

BILL ANALYSIS

C.S.H.B. 1135
By: Aycock
Elections
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties are concerned that there is a lack of specificity regarding whether a candidate for public office is authorized to amend a filed application for a place on a ballot or a petition in lieu of a filing fee submitted with the application. The parties note that such amendments, which may be necessary to correct an error or an improper filing procedure, are difficult logistically for the party chairman to make. The parties further note that the candidate may correct such an error by submitting a new application or petition before the filing deadline, and they assert that clarification is needed to specify that an application or petition may not be amended by the candidate, and the authority with whom the application is filed may not accept such an amendment, after the filing deadline for the application. C.S.H.B. 1135 seeks to make these clarifications relating to an application to run for political office.

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

C.S.H.B. 1135 amends the Election Code to prohibit a candidate for public office from amending an application for a place on the ballot or a petition in lieu of a filing fee submitted with the candidate's application after the filing deadline and to prohibit the authority with whom the application or petition is filed from accepting an amendment to the application or petition after the filing deadline.

EFFECTIVE DATE

September 1, 2011.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 1135 differs from the original by prohibiting a candidate for public office from amending an application for a place on the ballot after the filing deadline and prohibiting the authority with whom the application is filed from accepting such an amendment after the filing deadline, whereas the original prohibits such an amendment or the acceptance of an amendment after the application is filed. The substitute contains a specification not included in the original that the application is filed under provisions of law relating to the general requirements for an application for a place on the ballot.

C.S.H.B. 1135 contains a specification not included in the original, in the provision prohibiting a candidate for public office from amending a petition in lieu of a filing fee submitted with the candidate's application and prohibiting the authority with whom the application is filed from accepting such an amendment, that the prohibition refers to such an amendment made or accepted after the filing deadline.