUMENT [PENCIL] IN STATION.** (a) *An indelible marking instrument [A black, soft lead pencil] shall be placed in each voting station.*

(b) *In this section, "indelible marking instrument" means an instrument that makes marks that cannot easily be removed or erased.*

(b) Chapter 969, Acts of the 69th Legislature, Regular Session, 1985, is repealed.

SECTION 6. (a) Section 67.012, Election Code, is amended to conform to Chapter 310, Acts of the 69th Legislature, Regular Session, 1985, to read as follows:

Sec. 67.012. **TIME FOR CANVASS BY STATE BOARD.** The state board of canvassers shall convene to conduct the state canvass not earlier than the 15th [day] or later than the 30th [21st] day after election day at the time set by the board's presiding officer.

(b) Chapter 310, Acts of the 69th Legislature, Regular Session, 1985, is repealed.

SECTION 7. (a) Subsection (a), Section 85.067, Election Code, is amended to conform to Chapter 869, Acts of the 69th Legislature, Regular Session, 1985, to read as follows:

(a) The absentee voting clerk shall post for each election a schedule stating:

(1) the location of each permanent and temporary branch polling place at which voting will be conducted *and the election precincts served by each branch polling place; and*

(2) except as provided by Subsection (b), the dates and hours that temporary branch voting will be conducted.

(b) Chapter 869, Acts of the 69th Legislature, Regular Session, 1985, is repealed.

SECTION 8. (a) This section amends the Election Code to conform to Chapter 942, Acts of the 69th Legislature, Regular Session, 1985.

(b) Section 86.002, Election Code, is amended by amending Subsection (a) and by adding Subsection (d) to read as follows:

(a) The absentee voting clerk shall provide an official ballot envelope and carrier envelope with each ballot provided to a voter. *In an election in which voters are authorized to vote on an affidavit of residence under Section 14.052, the clerk shall provide a form for the affidavit of residence to each affected voter.*

(d) *The secretary of state shall prescribe instructions to be printed on the balloting materials for the execution and return of an affidavit of residence.*

(c) Subsection (c), Section 87.043, Election Code, is amended to read as follows:

(c) A board member shall deliver the envelope containing the rejected ballots to the general custodian of election records to be preserved for the period for preserving the precinct election records. *The envelope may not be placed in the box containing the voted ballots.*

(d) Subsection (b), Section 87.044, Election Code, is amended to read as follows:

(b) A board member shall deliver the jacket envelope, carrier envelope, and application *in a container other than that used for the voted ballots* to the general custodian of election records, to be retained for the period for preserving the precinct election records.

(e) Chapter 942, Acts of the 69th Legislature, Regular Session, 1985, is repealed.

SECTION 9. (a) Subchapter B, Chapter 87, Election Code, is amended to conform to Chapter 482, Acts of the 69th Legislature, Regular Session, 1985, by adding Section 87.026 to read as follows:

Sec. 87.026. SIGNATURE VERIFICATION COMMITTEE. (a) For the general election for state and county officers, a signature verification committee may be appointed in a county with a population of 500,000 or more. The absentee voting clerk is the authority responsible for determining whether a signature verification committee is to be appointed for a particular election. If the clerk determines that a committee is to be appointed, the clerk shall issue a written order calling for the appointment.

(b) 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 county election board shall appoint the members of the committee and designate one of the appointees as chairman. The board 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.

(c) 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 or more than 15 members and must be balanced as equally as possible by members of each political party required to nominate candidates by primary election.

(d) To be eligible to serve on a signature verification committee, a person must be a qualified voter of the county.

(e) 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.

the transition from that date to another uniform election date by political subdivisions, applies to the amendments made by this section. Failure to amend expressly any law in conflict with this section or with Section 7 or 37, Chapter 14, Acts of the 69th Legislature, 3rd Called Session, 1986, is not evidence of legislative intent that the conflicting law be given effect.

SECTION 26. This Act takes effect September 1, 1987.

SECTION 27. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed the Senate on March 26, 1987, by the following vote: Yeas 30, Nays 0. Passed the House on April 23, 1987, by a non-record vote.

Approved May 6, 1987.

Effective Sept. 1, 1987, except as provided in § 25(c).