

By: Van de Putte S.B. No. 1215  
(In the Senate - Filed March 12, 2003; March 19, 2003, read first time and referred to Committee on State Affairs; May 1, 2003, rereferred to Committee on Intergovernmental Relations; May 7, 2003, reported adversely, with favorable Committee Substitute by the following vote: Yeas 3, Nays 0; May 7, 2003, sent to printer.)

COMMITTEE SUBSTITUTE FOR S.B. No. 1215

By: Gallegos

A BILL TO BE ENTITLED  
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 the 57th [40th] day before election day.

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

(a) An [Except as otherwise provided by law, 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.

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

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

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

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

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

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

(2) withdraws or is declared ineligible before 5 p.m. of the second day before the beginning of early voting by personal

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

SECTION 7. 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 second day before the beginning of early voting by personal appearance, in an election subject to Section 145.092(a); or

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

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

(d) 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 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 (a), 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.

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