

AN ACT

relating to the declaration of a candidate's ineligibility on the basis of failure to pay a filing fee or submit a petition in lieu of a filing fee.

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

SECTION 1. Section 145.003, Election Code, is amended by amending Subsections (b) and (f) and adding Subsection (f-1) to read as follows:

(b) Except as provided by Subsection (f-1), a [A] candidate in the general election for state and county officers may be declared ineligible before the 30th day preceding election day by:

(1) the party officer responsible for certifying the candidate's name for placement on the general election ballot, in the case of a candidate who is a political party's nominee; ~~or~~

(2) the authority with whom the candidate's application for a place on the ballot is required to be filed, in the case of an independent candidate; or

(3) the secretary of state, if the candidate is ineligible under Subsection (f)(3).

(f) A candidate may be declared ineligible only if:

(1) the information on the candidate's application for a place on the ballot indicates that the candidate is ineligible for the office; ~~or~~

(2) facts indicating that the candidate is ineligible

1 are conclusively established by another public record; or
2 (3) the candidate fails to pay the filing fee or submit
3 a petition in lieu of a filing fee.

4 (f-1) A candidate may not be declared ineligible under
5 Subsection (f)(3) after the 74th day preceding election day.

6 SECTION 2. Section 145.036, Election Code, is amended by
7 amending Subsection (a) and adding Subsection (b-1) to read as
8 follows:

9 (a) Except as provided by Subsections [~~Subsection~~] (b) and
10 (b-1), if a candidate's name is to be omitted from the ballot under
11 Section 145.035, the political party's state, district, county, or
12 precinct executive committee, as appropriate for the particular
13 office, may nominate a replacement candidate to fill the vacancy in
14 the nomination.

15 (b-1) An executive committee may make a replacement
16 nomination following an administrative declaration of
17 ineligibility under Section 145.003(f)(3) only if the replacement
18 candidate pays the filing fee or submits a petition in lieu of a
19 filing fee.

20 SECTION 3. This Act takes effect September 1, 2023.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 994 passed the Senate on March 15, 2023, by the following vote: Yeas 22, Nays 8; and that the Senate concurred in House amendment on May 21, 2023, by the following vote: Yeas 23, Nays 8.

Secretary of the Senate

I hereby certify that S.B. No. 994 passed the House, with amendment, on May 17, 2023, by the following vote: Yeas 93, Nays 51, one present not voting.

Chief Clerk of the House

Approved:

Date

Governor