

By: Shapiro

S.B. No. 1279

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the deadline for providing absentee ballots for the
3 general election for state and county officers; making conforming
4 changes.

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

6 SECTION 1. Section 3.005(c), Election Code, is amended to
7 read as follows:

8 (c) For an election to be held on the date of the general
9 election for state and county officers, the election shall be
10 ordered not later than the 80th [~~70th~~] day before election day.

11 SECTION 2. Section 84.007(c), Election Code, is amended to
12 read as follows:

13 (c) An application must be submitted on or after the 70th
14 [~~60th~~] day before election day and before the close of regular
15 business in the early voting clerk's office or 12 noon, whichever is
16 later, on the seventh day before election day unless that day is a
17 Saturday, Sunday, or legal state or national holiday, in which case
18 the last day is the first preceding regular business day.

19 SECTION 3. Section 86.004(b), Election Code, is amended to
20 read as follows:

21 (b) For the general election for state and county officers,
22 the balloting materials for a voter who indicates on the
23 application for a ballot to be voted by mail or the federal postcard
24 application that the voter is eligible to vote early by mail as a

1 consequence of the voter's being outside the United States shall be
2 mailed on or before the later of the 55th [~~45th~~] day before election
3 day or the seventh calendar day after the date the clerk receives
4 the application. However, if it is not possible to mail the ballots
5 by the deadline of the 55th [~~45th~~] day before election day, the
6 clerk shall notify the secretary of state within 24 hours of knowing
7 that the deadline will not be met. The secretary of state shall
8 monitor the situation and advise the clerk, who shall mail the
9 ballots as soon as possible in accordance with the secretary of
10 state's guidelines.

11 SECTION 4. Section 101.004(e), Election Code, is amended to
12 read as follows:

13 (e) An applicant who otherwise complies with applicable
14 requirements is entitled to receive a full ballot to be voted by
15 mail under this chapter if:

16 (1) the applicant submits a federal postcard
17 application to the early voting clerk on or before the 30th [~~20th~~]
18 day before election day; and

19 (2) the application contains the information that is
20 required for registration under Title 2.

21 SECTION 5. Section 105.002(b), Election Code, is amended to
22 read as follows:

23 (b) An application for a ballot under this section may not
24 be submitted earlier than the 190th [~~180th~~] day before election
25 day. If an application under this section is received after the
26 time that regularly printed ballots become available, the early
27 voting clerk shall send the applicant a regularly printed ballot.

1 SECTION 6. Section 143.007(c), Election Code, is amended to
2 read as follows:

3 (c) For an election to be held on the date of the general
4 election for state and county officers, the day of the filing
5 deadline is the 80th [~~70th~~] day before election day.

6 SECTION 7. Section 144.005(d), Election Code, is amended to
7 read as follows:

8 (d) For an election to be held on the date of the general
9 election for state and county officers, the day of the filing
10 deadline is the 80th [~~70th~~] day before election day.

11 SECTION 8. Section 144.006(b), Election Code, is amended to
12 read as follows:

13 (b) For an election to be held on the date of the general
14 election for state and county officers, the day of the filing
15 deadline is the 77th [~~67th~~] day before election day.

16 SECTION 9. Section 145.032, Election Code, is amended to
17 read as follows:

18 Sec. 145.032. DEADLINE FOR WITHDRAWAL. A candidate may not
19 withdraw from the general election after the 84th [~~74th~~] day before
20 election day.

21 SECTION 10. Section 145.035, Election Code, is amended to
22 read as follows:

23 Sec. 145.035. WITHDRAWN, DECEASED, OR INELIGIBLE
24 CANDIDATE'S NAME OMITTED FROM BALLOT. A candidate's name shall be
25 omitted from the ballot if the candidate withdraws, dies, or is
26 declared ineligible on or before the 84th [~~74th~~] day before
27 election day.

1 SECTION 11. Section 145.037(e), Election Code, is amended
2 to read as follows:

3 (e) The certification must be delivered not later than 5
4 p.m. of the 80th [~~70th~~] day before election day.

5 SECTION 12. Section 145.038(b), Election Code, is amended
6 to read as follows:

7 (b) The state chair must deliver the certification of the
8 replacement nominee not later than 5 p.m. of the 77th [~~67th~~] day
9 before election day.

10 SECTION 13. Section 145.039, Election Code, is amended to
11 read as follows:

12 Sec. 145.039. DECEASED OR INELIGIBLE CANDIDATE'S NAME TO
13 APPEAR ON GENERAL ELECTION BALLOT. If a candidate dies or is
14 declared ineligible after the 84th [~~74th~~] day before election day,
15 the candidate's name shall be placed on the ballot.

16 SECTION 14. Section 145.062, Election Code, is amended to
17 read as follows:

18 Sec. 145.062. DEADLINE FOR WITHDRAWAL. A candidate may not
19 withdraw from the general election after the 84th [~~74th~~] day before
20 election day.

21 SECTION 15. Section 145.064(a), Election Code, is amended
22 to read as follows:

23 (a) Except as provided by Subsection (b), a candidate's name
24 shall be omitted from the ballot if the candidate withdraws, dies,
25 or is declared ineligible on or before the 84th [~~74th~~] day before
26 election day.

