

By: Van de Putte
(Morrison)

S.B. No. 904

A BILL TO BE ENTITLED

AN ACT

relating to the adoption of certain voting procedures and the modification of certain election deadlines, including those necessary to implement the federal Military and Overseas Voter Empowerment Act.

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

SECTION 1. Section 101.007, Election Code, is amended by adding Subsection (d) to read as follows:

(d) The secretary of state shall make a checklist or similar guidelines available for optional use by early voting clerks in processing an application and providing balloting materials under this chapter.

SECTION 2. Subsection (b), Section 101.107, Election Code, is amended to read as follows:

(b) A voter who receives a ballot under this subchapter must return the ballot in the same manner as required under Section 101.057 except that a voter who completes a signature sheet is not required to complete a carrier envelope. Except ~~and, except~~ as provided by Chapter 105, the voter may not return the ballot by electronic transmission.

SECTION 3. Subsection (a), Section 145.092, Election Code, is amended to read as follows:

(a) Except as otherwise provided by this section, a candidate may not withdraw from an election after 5 p.m. of the

1 fifth [~~third~~] day after the deadline for filing the candidate's
2 application for a place on the ballot.

3 SECTION 4. Subsections (a) and (b), Section 172.054,
4 Election Code, are amended to read as follows:

5 (a) The deadline for filing an application for a place on
6 the general primary election ballot is extended as provided by this
7 section if a candidate who has made an application that complies
8 with the applicable requirements:

9 (1) dies on or after the fifth day before the date of
10 the regular filing deadline and on or before the first [~~79th~~] day
11 after the date of the regular filing deadline [~~before general~~
12 ~~primary election day~~];

13 (2) holds the office for which the application was
14 made and withdraws or is declared ineligible on [~~or after~~] the date
15 of the regular filing deadline [~~and on~~] or [~~before~~] the first [~~79th~~]
16 day after the date of the regular filing deadline [~~before general~~
17 ~~primary election day~~]; or

18 (3) withdraws or is declared ineligible during the
19 period prescribed by Subdivision (2), and at the time of the
20 withdrawal or declaration of ineligibility no other candidate has
21 made an application that complies with the applicable requirements
22 for the office sought by the withdrawn or ineligible candidate.

23 (b) An application for an office sought by a withdrawn,
24 deceased, or ineligible candidate must be filed not later than 6
25 p.m. of the fifth day after the date of the regular filing deadline
26 [~~81st day before general primary election day~~]. An application
27 filed by mail with the state chair is not timely if received later

1 than 5 p.m. of the fifth day after the date of the regular filing
2 deadline [~~81st day before general primary election day~~].

3 SECTION 5. Section 172.057, Election Code, is amended to
4 read as follows:

5 Sec. 172.057. WITHDRAWN, DECEASED, OR INELIGIBLE
6 CANDIDATE'S NAME OMITTED FROM GENERAL PRIMARY BALLOT. A
7 candidate's name shall be omitted from the general primary election
8 ballot if the candidate withdraws, dies, or is declared ineligible
9 on or before the first [~~79th~~] day after the date of the regular
10 filing deadline [~~before general primary election day~~].

11 SECTION 6. Subsection (a), Section 172.058, Election Code,
12 is amended to read as follows:

13 (a) If a candidate who has made an application for a place on
14 the general primary election ballot that complies with the
15 applicable requirements dies or is declared ineligible after the
16 first [~~79th~~] day after the date of the regular filing deadline
17 [~~before general primary election day~~], the candidate's name shall
18 be placed on the ballot and the votes cast for the candidate shall
19 be counted and entered on the official election returns in the same
20 manner as for the other candidates.

21 SECTION 7. Subsections (a) and (c), Section 202.004,
22 Election Code, are amended to read as follows:

23 (a) A political party's nominee for an unexpired term must
24 be nominated by primary election if:

25 (1) the political party is making nominations by
26 primary election for the general election in which the vacancy is to
27 be filled; and

1 (2) the vacancy occurs on or before the fifth [~~62nd~~
2 day before the date of the regular deadline for candidates to file
3 applications for a place on the general primary ballot [~~general~~
4 ~~primary election day~~].

5 (c) If the vacancy occurs after the 10th day before the date
6 of the regular filing deadline, an application for the unexpired
7 term must be filed not later than 6 [~~5~~] p.m. of the fifth day after
8 the date of the regular filing deadline [~~15th day after the date the~~
9 ~~vacancy occurs or 5 p.m. of the 60th day before general primary~~
10 ~~election day, whichever is earlier~~].

11 SECTION 8. (a) Section 50, Chapter 1318 (Senate Bill No.
12 100), Acts of the 82nd Legislature, Regular Session, 2011, is
13 repealed.

14 (b) The secretary of state may not adjust or modify affected
15 election dates, deadlines, or procedures to implement the federal
16 Military and Overseas Voter Empowerment Act under Section 50,
17 Chapter 1318 (Senate Bill No. 100), Acts of the 82nd Legislature,
18 Regular Session, 2011.

19 (c) This section takes effect December 31, 2016.

20 SECTION 9. Except as otherwise provided by this Act, this
21 Act takes effect September 1, 2013.