

By: Dutton

H.B. No. 137

Substitute the following for H.B. No. 137:

By: Laubenberg

C.S.H.B. No. 137

A BILL TO BE ENTITLED

1 AN ACT
2 relating to filling certain vacancies in nomination by special
3 primary election.

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

5 SECTION 1. The heading to Section 145.036, Election Code,
6 is amended to read as follows:

7 Sec. 145.036. FILLING VACANCY IN NOMINATION: GENERAL RULE.

8 SECTION 2. Section 145.036(a), Election Code, is amended to
9 read as follows:

10 (a) Except as provided by Subsection (b), if a candidate's
11 name is to be omitted from the ballot under Section 145.035 and
12 Section 145.0361 does not apply, the political party's state,
13 district, county, or precinct executive committee, as appropriate
14 for the particular office, may nominate a replacement candidate to
15 fill the vacancy in the nomination.

16 SECTION 3. Subchapter B, Chapter 145, Election Code, is
17 amended by adding Section 145.0361 to read as follows:

18 Sec. 145.0361. FILLING VACANCY IN NOMINATION CAUSED BY
19 DEATH OF CANDIDATE IN UNOPPOSED RACE. (a) If a candidate's name is
20 to be omitted from the ballot under Section 145.035 because of the
21 candidate's death and the candidate would have been unopposed in
22 the general election, the political party shall conduct a special
23 primary election in accordance with Section 172.005 to fill the
24 vacancy in the party's nomination of a candidate for the general

1 election.

2 (b) A special primary election held to fill a vacancy in a
3 nomination under this section shall be ordered by:

4 (1) the state chair of the political party if the
5 vacancy in nomination is for a statewide or district office; or

6 (2) the county chair of the political party if the
7 vacancy in nomination is for a county or precinct office.

8 SECTION 4. Sections 145.037(a), (c), and (e), Election
9 Code, are amended to read as follows:

10 (a) For the name of a replacement nominee to be placed on the
11 general election ballot, the chair of the executive committee
12 making the replacement nomination or ordering the special primary
13 election must certify in writing the nominee's name for placement
14 on the ballot as provided by this section.

15 (c) In addition to the name of the replacement nominee, the
16 certification must include:

17 (1) the replacement nominee's residence address and
18 mailing address, if different from the residence address;

19 (2) the name of the original nominee;

20 (3) the office sought, including any place number or
21 other distinguishing number;

22 (4) the cause of the vacancy;

23 (5) the date and result of the special primary
24 election or an identification of the executive committee making the
25 replacement nomination, as applicable; and

26 (6) the date of the replacement nomination, if
27 applicable.

1 (e) The certification must be delivered not later than 5
2 p.m. of the 71st day before election day or as soon as practicable
3 after that time.

4 SECTION 5. Section 145.038(a), Election Code, is amended to
5 read as follows:

6 (a) If a political party's district executive committee is
7 required [~~fails~~] to nominate a replacement candidate to fill a
8 vacancy in a nomination for a district office under Section 145.036
9 and fails to do so, the state executive committee may nominate a
10 candidate to fill the vacancy.

11 SECTION 6. Section 171.054(e), Election Code, is amended to
12 read as follows:

13 (e) For the purposes of filling a vacancy in a nomination
14 under Section 145.036, the state chair shall canvass the votes of
15 the district executive committee when meeting separately in each
16 county and make the certification required by Section 145.037.

17 SECTION 7. Subchapter A, Chapter 172, Election Code, is
18 amended by adding Section 172.005 to read as follows:

19 Sec. 172.005. SPECIAL PRIMARY ELECTION. (a) The state
20 executive committee of each political party holding a primary
21 election shall adopt rules for the holding of a special primary
22 election to fill a vacancy in a nomination under Section 145.0361.
23 To the extent possible, the rules shall incorporate the provisions
24 of this chapter and shall provide for a ranking system of candidates
25 so that the majority vote requirement can be met through a single
26 election.

27 (b) A special primary election is not subject to the

1 requirements of Section 41.001(a).

2 SECTION 8. This Act takes effect September 1, 2017.