27 SECTION 16. Section 145.065, Election Code, is amended to

1 read as follows:

2 Sec. 145.065. DECEASED OR INELIGIBLE CANDIDATE'S NAME TO
3 APPEAR ON GENERAL ELECTION BALLOT. If a candidate dies or is
4 declared ineligible after the 84th [~~74th~~] day before election day,
5 the candidate's name shall be placed on the ballot.

6 SECTION 17. Section 145.092(f), Election Code, is amended
7 to read as follows:

8 (f) A candidate in an election for which the filing deadline
9 for an application for a place on the ballot is not later than 5 p.m.
10 of the 80th [~~70th~~] day before election day may not withdraw from the
11 election after 5 p.m. of the 77th [~~67th~~] day before election day.

12 SECTION 18. Section 145.094(a), Election Code, is amended
13 to read as follows:

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

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

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

22 (3) withdraws or is declared ineligible before 5 p.m.
23 of the 53rd day before election day, in an election subject to
24 Section 145.092(b); or

25 (4) withdraws or is declared ineligible before 5 p.m.
26 of the 77th [~~67th~~] day before election day, in an election subject
27 to Section 145.092(f).

1 SECTION 19. Section 146.029(c), Election Code, is amended
2 to read as follows:

3 (c) Not later than the 72nd [~~62nd~~] day before election day,
4 the certifying authority shall deliver the certification to the
5 authority responsible for having the official ballot prepared in
6 each county in which the office sought by the candidate is to be
7 voted on.

8 SECTION 20. Section 192.062(a), Election Code, is amended
9 to read as follows:

10 (a) The secretary of state shall certify in writing for
11 placement on the ballot the name of a political party's replacement
12 nominee for president or vice-president of the United States if:

13 (1) the original nominee withdraws, dies, or is
14 declared ineligible on or before the 84th [~~74th~~] day before
15 presidential election day; and

16 (2) the party's state chair delivers certification of
17 the replacement nominee's name, signed by the state chair, to the
18 secretary of state not later than 5 p.m. of the 80th [~~70th~~] day
19 before presidential election day.

20 SECTION 21. Section 192.063(a), Election Code, is amended
21 to read as follows:

22 (a) The name of an independent presidential candidate and
23 the name of the candidate's running mate shall be omitted from the
24 ballot if the presidential candidate withdraws, dies, or is
25 declared ineligible on or before the 84th [~~74th~~] day before
26 presidential election day.

27 SECTION 22. Section 192.064(a), Election Code, is amended

1 to read as follows:

2 (a) The secretary of state shall certify in writing for
3 placement on the ballot the name of a replacement vice-presidential
4 running mate for an independent candidate for president of the
5 United States if:

6 (1) the original running mate withdraws, dies, or is
7 declared ineligible on or before the 84th [~~74th~~] day before
8 presidential election day; and

9 (2) the independent presidential candidate delivers
10 certification of the replacement running mate's name, signed by the
11 presidential candidate, to the secretary of state not later than 5
12 p.m. of the 80th [~~70th~~] day before presidential election day.

13 SECTION 23. Section 201.051(b), Election Code, is amended
14 to read as follows:

15 (b) For a vacancy to be filled by a special election to be
16 held on the date of the general election for state and county
17 officers, the election shall be ordered not later than the 80th
18 [~~70th~~] day before election day.

19 SECTION 24. Sections 201.054(a) and (f), Election Code, are
20 amended to read as follows:

21 (a) Except as provided by Subsection (f), a candidate's
22 application for a place on a special election ballot must be filed
23 not later than:

24 (1) 5 p.m. of the 77th [~~67th~~] day before election day,
25 if election day is on or after the 80th [~~70th~~] day after the date the
26 election is ordered;

27 (2) 5 p.m. of the 31st day before election day, if

1 election day is on or after the 36th day and before the 80th [~~70th~~]
2 day after the date the election is ordered; or

3 (3) 5 p.m. of a day fixed by the authority ordering the
4 election, which day must be not earlier than the fifth day after the
5 date the election is ordered and not later than the 20th day before
6 election day, if election day is before the 36th day after the date
7 the election is ordered.

8 (f) For a special election to be held on the date of the
9 general election for state and county officers, the day of the
10 filing deadline is the 77th [~~67th~~] day before election day.

11 SECTION 25. Section 202.002, Election Code, is amended to
12 read as follows:

13 Sec. 202.002. VACANCY FILLED AT GENERAL ELECTION. (a) If a
14 vacancy occurs on or before the 84th [~~74th~~] day before the general
15 election for state and county officers held in the next-to-last
16 even-numbered year of a term of office, the remainder of the
17 unexpired term shall be filled at the next general election for
18 state and county officers, as provided by this chapter.

19 (b) If a vacancy occurs after the 84th [~~74th~~] day before a
20 general election day, an election for the unexpired term may not be
21 held at that general election. The appointment to fill the vacancy
22 continues until the next succeeding general election and until a
23 successor has been elected and has qualified for the office.

24 SECTION 26. The changes in law made by this Act apply only
25 to a general election for state and county officers ordered on or
26 after September 1, 2009.

27 SECTION 27. This Act takes effect September 1, 2009.