(1) an extension of an existing sour gas pipeline facility that is in compliance with the railroad commission's rules for oil, gas, or geothermal resource operation in a hydrogen sulfide area if:

   (A) the extension is not longer than five miles;
   (B) the nominal pipe size is not larger than six inches in diameter; and
   (C) the railroad commission is given notice of the construction of the extension not later than 24 hours before the start of construction;

(2) a new or an extension of a low-pressure gathering system; or

(3) an interstate gas pipeline facility, as defined by 49 U.S.C. Section 60101 and its subsequent amendments or a succeeding law, that is used for the transportation of sour gas.

SECTION 13. Subsection (c), Section 26.344, Water Code, is amended to read as follows:

(c) An interstate pipeline facility, including gathering lines, or an aboveground storage tank connected to such a facility is exempt from regulation under this subchapter if the pipeline facility is regulated under 49 U.S.C. Section 60101 et seq. and its subsequent amendments or a succeeding law;

1. the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. Section 1671 et seq.); or

SECTION 14. This Act takes effect September 1, 2013.

Passed the Senate on March 21, 2013: Yeas 31, Nays 0; May 8, 2013, Senate refused to concur in House amendments and requested appointment of Conference Committee; May 10, 2013, House granted request of the Senate; May 26, 2013, Senate adopted Conference Committee Report by the following vote: Yeas 31, Nays 0; passed the House, with amendments, on May 2, 2013: Yeas 147, Nays 0, two present not voting; May 10, 2013, House granted request of the Senate for appointment of Conference Committee; May 25, 2013, House adopted Conference Committee Report by the following vote: Yeas 142, Nays 0, two present not voting.

Approved June 14, 2013.
Effective September 1, 2013.

CHAPTER 1178

S.B. No. 910

AN ACT
relating to certain election practices and procedures.

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

SECTION 1. Subsection (e), Section 1.007, Election Code, is amended to read as follows:

(e) A delivery, submission, or filing of a document or paper under this code may be made by personal delivery, mail, telephonic facsimile machine, or any other method of transmission.

SECTION 2. Subsection (a), Section 13.002, Election Code, is amended to read as follows:

(a) A person desiring to register to vote must submit an application to the registrar of the county in which the person resides. Except as provided by Subsection (e), an application must be submitted by personal delivery, [as] by mail, or by telephonic facsimile machine in accordance with Sections 13.143(d) and (d-2).

SECTION 3. Section 13.143, Election Code, is amended by amending Subsection (d) and adding Subsections (d-1) and (d-2) to read as follows:

(d) For purposes of determining the effective date of a registration, an application submitted by:
(1) mail is considered to be submitted to the registrar on the date it is placed with postage prepaid and properly addressed in the United States mail; or

(2) telephonic facsimile machine is considered to be submitted to the registrar on the date the transmission is received by the registrar, subject to Subsection (d-2).

(d-1) The date indicated by the post office cancellation mark is considered to be the date the application was placed in the mail unless proven otherwise.

(d-2) For a registration application submitted by telephonic facsimile machine to be effective, a copy of the registration application must be submitted by mail and be received by the registrar not later than the fourth business day after the transmission by telephonic facsimile machine is received.

SECTION 4. Section 16.001, Election Code, is amended by adding Subsection (e) to read as follows:

(e) The information required to be filed with the secretary of state under this section must be filed electronically. The secretary of state may waive this requirement on application for a waiver submitted by the appropriate entity.

SECTION 5. Subsection (b), Section 31.006, Election Code, is amended to read as follows:

(b) The documents submitted to the attorney general under Subsection (a) are not considered public information until:

(1) the secretary of state makes a determination that the complaint received does not warrant an investigation; or

(2) if referred to the attorney general, the attorney general has completed the investigation or has made a determination that the complaint referred does not warrant an investigation.

SECTION 6. Section 32.054, Election Code, is amended by adding Subsection (d) to read as follows:

(d) Notwithstanding Subsection (b), a person employed by a county solely as an early voting clerk appointed under Chapter 83 is not employed by a candidate for purposes of this section.

SECTION 7. Subchapter C, Chapter 52, Election Code, is amended by adding Section 52.075 to read as follows:

Sec. 52.075. MODIFICATION OF BALLOT FORM FOR CERTAIN VOTING SYSTEMS. The secretary of state may prescribe the form and content of a ballot for an election using a voting system, including an electronic voting system or a voting system that uses direct recording electronic voting machines, to conform to the formatting requirements of the system.

SECTION 8. Section 63.0011, Election Code, is amended by adding Subsection (f) to read as follows:

(f) Information included on a statement of residence under Subsection (c)(2) is subject to Section 13.004(c).

