

## **BILL ANALYSIS**

H.B. 258  
By: Berman  
Elections  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Currently, when ballots are prepared, county election officials must go through preliminary steps to order then proof and test the ballots. This process is very time consuming and any extra days given to county election officials for the process would be beneficial.

The write-in candidacy filing deadline is of concern to several county election officials. Currently, the write-in candidacy filing deadline is five days after the regular filing deadline. Given the need to accommodate a write-in candidacy, county election officials must wait until passage of the write-in deadline to order ballots. At minimum, the delay in ordering ballots is five days.

However, it is possible for this delay to extend to seven days if the final day to file write-in candidacy falls on a Saturday, in which case county election officials are not able to order the ballots until the following Monday. For example, for the May 9, 2009 election, the regular filing deadline is Monday March 9, 2009. The write-in candidacy filing deadline falls on Saturday, March 14, 2009, but county election officials will not be able to order ballots until after Monday, March 16, 2009.

In order to give county election officials more time to prepare, proof, and test the ballots, state law should change the write-in candidacy filing deadline to mirror the regular filing deadline.

H.B. 258 changes the filing deadlines for a declaration of write-in candidacy for an office of a political subdivision other than a county or city, for city officers, for the board trustees of an independent school district or of a junior college district, for board members of a hospital district created under general or special law, and for board members of certain types of water districts.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

H.B. 258 amends the Election Code to change the filing deadline for a declaration of write-in candidacy for an office of a political subdivision other than a county or city from 5 p.m. on the fifth day after the date an application for a place on the ballot must be filed in an election in which that application filing deadline is the 62nd day before election day and write-in votes may be counted only for names appearing on a list of declared write-in candidates to 5 p.m. of the 62nd day before election day, unless the election is held on the date of the general election for state and county officers, in which case the filing deadline for a declaration of write-in candidacy is changed from the 67th day before election day to the 70th day before election day. The bill changes the filing deadline for a declaration of write-in candidacy for an election for city officers from the fifth day after the date an application for a place on the ballot must be filed to the date on which such an application must be filed, unless the election is to be held on the date of the

general election for state and county officers, in which case the filing deadline is changed from the 67th day before election day to the 70th day before election day.

H.B. 258 amends the Education Code to change the filing deadline for a declaration of write-in candidacy in an election for trustees of an independent school district or of a junior college district from 5 p.m. of the fifth day after the date an application for a place on the ballot must be filed to the filing deadline prescribed in the Election Code for a declaration of write-in candidacy for an office of a political subdivision other than a county or city. The bill repeals provisions that set a separate filing deadline for a declaration of write-in candidacy in such an election held on the date of the general election for state and county officers.

H.B. 258 amends the Health and Safety Code to change the filing deadline for a declaration of write-in candidacy in a general or special election for board members of a hospital district created under general or special law from 5 p.m. of the fifth day after the date an application for a place on the ballot must be filed to the filing deadline prescribed in the Election Code for a declaration of write-in candidacy for an office of a political subdivision other than a county or city. The bill repeals a provision that sets a separate filing deadline for a declaration of write-in candidacy in such an election held on the date of the general election for state and county officers.

H.B. 258 amends the Water Code to change the filing deadline for a declaration of write-in candidacy in a general election for board members of certain types of general law water districts from 5 p.m. of the 45th day before election day to the filing deadline prescribed in the Election Code for a declaration of write-in candidacy for an office of a political subdivision other than a county or city. The bill provides that, if a candidate whose name is to appear on the ballot in such an election dies or is declared ineligible after the 65th day before election day, rather than the 48th day before election day, the filing deadline for a declaration of write-in candidacy for that office is changed from 5 p.m. of the 42nd day before election day to the 59th day before election day.

H.B. 258 amends the Water Code to change the filing deadline for a declaration of write-in candidacy in an election for a commissioner of a self-liquidating navigation district from 5 p.m. of the fifth day after a date an application for a place on the ballot must be filed to the filing deadline prescribed in the Election Code for a declaration of write-in candidacy for an office of a political subdivision other than a county or city. The bill repeals a provision that sets a separate filing deadline for a declaration of write-in candidacy in such an election held on the date of the general election for state and county officers.

H.B. 258 repeals the following sections in the Education Code:

- Section 11.056(e)
- Section 130.0825(e)

H.B. 258 repeals Section 285.131(g) of the Health and Safety Code.

H.B. 258 repeals Section 63.0945(f) of the Water Code.

### **EFFECTIVE DATE**

September 1, 2009.