

By: Laubenberg

H.B. No. 3005

A BILL TO BE ENTITLED

AN ACT

relating to the deadlines for certain processes and procedures involving an election.

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

SECTION 1. Section 11.055(a), Education Code, is amended to read as follows:

(a) An [~~Except as provided by Subsection (c), an~~] application of a candidate for a place on the ballot must be filed not later than 5 p.m. of the 78th [~~71st~~] day before the date of the election. An application may not be filed earlier than the 30th day before the date of the filing deadline.

SECTION 2. Section 1.006, Election Code, is amended by adding Subsection (f) to read as follows:

(f) In this code:

(1) "National holiday" means:

(A) a legal public holiday under 5 U.S.C. Section 6103; and

(B) if a holiday described by Paragraph (A) occurs on a Saturday or Sunday, a holiday taken in lieu of that holiday on which there is no regular United States mail delivery.

(2) "State holiday" means a state holiday under Sections 662.003(b)(1) through (6), Government Code.

SECTION 3. Section 3.005(c), Election Code, is amended to read as follows:

1 (c) For an election to be held on[+]

2 [~~(1) the date of the general election for state and~~
3 ~~county officers, the election shall be ordered not later than the~~
4 ~~78th day before election day, and~~

5 [~~(2)~~] a uniform election date [~~other than the date of~~
6 ~~the general election for state and county officers~~], the election
7 shall be ordered not later than the 78th [~~71st~~] day before election
8 day.

9 SECTION 4. Section 41.001(c), Election Code, is amended to
10 read as follows:

11 (c) Except for an election under Subsection (a) or Section
12 41.0011 or a runoff election following an election held under
13 Subsection (a)(2), an election may not be held within 30 days before
14 or after the date of the general election for state and county
15 officers, general primary election, or runoff primary election.

16 SECTION 5. Section 65.051(a), Election Code, is amended to
17 read as follows:

18 (a) The early voting ballot board shall verify and count
19 provisional ballots as provided by this subchapter not later than
20 the ninth [~~seventh~~] day after the date of an election.

21 SECTION 6. Section 86.008(a), Election Code, is amended to
22 read as follows:

23 (a) If on reviewing an application for a ballot to be voted
24 by mail that was received on or before the 18th [~~12th~~] day before
25 election day the early voting clerk determines that the application
26 does not fully comply with the applicable requirements prescribed
27 by this title, the clerk shall mail or otherwise deliver an official

1 application form to the applicant.

2 SECTION 7. Section 87.125, Election Code, is amended by
3 amending Subsection (a) and adding Subsection (a-1) to read as
4 follows:

5 (a) The early voting ballot board shall convene to count
6 ballots voted by mail described by Section 86.007(d) at the time set
7 by the presiding judge of the board on the ninth [~~sixth~~] day after
8 the date of an election or on an earlier day if the early voting
9 clerk certifies that all ballots mailed from outside the United
10 States have been received.

11 (a-1) Notwithstanding Subsection (a), for an election held
12 on the date of the general election for state and county officers,
13 the early voting ballot board shall convene to count ballots voted
14 by mail described by Section 86.007(d) not later than the 13th day
15 after the date of the election.

16 SECTION 8. Sections 101.052(b) and (f), Election Code, are
17 amended to read as follows:

18 (b) A federal postcard application may be submitted at any
19 time during the calendar year in which the election for which a
20 ballot is requested occurs, but not later than the deadline for
21 submitting a regular application for a ballot to be voted by mail
22 for a voter to be entitled to receive a ballot by mail for that
23 election.

24 (f) The applicant is entitled to receive only a federal
25 ballot to be voted by mail under Chapter 114 if:

26 (1) the applicant submits the federal postcard
27 application to the early voting clerk after the date provided by

1 Subsection (e)(1) and before the deadline for submitting a regular
2 application for a ballot to be voted by mail [~~sixth day before~~
3 ~~election day~~]; and

4 (2) the application contains the information that is
5 required for registration under Title 2.

