

By: Kacal, Ashby

H.B. No. 3046

A BILL TO BE ENTITLED

AN ACT

relating to the omission of a deceased candidate from the ballot in certain elections.

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

SECTION 1. Section 145.096(a), Election Code, is amended to read as follows:

(a) Except as provided by Subsection (b) or Section 145.098(b) or (d), 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 fifth day after the deadline for filing the candidate's application for a place on the ballot, in an election subject to Section 145.092(a);

(3) is declared ineligible after 5 p.m. of the 57th 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 2. Section 145.098, Election Code, is amended by adding Subsections (c) and (d) to read as follows:

(c) If the deadline for filing an application for a place on the ballot is extended under Subsection (b), the authority responsible for preparing the ballot shall:

1 (1) prepare a notice identifying the name of the
2 deceased candidate, the office sought by the candidate, and the
3 date of the new filing deadline; and

4 (2) publish the notice prepared under Subdivision (1):

5 (A) on the Internet website maintained by the
6 political subdivision holding the election; or

7 (B) if the political subdivision does not
8 maintain an Internet website, on the bulletin board used for
9 posting notice of meetings of the governing body of the political
10 subdivision.

11 (d) If a candidate for an office of a city with a population
12 of 100,000 or less dies before the ballots are printed, the
13 authority responsible for preparing the ballots may choose to omit
14 the candidate from the ballot.

15 SECTION 3. The change in law made by this Act applies only
16 to an election ordered on or after the effective date of this Act.

17 SECTION 4. This Act takes effect September 1, 2023.