

By: Berman

H.B. No. 258

A BILL TO BE ENTITLED

AN ACT

relating to the date on which a declaration of write-in candidacy must be filed.

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

SECTION 1. Section 11.056(b), Education Code, is amended to read as follows:

(b) A ~~[Except as provided by Subsection (e), a]~~ declaration of write-in candidacy must be filed within the time prescribed by Section 144.006, Election Code ~~[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]~~.

SECTION 2. Section 130.0825(b), Education Code, is amended to read as follows:

(b) A ~~[Except as provided by Subsection (e), a]~~ declaration of write-in candidacy must be filed within the time prescribed by Section 144.006, Election Code ~~[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]~~.

SECTION 3. Section 144.006, Election Code, is amended to read as follows:

Sec. 144.006. FILING DEADLINE FOR DECLARED WRITE-IN CANDIDATE. (a) Except as otherwise provided by law, a declaration of write-in candidacy must be filed not later than 5 p.m. of the 62nd day before election day ~~[fifth day after the date an~~

1 ~~application for a place on the ballot is required to be filed]~~ in an
2 election in which[+]

3 ~~[(1) the filing deadline for an application for a~~
4 ~~place on the ballot is the 62nd day before election day, and~~

5 ~~[(2)]~~ write-in votes may be counted only for names
6 appearing on a list of declared write-in candidates.

7 (b) For an election to be held on the date of the general
8 election for state and county officers, the day of the filing
9 deadline is the 70th ~~[67th]~~ day before election day.

10 SECTION 4. Section 146.054, Election Code, is amended to
11 read as follows:

12 Sec. 146.054. FILING DEADLINE. (a) Except as provided by
13 Subsection (b), a declaration of write-in candidacy must be filed
14 not later than 5 p.m. on the ~~[of the fifth day after the]~~ date an
15 application for a place on the ballot is required to be filed.

16 (b) For an election to be held on the date of the general
17 election for state and county officers, the day of the filing
18 deadline is the 70th ~~[67th]~~ day before election day.

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

21 (d) A ~~[Except as provided by Subsection (g), a]~~ declaration
22 of write-in candidacy must be filed within the time prescribed by
23 Section 144.006, Election Code ~~[not later than 5 p.m. of the fifth~~
24 ~~day after the date an application for a place on the ballot is~~
25 ~~required to be filed]~~.

26 SECTION 6. Section 50.004(d), Water Code, is amended to
27 read as follows:

1 (d) A declaration of write-in candidacy must be filed within
2 the time prescribed by Section 144.006, Election Code [~~not later~~
3 ~~than 5 p.m. of the 45th day before election day~~]. However, if a
4 candidate whose name is to appear on the ballot dies or is declared
5 ineligible after the 65th [~~48th~~] day before election day, a
6 declaration of write-in candidacy for the office sought by the
7 deceased or ineligible candidate may be filed not later than 5 p.m.
8 of the 59th [~~42nd~~] day before election day.

9 SECTION 7. Section 63.0945(d), Water Code, is amended to
10 read as follows:

11 (d) A [~~Except as provided by Subsection (f), a~~] declaration
12 of write-in candidacy must be filed within the time prescribed by
13 Section 144.006, Election Code [~~not later than 5 p.m. of the fifth~~
14 ~~day after the date an application for a place on the ballot is~~
15 ~~required to be filed~~].

16 SECTION 8. The following laws are repealed:

17 (1) Sections 11.056(e) and 130.0825(e), Education
18 Code;

19 (2) Section 285.131(g), Health and Safety Code; and

20 (3) Section 63.0945(f), Water Code.

21 SECTION 9. The changes in law made by this Act apply only to
22 an election ordered on or after the effective date of this Act.

23 SECTION 10. This Act takes effect September 1, 2009.