6 SECTION 9. Section 143.007(c), Election Code, is amended to
7 read as follows:

8 (c) For an election to be held on[+]

9 [~~(1) the date of the general election for state and~~
10 ~~county officers, the day of the filing deadline is the 78th day~~
11 ~~before election day; and~~

12 [~~(2)] a uniform election date [other than the date of~~
13 ~~the general election for state and county officers], the day of the~~
14 filing deadline is the 78th [~~71st~~] day before election day.

15 SECTION 10. Section 144.005(d), Election Code, is amended
16 to read as follows:

17 (d) For an election to be held on[+]

18 [~~(1) the date of the general election for state and~~
19 ~~county officers, the day of the filing deadline is the 78th day~~
20 ~~before election day; and~~

21 [~~(2)] a uniform election date [other than the date of~~
22 ~~the general election for state and county officers], the day of the~~
23 filing deadline is the 78th [~~71st~~] day before election day.

24 SECTION 11. Section 144.006, Election Code, is amended by
25 amending Subsection (b) and adding Subsection (c) to read as
26 follows:

27 (b) For an election to be held on[+]

1 ~~[(1) the date of the general election for state and~~
2 ~~county officers, the day of the filing deadline is the 78th day~~
3 ~~before election day; and~~

4 ~~[(2)]~~ a uniform election date ~~[other than the date of~~
5 ~~the general election for state and county officers]~~, the day of the
6 filing deadline is the 74th ~~[71st]~~ day before election day.

7 (c) A write-in candidate may not withdraw from the election
8 after the 71st day before election day.

9 SECTION 12. Section 145.036(b), Election Code, is amended
10 to read as follows:

11 (b) An executive committee may make a replacement
12 nomination following a withdrawal only if:

13 (1) the candidate:

14 (A) withdraws because of a catastrophic illness
15 that was diagnosed after the first day after the date of the regular
16 filing deadline for the [62nd day before] general primary election
17 ~~[day]~~ and the illness would permanently and continuously
18 incapacitate the candidate and prevent the candidate from
19 performing the duties of the office sought; and

20 (B) files with the withdrawal request a
21 certificate describing the illness and signed by at least two
22 licensed physicians;

23 (2) no political party that held primary elections has
24 a nominee for the office sought by the withdrawing candidate as of
25 the time of the withdrawal; or

26 (3) the candidate has been elected or appointed to
27 fill a vacancy in another elective office or has become the nominee

1 for another office.

2 SECTION 13. Sections 145.092(b) and (d), Election Code, are
3 amended to read as follows:

4 (b) A candidate in an election for which the filing deadline
5 for an application for a place on the ballot is not later than 5 p.m.
6 of the 62nd day before election day may not withdraw from the
7 election after 5 p.m. of the 57th [~~53rd~~] day before election day.

8 (d) A candidate in a runoff election may not withdraw from
9 the election after 5 p.m. of the third day after the date of the
10 final canvass for the main election.

11 SECTION 14. Section 145.096(a), Election Code, is amended
12 to read as follows:

13 (a) Except as provided by Subsection (b), a candidate's name
14 shall be placed on the ballot if the candidate:

15 (1) dies on or after the second day before the deadline
16 for filing the candidate's application for a place on the ballot;

17 (2) is declared ineligible after 5 p.m. of the fifth
18 [~~third~~] day after the deadline for filing the candidate's
19 application for a place on the ballot, in an election subject to
20 Section 145.092(a);

21 (3) is declared ineligible after 5 p.m. of the 57th
22 [~~53rd~~] day before election day, in an election subject to Section
23 145.092(b); or

24 (4) is declared ineligible after 5 p.m. of the 71st day
25 before election day, in an election subject to Section 145.092(f).

26 SECTION 15. Section 146.025(a), Election Code, is amended
27 to read as follows:

1 (a) Except as otherwise provided by this code, a [A]
2 declaration of write-in candidacy:

3 (1) must be filed not later than 5 p.m. of the 78th day
4 before general election day; and

5 (2) [~~except as otherwise provided by this code. A~~
6 ~~declaration~~] may not be filed earlier than the 30th day before the
7 date described by Subdivision (1) [~~of the regular filing deadline~~].