SECTION 9. Subsection (c), Section 84.007, Election Code, is amended to read as follows:

(c) An application must be submitted on or after the 60th day before election day and before the close of regular business in the early voting clerk's office or 12 noon, whichever is later, on the ninth [seventh] day before election day unless that day is a Saturday, Sunday, or legal state or national holiday, in which case the last day is the first preceding regular business day.

SECTION 10. Section 85.034, Election Code, is amended to read as follows:

Sec. 85.034. VOTER UNABLE TO ENTER POLLING PLACE. [(a)] Early voting by personal appearance by a voter who is voting outside the early voting polling place [under Section 64.009] shall be conducted pursuant to Section 64.009 [in accordance with this section if voting at the early voting polling place is by voting machine].

(b) The early voting clerk shall furnish each accepted voter with the early voting ballot used for voting by mail and the official ballot envelope.

(c) The voter must mark the ballot and seal it in the envelope.
(d) Immediately after sealing the ballot envelope, the voter must give it to the clerk. Before depositing the envelope in the ballot box, the clerk shall indicate on the envelope that the ballot was voted outside the polling place under this section.

(e) The secretary of state may provide for the use of envelopes or other containers instead of ballot boxes in which to deposit ballots voted under this section.

SECTION 11. Subsection (a), Section 86.014, Election Code, is amended to read as follows:

(a) A copy of an application for a ballot to be voted by mail is not available for public inspection, except to the voter seeking to verify that the information pertaining to the voter is accurate, until the first business day after the election day of the latest occurring election for which the application is submitted.

SECTION 12. Section 141.031, Election Code, is amended by adding Subsection (d) to read as follows:

(d) The secretary of state may prescribe a different form for an application for a place on the ballot for each of the following:

(1) an office of the federal government;
(2) an office of the state government; or
(3) an office of a political party.

SECTION 13. Subsection (a), Section 144.005, Election Code, is amended to read as follows:

(a) Except as provided by Subsection (d), an application for a place on the ballot must be filed not later than 5 p.m. of the 62nd day before election day. Notwithstanding any other law outside this code, an application may not be filed earlier than the 30th day before the date of the filing deadline.

SECTION 14. Subsection (a), Section 145.096, 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 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) is declared ineligible after 5 p.m. of the third [second] day after the deadline for filing the candidate’s application for a place on the ballot [before the beginning of early voting by personal appearance], in an election subject to Section 145.092(a);
(3) is declared ineligible after 5 p.m. of the 53rd day before election day, in an election subject to Section 145.092(b); or
(4) is declared ineligible after 5 p.m. of the 71st day before election day, in an election subject to Section 145.092(f).

SECTION 15. Subsections (a) and (b), Section 172.054, Election Code, are amended to read as follows:

(a) The deadline for filing an application for a place on the general primary election ballot is extended as provided by this section if a candidate who has made an application that complies with the applicable requirements:

(1) dies on or after the fifth day before the date of the regular filing deadline and on or before the first [39th] day after the date of the regular filing deadline [before general primary election day];
(2) holds the office for which the application was made and withdraws or is declared ineligible on [or after] the date of the regular filing deadline [and on] or before the first [39th] day after the date of the regular filing deadline [before general primary election day]; or
(3) withdraws or is declared ineligible during the period prescribed by Subdivision (2), and at the time of the withdrawal or declaration of ineligibility no other candidate has made an application that complies with the applicable requirements for the office sought by the withdrawn or ineligible candidate.
(b) An application for an office sought by a withdrawn, deceased, or ineligible candidate must be filed not later than 6 p.m. of the fifth day after the date of the regular filing deadline (81st day before general primary election day). An application filed by mail with the state chair is not timely if received later than 5 p.m. of the fifth day after the date of the regular filing deadline (81st day before general primary election day).

SECTION 16. Section 172.057, Election Code, is amended to read as follows:

Sec. 172.057. WITHDRAWN, DECEASED, OR INELIGIBLE CANDIDATE'S NAME OMITTED FROM GENERAL PRIMARY BALLOT. A candidate's name shall be omitted from the general primary election ballot if the candidate withdraws, dies, or is declared ineligible on or before the first (70th) day after the date of the regular filing deadline (before general primary election day).

SECTION 17. Subsection (a), Section 172.058, Election Code, is amended to read as follows:

(a) If a candidate who has made an application for a place on the general primary election ballot that complies with the applicable requirements dies or is declared ineligible after the first (70th) day after the date of the regular filing deadline (before general primary election day), the candidate's name shall be placed on the ballot and the votes cast for the candidate shall be counted and entered on the official election returns in the same manner as for the other candidates.

