

By: Swinford

H.B. No. 2186

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the holding of a special election to fill a vacancy in  
3 the legislature.

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

5 SECTION 1. Section 203.003, Election Code, is amended to  
6 read as follows:

7 Sec. 203.003. [~~MAJORITY~~] VOTE REQUIRED. To be elected in a  
8 special election for an unexpired term, a candidate must receive:

9 (1) a majority of the total number of votes received by  
10 all candidates for the unexpired term if the unexpired term is  
11 longer than one year; or

12 (2) a plurality of the total number of votes received  
13 by all candidates for the unexpired term if the unexpired term is  
14 one year or less.

15 SECTION 2. Section 203.004, Election Code, is amended by  
16 adding Subsection (c) to read as follows:

17 (c) For purposes of Subsection (a), the general primary  
18 election date is considered a uniform election date. The secretary  
19 of state shall adopt any necessary procedures to allow for the  
20 holding of an election under this chapter on the general primary  
21 election day.

22 SECTION 3. Section 203.005(b), Election Code, is amended to  
23 read as follows:

24 (b) An application must, in addition to complying with

1 Section 141.031, ~~[+]~~

2 ~~[(1) state the political party with which the~~  
3 ~~candidate is aligned or, if the candidate is not aligned with a~~  
4 ~~party, state that fact, and~~

5 ~~[(2)]~~ be accompanied by:

6 (1) ~~[(A)]~~ a filing fee in the amount prescribed by  
7 Section 172.024 for a candidate for nomination for the same office  
8 in a general primary election; or

9 (2) ~~[(B)]~~ a petition that satisfies the requirements  
10 prescribed by Section 141.062.

11 SECTION 4. Section 203.011, Election Code, is amended to  
12 read as follows:

13 Sec. 203.011. INDEPENDENT CANDIDACY REQUIRED [PARTY  
14 ALIGNMENT ON BALLOT]. A ~~[The party alignment of each candidate~~  
15 ~~shall be printed on the official ballot next to the]~~ candidate's  
16 name may appear on the ballot only as an independent.

17 SECTION 5. The change in law made by this Act applies only  
18 to a special election for a vacancy in the legislature that occurs  
19 on or after the effective date of this Act.

20 SECTION 6. This Act takes effect September 1, 2005.