8 SECTION 16. Sections 146.0301(a) and (d), Election Code,
9 are amended to read as follows:

10 (a) A write-in candidate may not withdraw from the election
11 after the 71st [~~67th~~] day before election day.

12 (d) A candidate's name shall be omitted from the list of
13 write-in candidates if the candidate withdraws on or before the
14 71st [~~67th~~] day before election day.

15 SECTION 17. Section 146.054, Election Code, is amended by
16 amending Subsection (b) and adding Subsection (c) to read as
17 follows:

18 (b) For an election to be held on[+
19 [~~(1) the date of the general election for state and~~
20 ~~county officers, the day of the filing deadline is the 74th day~~
21 ~~before election day; and~~

22 [~~(2)~~] a uniform election date [~~other than the date of~~
23 ~~the general election for state and county officers~~], the day of the
24 filing deadline is the 74th [~~71st~~] day before election day.

25 (c) A write-in candidate may not withdraw from the election
26 after the 71st day before election day.

27 SECTION 18. Section 146.083, Election Code, is amended to

1 read as follows:

2 Sec. 146.083. FILING DEADLINE. A declaration of write-in
3 candidacy must be filed not later than 5 p.m. on the date an
4 application for a place on the ballot is required to be filed. A
5 write-in candidate may not withdraw from an election after 5 p.m. of
6 the fifth day after the deadline for filing a declaration of
7 write-in candidacy.

8 SECTION 19. Section 172.028(b), Election Code, is amended
9 to read as follows:

10 (b) Not later than the ninth day after the date of the
11 regular filing deadline [~~81st day before general primary election~~
12 ~~day~~], the state chair shall notify the county chair in each county
13 in which the candidate's name is to appear on the ballot that the
14 certification has been posted by the secretary of state.

15 SECTION 20. Section 172.052(a), Election Code, is amended
16 to read as follows:

17 (a) A candidate for nomination may not withdraw from the
18 general primary election after the first day after the date of the
19 regular filing deadline for the [~~79th day before~~] general primary
20 election [~~day~~].

21 SECTION 21. Section 172.059(a), Election Code, is amended
22 to read as follows:

23 (a) A candidate for nomination may not withdraw from the
24 runoff primary election after 5 p.m. of the 3rd [~~9th~~] day after the
25 state canvass under Section 172.120 [~~general primary election day~~].

26 SECTION 22. Section 172.082(c), Election Code, is amended
27 to read as follows:

1 (c) The drawing shall be conducted at the county seat not
2 later than the 10th day after the date of the regular filing
3 deadline for the general primary election [~~third Tuesday in~~
4 ~~December of an odd-numbered year~~].

5 SECTION 23. Section 191.003, Election Code, is amended to
6 read as follows:

7 Sec. 191.003. NOTICE OF CANDIDATES TO SECRETARY OF STATE.
8 The state chair of each political party holding a presidential
9 primary election shall certify the name of each presidential
10 candidate who qualifies for a place on the presidential primary
11 election ballot and deliver the certification to the secretary of
12 state not later than the ninth day after the date of the regular
13 filing deadline for the general [~~57th day before presidential~~]
14 primary election [~~day~~].

15 SECTION 24. Section 192.031(a), Election Code, is amended
16 to read as follows:

17 (a) A political party is entitled to have the names of its
18 nominees for president and vice-president of the United States
19 placed on the ballot in a presidential general election if:

20 (1) the nominees possess the qualifications for those
21 offices prescribed by federal law;

22 (2) the party's state chair signs a written
23 certification of:

24 (A) the names of the party's nominees for
25 president and vice-president; and

26 (B) the names and residence addresses of
27 presidential elector candidates nominated by the party, in a number

1 equal to the number of presidential electors that federal law
2 allocates to this state;

3 (3) the party's state chair delivers the written
4 certification to the secretary of state before the later of:

5 (A) 5 p.m. of the 71st [~~70th~~] day before
6 presidential election day; or

7 (B) 5 p.m. of the first business day after the
8 date of final adjournment of the party's national presidential
9 nominating convention; and

10 (4) the party is:

11 (A) required or authorized by Subchapter A of
12 Chapter 172 to make its nominations by primary election; or

13 (B) entitled to have the names of its nominees
14 placed on the general election ballot under Chapter 181.