SECTION 18. Section 201.052, Election Code, is amended to read as follows:

Sec. 201.052. DATE OF ELECTION. (a) Except as otherwise provided by this code, a special election to fill a vacancy shall be held on the first authorized uniform election date occurring on or after the 45th day after the date the election is ordered.

(b) If a law outside this code authorizes the holding of the election on a date earlier than the 45th day after the date of the order, the election shall be held on the first authorized uniform election date occurring on or after the earliest date that the election could be held under that law.

SECTION 19. Subsection (a), Section 201.054, Election Code, is amended to read as follows:

(a) Except as provided by Subsection (f), a candidate's application for a place on a special election ballot must be filed not later than:

1. 5 p.m. of the 62nd day before election day, if election day is on or after the 70th day after the date the election is ordered; or
2. 5 p.m. of the 57th day before election day, if election day is on or after the 57th day before the election is ordered; or
3. 5 p.m. of a day fixed by the authority ordering the election, which day must be not earlier than the fifth day after the date the election is ordered and not later than the 20th day before election day, if election day is before the 36th day after the date the election is ordered.

SECTION 20. Subsections (a) and (c), Section 202.004, Election Code, are amended to read as follows:

(a) A political party's nominee for an unexpired term must be nominated by primary election if:

1. the political party is making nominations by primary election for the general election in which the vacancy is to be filled; and
2. the vacancy occurs on or before the fifth day after the date of the regular deadline for candidates to file applications for a place on the general primary ballot (general primary election day).

(c) If the vacancy occurs after the 10th day before the date of the regular filing deadline, an application for the unexpired term must be filed not later than 6 (5) p.m. of the fifth day after the date of the regular filing deadline (15th day after the date the vacancy occurs or 5 p.m. of the 60th day before general primary election day, whichever is earlier).

SECTION 21. Section 215.002, Election Code, is amended to read as follows:

2926
Sec. 215.002. ASSESSABLE COSTS. Only the following costs of a recount are assessable against a person:

(1) compensation of members of a recount committee as provided by Section 213.004;
(2) charges for use of automatic tabulating equipment as provided by Section 214.044;
(3) a service charge of $15 for each recount supervisor involved in the recount as a reimbursement to the fund from which the telephone, postage, and other office expenses of the recount supervisor are paid; and
(4) in a recount of an election for which the final canvass is at the state level, a service charge of $15 for each recount supervisor involved in the recount plus an additional $50 as a reimbursement to the fund from which the telephone, postage, and other office expenses of the recount coordinator are paid; and
(5) the actual expense incurred in producing a printed ballot image from an electronic voting system record.

SECTION 22. Section 62.113, Government Code, is amended by adding Subsection (e) to read as follows:

(e) The information required to be filed with the secretary of state under this section must be filed electronically. The secretary of state may waive this requirement on application for a waiver submitted by the clerk.

SECTION 23. Subsection (f), Section 86.001, Election Code, is repealed.

SECTION 24. This Act takes effect September 1, 2013.

Passed the Senate on April 18, 2013: Yeas 31, Nays 0; May 22, 2013, Senate refused to concur in House amendments and requested appointment of Conference Committee; May 24, 2013, House granted request of the Senate; May 26, 2013, Senate adopted Conference Committee Report by the following vote: Yeas 31, Nays 0, two present not voting; May 24, 2013, House granted request of the Senate for appointment of Conference Committee; May 26, 2013, House adopted Conference Committee Report by the following vote: Yeas 142, Nays 0, two present not voting.

Approved June 14, 2013.

Effective September 1, 2013.

CHAPTER 1179

S.B. No. 918

AN ACT

relating to the sale by the Brazos River Authority and regulation of certain real property in the immediate vicinity of Possum Kingdom Lake.

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

SECTION 1. Subsection (a), Section 8502.0132, Special District Local Laws Code, is amended by amending Subdivisions (2) and (5) and adding Subdivision (2-a) to read as follows:

(2) "Captive Property To Be Sold" means those portions of the following tracts of real property owned by the Authority at the Lake that as of May 27, 2009, were surrounded by the Lake and property owned by a single freeholder and [are] located above the 1000' contour line, but does not include any portion of the following tracts that was [is] part of Project Land or property that was [is] leased for single-family residential purposes as of May 27, 2009 [the effective date of the Act enacting this section]:

(A) two tracts of land totaling 2019.86 acres, more or less, in Palo Pinto County, Texas, described in Brazos River Authority Records as Tracts 8-1-92 and 9-3-9, as such Tracts are more particularly described in an Award of Commissioners entered June 28, 1940, in the County Court of Palo Pinto County, Texas, in Cause No. 2539, styled Brazos River