

By: Van de Putte

S.B. No. 904

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the adoption of certain voting procedures necessary to  
3 implement the federal Military and Overseas Voter Empowerment Act,  
4 including the modification of certain election deadlines.

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

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

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

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

14 (b) A voter who receives a ballot under this subchapter must  
15 return the ballot in the same manner as required under Section  
16 101.057 except that a voter who completes a signature sheet is not  
17 required to complete a carrier envelope. Except [~~and, except~~] as  
18 provided by Chapter 105, the voter may not return the ballot by  
19 electronic transmission.

20 SECTION 3. Sections 172.054(a) and (b), Election Code, are  
21 amended to read as follows:

22 (a) The deadline for filing an application for a place on  
23 the general primary election ballot is extended as provided by this  
24 section if a candidate who has made an application that complies

1 with the applicable requirements:

2 (1) dies on or after the fifth day before the date of  
3 the regular filing deadline and on or before the first [~~79th~~] day  
4 after the date of the regular filing deadline [~~before general~~  
5 ~~primary election day~~];

6 (2) holds the office for which the application was  
7 made and withdraws or is declared ineligible on [~~or after~~] the date  
8 of the regular filing deadline [~~and on~~] or [~~before~~] the first [~~79th~~]  
9 day after the date of the regular filing deadline [~~before general~~  
10 ~~primary election day~~]; or

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15 for the office sought by the withdrawn or ineligible candidate.

16 (b) An application for an office sought by a withdrawn,  
17 deceased, or ineligible candidate must be filed not later than 6  
18 p.m. of the fifth day after the date of the regular filing deadline  
19 [~~81st day before general primary election day~~]. An application  
20 filed by mail with the state chair is not timely if received later  
21 than 5 p.m. of the fifth day after the date of the regular filing  
22 deadline [~~81st day before general primary election day~~].

23 SECTION 4. Section 172.057, Election Code, is amended to  
24 read as follows:

25 Sec. 172.057. WITHDRAWN, DECEASED, OR INELIGIBLE  
26 CANDIDATE'S NAME OMITTED FROM GENERAL PRIMARY BALLOT. A  
27 candidate's name shall be omitted from the general primary election

1 ballot if the candidate withdraws, dies, or is declared ineligible  
2 on or before the first [79th] day after the date of the regular  
3 filing deadline [~~before general primary election day~~].

4 SECTION 5. Section 172.058(a), Election Code, is amended to  
5 read as follows:

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

14 SECTION 6. Sections 202.004(a) and (c), Election Code, are  
15 amended to read as follows:

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

18 (1) the political party is making nominations by  
19 primary election for the general election in which the vacancy is to  
20 be filled; and

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

25 (c) If the vacancy occurs after the 10th day before the date  
26 of the regular filing deadline, an application for the unexpired  
27 term must be filed not later than 6 [5] p.m. of the fifth day after

1 the date of the regular filing deadline [~~15th day after the date the~~  
2 ~~vacancy occurs or 5 p.m. of the 60th day before general primary~~  
3 ~~election day, whichever is earlier~~].

4 SECTION 7. (a) Section 50, Chapter 1318 (S.B. 100), Acts of  
5 the 82nd Legislature, Regular Session, 2011, is repealed.

6 (b) The secretary of state may not adjust or modify affected  
7 election dates, deadlines, or procedures to implement the federal  
8 Military and Overseas Voter Empowerment Act under Section 50,  
9 Chapter 1318 (S.B. 100), Acts of the 82nd Legislature, Regular  
10 Session, 2011.

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

12 SECTION 8. Except as otherwise provided by this Act, this  
13 Act takes effect September 1, 2013.