

BILL ANALYSIS

S.B. 904
By: Van de Putte
Elections
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Prior legislation helped implement the federal Military and Overseas Voter Empowerment Act. To ensure full compliance with a provision of this act, Texas had to shift its election calendar. Concerned parties note that, unfortunately, a few filing deadlines were missed when establishing the new calendar. S.B. 904 seeks to modify certain election deadlines, to establish additional procedures to help ease military and overseas voting, and to streamline the voting process.

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

S.B. 904 amends the Election Code to require the secretary of state to make a checklist or similar guidelines available for optional use by early voting clerks in processing a federal postcard application and providing balloting materials to a voter voting early by mail. The bill specifies that such a voter who completes a signature sheet is not required to complete a carrier envelope when returning a voted ballot. The bill prohibits a candidate in an election other than the general election for state and county officers from withdrawing from an election after 5 p.m. of the fifth day, rather than after 5 p.m. of the third day, after the deadline for filing the candidate's application for a place on the ballot.

S.B. 904 specifies that the deadline for filing an application for a place on the general primary election ballot is extended if, among other circumstances, a candidate who has made an application that complies with the applicable requirements:

- dies on or after the fifth day before the date of the regular filing deadline and on or before the first day after the date of the regular filing deadline, rather than on or before the 79th day before general primary election day; or
- holds the office for which the application was made and withdraws or is declared ineligible on the date of the regular filing deadline or the first day after the date of the regular filing deadline, rather than withdraws or is declared ineligible on or after the date of the regular filing deadline and on or before the 79th day before general primary election day.

The bill requires an application for an office sought by a withdrawn, deceased, or ineligible candidate to be filed not later than 6 p.m. of the fifth day after the date of the regular filing deadline, rather than not later than 6 p.m. of the 81st day before general primary election day.

S.B. 904 requires a candidate's name to be omitted from the general primary election ballot if the candidate withdraws, dies, or is declared ineligible on or before the first day after the date of the regular filing deadline, rather than on or before the 79th day before general primary election day. The bill requires a candidate's name to be placed on the ballot and votes cast for the candidate to be counted and entered on the official elections returns if the candidate made an application for a

place on the general primary election ballot that complies with the applicable requirements and the candidate dies or is declared ineligible after the first day after the date of the regular filing deadline, rather than after the 79th day before general primary election day.

S.B. 904 requires a political party's nominee for an unexpired term to be nominated by primary election if the political party is making nominations by primary election for the general election in which the vacancy is to be filled and the vacancy occurs on or before the fifth day before the date of the regular deadline for candidates to file applications for a place on the general primary ballot, rather than on or before the 62nd day before general primary election day. The bill requires an application for the unexpired term, if the vacancy occurs after the 10th day before the date of the regular filing deadline, to be filed not later than 6 p.m. of the fifth day after the date of the regular filing deadline, rather than the earlier of not later than 5 p.m. of the 15th day after the date the vacancy occurs or 5 p.m. of the 60th day before general primary election day.

S.B. 904, effective December 31, 2016, repeals Section 50, Chapter 1318 (S.B. 100), Acts of the 82nd Legislature, Regular Session, 2011, and prohibits the secretary of state from adjusting or modifying affected election dates, deadlines, or procedures to implement the federal Military and Overseas Voter Empowerment Act under the repealed provision.

EFFECTIVE DATE

Except as otherwise provided, September 1, 2013.