15 SECTION 25. Section [192.062](#)(a), Election Code, is amended
16 to read as follows:

17 (a) The secretary of state shall certify in writing for
18 placement on the ballot the name of a political party's replacement
19 nominee for president or vice-president of the United States if:

20 (1) the original nominee withdraws, dies, or is
21 declared ineligible on or before the 74th day before presidential
22 election day; and

23 (2) the party's state chair delivers certification of
24 the replacement nominee's name, signed by the state chair, to the
25 secretary of state not later than 5 p.m. of the 71st [~~70th~~] day
26 before presidential election day.

27 SECTION 26. Section [192.064](#)(a), Election Code, is amended

1 to read as follows:

2 (a) The secretary of state shall certify in writing for
3 placement on the ballot the name of a replacement vice-presidential
4 running mate for an independent candidate for president of the
5 United States if:

6 (1) the original running mate withdraws, dies, or is
7 declared ineligible on or before the 74th day before presidential
8 election day; and

9 (2) the independent presidential candidate delivers
10 certification of the replacement running mate's name, signed by the
11 presidential candidate, to the secretary of state not later than 5
12 p.m. of the 71st [~~70th~~] day before presidential election day.

13 SECTION 27. Section [201.052](#), Election Code, is amended to
14 read as follows:

15 Sec. 201.052. DATE OF ELECTION. (a) Except as otherwise
16 provided by this code, a special election to fill a vacancy shall be
17 held on the first authorized uniform election date occurring on or
18 after the 46th [~~45th~~] day after the date the election is ordered.

19 (b) If a law outside this code authorizes the holding of the
20 election on a date earlier than the 46th [~~45th~~] day after the date
21 of the order, the election shall be held on the first authorized
22 uniform election date occurring on or after the earliest date that
23 the election could be held under that law.

24 SECTION 28. Section [201.054](#)(a), Election Code, is amended
25 to read as follows:

26 (a) Except as provided by Subsection (f), a candidate's
27 application for a place on a special election ballot must be filed

1 not later than:

2 (1) 5 p.m. of the 62nd day before election day, if
3 election day is on or after the 70th day after the date the election
4 is ordered; or

5 (2) 5 p.m. of the 40th [~~45th~~] day before election day,
6 if election day is on or after the 46th [~~57th~~] day and before the
7 70th day after the date the election is ordered.

8 SECTION 29. Section 202.006(a), Election Code, is amended
9 to read as follows:

10 (a) A political party's state, district, county, or
11 precinct executive committee, as appropriate for the particular
12 office, may nominate a candidate for the unexpired term if:

13 (1) in the case of a party holding a primary election,
14 the vacancy occurs after the fifth day before the date of the
15 regular deadline for candidates to file applications for a place on
16 the ballot for the [~~62nd day before~~] general primary election
17 [~~day~~]; or

18 (2) in the case of a party nominating by convention,
19 the vacancy occurs after the fourth day before the date the
20 convention having the power to make a nomination for the office
21 convenes.

22 SECTION 30. Section 274.003(b), Election Code, is amended
23 to read as follows:

24 (b) Not later than the 68th [~~50th~~] day before election day,
25 the secretary of state shall deliver the certification to the
26 authority responsible for having the official ballot prepared in
27 each county.

1 SECTION 31. Section 11.055(c), Education Code, and Sections
2 65.051(c) and 101.052(g), Election Code, are repealed.

3 SECTION 32. This Act takes effect September 1, 2015.