

AN ACT

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

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

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

Sec. 3.005. TIME FOR ORDERING ELECTION. (a) An election ordered by an authority of a political subdivision shall be ordered not later than the 62nd [~~45th~~] day before election day.

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

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

(a) Except as otherwise provided by this code, an application for a place on the ballot must be filed not later than 5 p.m. of the 62nd [~~45th~~] day before election day. An application may not be filed earlier than the 30th day before the date of the filing deadline.

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

(b) If at the deadline prescribed by Section 143.007 no candidate has filed an application for a place on the ballot for an office, the filing deadline for that office is extended to 5 p.m. of

1 the 57th [~~40th~~] day before election day.

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

5 (a) An [~~Except as otherwise provided by law, an~~] application
6 for a place on the ballot must be filed not later than 5 p.m. of the
7 62nd [~~45th~~] day before election day.

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

16 SECTION 5. Subsection (b), Section 145.092, Election Code,
17 is amended to read as follows:

18 (b) A candidate in an election for which the filing deadline
19 for an application for a place on the ballot is not later than 5 p.m.
20 of the 62nd [~~45th~~] day before election day may not withdraw from the
21 election after 5 p.m. of the 53rd [~~36th~~] day before election day.

22 SECTION 6. Subsection (a), Section 145.094, Election Code,
23 is amended to read as follows:

24 (a) The name of a candidate shall be omitted from the ballot
25 if the candidate:

26 (1) dies before the second day before the date of the
27 deadline for filing the candidate's application for a place on the

1 ballot;

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

5 (3) withdraws or is declared ineligible before 5 p.m.
6 of the 53rd [~~36th~~] day before election day, in an election subject
7 to Section 145.092(b).

8 SECTION 7. Subsection (a), Section 145.096, Election Code,
9 is amended to read as follows:

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

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

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

17 (3) is declared ineligible after 5 p.m. of the 53rd
18 [~~36th~~] day before election day, in an election subject to Section
19 145.092(b).

20 SECTION 8. Subsection (d), Section 63.0945, Water Code, is
21 amended to read as follows:

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

~~sought by the deceased or ineligible candidate may be filed not later than 5 p.m. of the 42nd day before election day].~~

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

(a) An application of a candidate for a place on the ballot must be filed not later than 5 p.m. of the 62nd ~~[45th]~~ day before the date of the election. An application may not be filed earlier than the 30th day before the date of the filing deadline.

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

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

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

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

~~later than 5 p.m. of the 42nd day before election day].~~

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

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 1215 passed the Senate on May 15, 2003, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 1215 passed the House on May 28, 2003, by a non-record vote.

Chief Clerk of the House

Approved:

Date

Governor