

By: Martinez Fischer

H.B. No. 2226

A BILL TO BE ENTITLED

AN ACT

1
2 relating to changing the deadlines and authority for ordering the
3 election and filing for candidacy in political subdivision
4 elections.

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

6 SECTION 1. Section 3.005, Election Code, is amended to read
7 as follows:

8 Sec. 3.005. TIME FOR ORDERING ELECTION. (a) An election
9 ordered by an authority of a political subdivision shall be ordered
10 not later than the 45th day before the earliest allowable date for
11 the beginning of early voting by personal appearance in the
12 election [~~day~~].

13 (b) This section supersedes a law outside this code to the
14 extent of any conflict.

15 SECTION 2. Section 143.007(a), Election Code, is amended to
16 read as follows:

17 (a) Except as otherwise provided by this code, an
18 application for a place on the ballot must be filed not later than 5
19 p.m. of the 45th day before the earliest allowable date for the
20 beginning of early voting by personal appearance in the election
21 [~~day~~]. An application may not be filed earlier than the 30th day
22 before the date of the filing deadline.

23 SECTION 3. Section 143.008(b), Election Code, is amended to
24 read as follows:

1 (b) If at the deadline prescribed by Section 143.007 no
2 candidate has filed an application for a place on the ballot for an
3 office, the filing deadline for that office is extended to 5 p.m. of
4 the 40th day before the earliest allowable date for the beginning of
5 early voting by personal appearance in the election [~~day~~].

6 SECTION 4. Section 144.005, Election Code, is amended by
7 amending Subsection (a) and adding Subsection (c) to read as
8 follows:

9 (a) An [~~Except as otherwise provided by law, an~~] application
10 for a place on the ballot must be filed not later than 5 p.m. of the
11 45th day before the earliest allowable date for the beginning of
12 early voting by personal appearance in the election [~~day~~].

13 (c) The governing body of a political subdivision for which
14 a deadline for filing for candidacy is prescribed by a law outside
15 this code shall take appropriate action to comply with Subsection
16 (a) and to adjust any affected date, deadline, or procedure to
17 allow the same interval of time in relation to the filing deadline
18 as would be provided by application of the other law. The secretary
19 of state shall prescribe any rules necessary to facilitate the
20 implementation of this subsection.

21 SECTION 5. Section 145.092(b), Election Code, is amended to
22 read as follows:

23 (b) A candidate in an election for which the filing deadline
24 for an application for a place on the ballot is not later than 5 p.m.
25 of the 45th day before the earliest allowable date for the
26 beginning of early voting by personal appearance in the election
27 [~~day~~] may not withdraw from the election after 5 p.m. of the 36th

1 day before the earliest allowable date for the beginning of early
2 voting by personal appearance in the election [~~day~~].

3 SECTION 6. Section 145.094(a), Election Code, is amended to
4 read as follows:

5 (a) The name of a candidate shall be omitted from the ballot
6 if the candidate:

7 (1) dies before the second day before the date of the
8 deadline for filing the candidate's application for a place on the
9 ballot;

10 (2) withdraws or is declared ineligible before 5 p.m.
11 of the second day before the beginning of early voting by personal
12 appearance, in an election subject to Section 145.092(a); or

13 (3) withdraws or is declared ineligible before 5 p.m.
14 of the 36th day before the earliest allowable date for the beginning
15 of early voting by personal appearance in the election [~~day~~], in an
16 election subject to Section 145.092(b).

17 SECTION 7. Section 145.096(a), Election Code, is amended to
18 read as follows:

19 (a) Except as provided by Subsection (b), a candidate's name
20 shall be placed on the ballot if the candidate:

21 (1) dies on or after the second day before the deadline
22 for filing the candidate's application for a place on the ballot;

23 (2) is declared ineligible after 5 p.m. of the second
24 day before the beginning of early voting by personal appearance, in
25 an election subject to Section 145.092(a); or

26 (3) is declared ineligible after 5 p.m. of the 36th day
27 before the earliest allowable date for the beginning of early

1 voting by personal appearance in the election [~~day~~], in an election
2 subject to Section 145.092(b).

3 SECTION 8. Section 63.0945(d), Water Code, is amended to
4 read as follows:

5 (d) A declaration of write-in candidacy must be filed not
6 later than 5 p.m. of the fifth day after the date an application for
7 a place on the ballot is required to be filed [~~45th day before~~
8 ~~election day. However, if a candidate whose name is to appear on~~
9 ~~the ballot dies or is declared ineligible after the 48th day before~~
10 ~~election day, a declaration of write-in candidacy for the office~~
11 ~~sought by the deceased or ineligible candidate may be filed not~~
12 ~~later than 5 p.m. of the 42nd day before election day].~~

13 SECTION 9. Section 11.055(a), Education Code, is amended to
14 read as follows:

15 (a) An application of a candidate for a place on the ballot
16 must be filed not later than 5 p.m. of the 45th day before the
17 earliest allowable date for the beginning of early voting by
18 personal appearance in [~~date of~~] the election. An application may
19 not be filed earlier than the 30th day before the date of the filing
20 deadline.

21 SECTION 10. Section 130.0825(b), Education Code, is amended
22 to read as follows:

23 (b) A declaration of write-in candidacy must be filed not
24 later than 5 p.m. of the fifth day after the date an application for
25 a place on the ballot is required to be filed [~~45th day before~~
26 ~~election day. However, if a candidate whose name is to appear on~~
27 ~~the ballot dies or is declared ineligible after the 48th day before~~

1 ~~election day, a declaration of write-in candidacy for the office~~
2 ~~sought by the deceased or ineligible candidate may be filed not~~
3 ~~later than 5 p.m. of the 42nd day before election day].~~

4 SECTION 11. Section 285.131(d), Health and Safety Code, is
5 amended to read as follows:

6 (d) A declaration of [~~for~~] write-in candidacy must be filed
7 not later than 5 p.m. of the fifth day after the date an application
8 for a place on the ballot is required to be filed [~~45th day before~~
9 ~~election day. However, if a candidate whose name is to appear on~~
10 ~~the ballot dies or is declared ineligible after the 48th day before~~
11 ~~election day, a declaration of write-in candidacy for the office~~
12 ~~sought by the deceased or ineligible candidate may be filed not~~
13 ~~later than 5 p.m. of the 42nd day before election day].~~

14 SECTION 12. This Act takes effect November 1, 2003, and
15 applies only to an election that is ordered on or after that date.