

By: Berman

H.B. No. 418

A BILL TO BE ENTITLED

AN ACT

1
2 relating to requiring certain candidates to pay a filing fee or file
3 a petition as a qualification to appear on the ballot for the
4 general election for state and county officers.

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

6 SECTION 1. Section 142.004(b), Election Code, is amended to
7 read as follows:

8 (b) An application must, in addition to complying with
9 Section 141.031, be accompanied by:

10 (1) a filing fee in the amount prescribed by Section
11 172.024 for a candidate for nomination for the same office in a
12 general primary election; or

13 (2) a petition that satisfies the requirements
14 prescribed by Section 141.062.

15 SECTION 2. Chapter 142, Election Code, is amended by adding
16 Section 142.0051 to read as follows:

17 Sec. 142.0051. DISPOSITION OF FILING FEE. (a) A filing fee
18 received by the secretary of state shall be deposited in a special
19 account in the general revenue fund that may be appropriated only to
20 the secretary of state for programs related to ballot security.

21 (b) A filing fee received by the county judge shall be
22 deposited in a special account in the county general fund that may
23 be used by the county only for programs related to ballot security.

24 SECTION 3. Section 161.008(c), Election Code, is amended to

1 read as follows:

2 (c) A candidate's name may not be certified if:

3 (1) [7] before delivering the certification, the
4 secretary of state learns that the name is to be omitted from the
5 ballot under Section 145.035; or

6 (2) a candidate nominated by convention fails to meet
7 the requirement of Section 181.008.

8 SECTION 4. Subchapter A, Chapter 181, Election Code, is
9 amended by adding Section 181.008 to read as follows:

10 Sec. 181.008. FILING FEE OR PETITION REQUIRED. (a) To be
11 placed on the ballot for the general election for state and county
12 officers, a candidate for office who is nominated by convention
13 must:

14 (1) pay a filing fee in the amount prescribed by
15 Section 172.024 for a candidate for nomination for the same office
16 in a general primary election; or

17 (2) file a petition that satisfies the requirements
18 prescribed by Subchapter C, Chapter 141, and contains at least the
19 number of signatures prescribed by Section 172.025 to appear on a
20 petition of a candidate for the same office in a general primary
21 election.

22 (b) A fee payment or filing required under Subsection (a)
23 must be made with:

24 (1) the authority responsible for having the ballot
25 prepared in the county, for a county or precinct office; or

26 (2) the secretary of state, for a statewide or
27 district office.

1 (c) The secretary of state shall by rule prescribe the
2 deadline for a fee payment or filing required under Subsection (a).

3 (d) A filing fee received by the authority responsible for
4 having the ballot prepared in the county shall be deposited in a
5 special account in the county general fund that may be used by the
6 county only for programs related to ballot security.

7 (e) A filing fee received by the secretary of state shall be
8 deposited in a special account in the general revenue fund that may
9 be appropriated only to the secretary of state for programs related
10 to ballot security.

11 SECTION 5. This Act takes effect September 1, 2011.