

AN ACT

relating to the authority to conduct a runoff primary election by mail in certain counties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter E, Chapter 172, Election Code, is amended by adding Section 172.129 to read as follows:

Sec. 172.129. VOTING BY MAIL IN CERTAIN RUNOFF PRIMARY ELECTIONS. (a) The state chair of a political party may by order require a runoff primary election to be conducted in a county only by mail if:

(1) fewer than 100 votes were cast in the county in the party's general primary election; and

(2) a runoff election is required in the county only for statewide offices or district offices filled by voters of more than one county.

(b) If the state chair of the political party requires the conduct of a runoff primary election only by mail, the state chair shall send the order to the county clerk not later than the fifth day after the local canvass is completed.

(c) The county clerk shall provide an official ballot in the manner provided by Chapter 86 to each registered voter in a county who:

(1) voted in the party's general primary election; or

(2) requests in writing a ballot for the runoff

1 primary election and is otherwise eligible to vote in the election.

2 (d) A person who did not vote in the party's general primary
3 election and did not vote in any other party's primary election may
4 request a runoff primary election ballot to be voted by mail:

5 (1) by submitting a written request to the county
6 clerk;

7 (2) by mailing to the county clerk an application form
8 prescribed by the secretary of state;

9 (3) in person before election day by presenting to the
10 county clerk an application form prescribed by the secretary of
11 state or a written request for a ballot by mail; or

12 (4) in person on election day by presenting to the
13 county clerk an application form prescribed by the secretary of
14 state or a written request for a ballot by mail.

15 (e) A written request submitted under Subsection (d)(1)
16 must include:

17 (1) the voter's name;

18 (2) the voter's registration address;

19 (3) the runoff election date or a statement that the
20 application is for the runoff election;

21 (4) the county;

22 (5) the name of the political party conducting the
23 runoff; and

24 (6) the voter's signature.

25 (f) A voter requesting a ballot under Subsection (d)(3) or
26 (4) shall be provided with the ballot materials on presentation of
27 an application or written request demonstrating that the voter is

1 eligible to vote in the election.

2 (g) A voter requesting a ballot under Subsection (d)(3) may
3 return the marked ballot in person to the county clerk or by mail or
4 common carrier.

5 (h) A voter requesting a ballot under Subsection (d)(4) may
6 return the marked ballot to the county clerk in person not later
7 than 7 p.m. on election day.

8 (i) All ballots voted by mail or in person under this
9 section shall be counted in the same manner as a ballot voted by
10 mail under Chapter 86.

11 (j) The county clerk shall be reimbursed for costs of
12 conducting the runoff election by mail from the same funds that
13 would provide for a runoff primary election by personal appearance.

14 (k) The secretary of state may adopt rules as necessary to
15 implement this section. The application form adopted by the
16 secretary of state under this section must include the required
17 information for a written request under Subsection (e).

18 SECTION 2. This Act takes effect September 1, 2017.

President of the Senate

Speaker of the House

I certify that H.B. No. 2410 was passed by the House on May 9, 2017, by the following vote: Yeas 133, Nays 12, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 2410 was passed by the Senate on May 24, 2017, by the following vote: Yeas 25, Nays 6.

Secretary of the Senate

APPROVED: _____

Date

Governor