

By: Bell

H.B. No. 204

A BILL TO BE ENTITLED

AN ACT

relating to placing the name of a withdrawn, deceased, or ineligible candidate for public office on the ballot.

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

SECTION 1. Section 145.035, Election Code, is amended to read as follows:

Sec. 145.035. PLACEMENT OF WITHDRAWN, DECEASED, OR INELIGIBLE CANDIDATE'S NAME ON [~~OMITTED FROM~~] BALLOT. (a) A candidate's name shall be omitted from the ballot if the candidate withdraws, dies, or is declared ineligible on or before the 74th day before election day.

SECTION 2. Section 145.039, Election Code, is transferred to Section 145.035, Election Code, redesignated as Section 145.035(b), and amended to read as follows:

(b) [~~Sec. 145.039. DECEASED OR INELIGIBLE CANDIDATE'S NAME TO APPEAR ON GENERAL ELECTION BALLOT.~~] If a candidate dies or is declared ineligible after the 74th day before election day, the candidate's name shall be placed on the ballot.

SECTION 3. Section 145.035, Election Code, is amended by adding Subsection (c) to read as follows:

(c) The secretary of state by rule may establish a procedure for issuing a certified notice to voters on election day that a candidate whose name is printed on the ballot has withdrawn, died, or been declared ineligible.

1 SECTION 4. The heading to Section 145.064, Election Code,
2 is amended to read as follows:

3 Sec. 145.064. PLACEMENT OF WITHDRAWN, DECEASED, OR
4 INELIGIBLE CANDIDATE'S NAME ON [~~OMITTED FROM~~] BALLOT.

5 SECTION 5. Section 145.065, Election Code, is transferred
6 to Section 145.064, Election Code, redesignated as Section
7 145.064(c), and amended to read as follows:

8 (c) [~~Sec. 145.065. DECEASED OR INELIGIBLE CANDIDATE'S NAME~~
9 ~~TO APPEAR ON GENERAL ELECTION BALLOT.~~] If a candidate dies or is
10 declared ineligible after the 74th day before election day, the
11 candidate's name shall be placed on the ballot.

12 SECTION 6. Section 145.064, Election Code, is amended by
13 adding Subsection (d) to read as follows:

14 (d) The secretary of state by rule may establish a procedure
15 for issuing a certified notice to voters on election day that a
16 candidate whose name is printed on the ballot has withdrawn, died,
17 or been declared ineligible.

18 SECTION 7. Section 145.094, Election Code, is amended to
19 read as follows:

20 Sec. 145.094. PLACEMENT OF WITHDRAWN, DECEASED, OR
21 INELIGIBLE CANDIDATE'S NAME ON [~~OMITTED FROM~~] BALLOT. (a) Except
22 as provided by Subsection (c), the [~~The~~] name of a candidate shall
23 be omitted from the ballot if the candidate:

24 (1) dies before the second day before the date of the
25 deadline for filing the candidate's application for a place on the
26 ballot;

27 (2) withdraws or is declared ineligible within the

1 time prescribed by Section 145.092(a), in an election subject to
2 that section;

3 (3) withdraws or is declared ineligible within the
4 time prescribed by Section 145.092(b), in an election subject to
5 that section; or

6 (4) withdraws or is declared ineligible before 5 p.m.
7 of the 71st day before election day, in an election subject to
8 Section 145.092(f).

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

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

13 (2) is declared ineligible after 5 p.m. of the fifth
14 day after the deadline for filing the candidate's application for a
15 place on the ballot, in an election subject to Section 145.092(a);

16 (3) is declared ineligible after 5 p.m. of the 57th day
17 before election day, in an election subject to Section 145.092(b);
18 or

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

21 (c) If a candidate in a runoff election dies or is declared
22 ineligible before runoff election day, the candidate's name shall
23 be placed on the runoff election ballot.

24 (d) The secretary of state by rule may establish a procedure
25 for issuing a certified notice to voters on election day that a
26 candidate whose name is printed on the ballot has withdrawn, died,
27 or been declared ineligible [~~This section does not apply to a runoff~~

1 ~~election]~~.

2 SECTION 8. Section 172.057, Election Code, is amended to
3 read as follows:

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

10 (b) If a candidate who has made an application for a place on
11 the general primary election ballot that complies with the
12 applicable requirements dies or is declared ineligible after the
13 first day after the date of the regular filing deadline, the
14 candidate's name shall be placed on the ballot.

15 (c) The secretary of state by rule may establish a procedure
16 for issuing a certified notice to voters on election day that a
17 candidate whose name is printed on the ballot has withdrawn, died,
18 or been declared ineligible.

19 SECTION 9. The heading to Section 172.058, Election Code,
20 is amended to read as follows:

21 Sec. 172.058. EFFECT OF VOTES CAST FOR DECEASED OR
22 INELIGIBLE CANDIDATE [~~CANDIDATE'S NAME TO APPEAR ON GENERAL PRIMARY~~
23 ~~BALLOT~~].

24 SECTION 10. Section 172.058(a), Election Code, is amended
25 to read as follows:

26 (a) If the [~~a candidate who has made an application for a~~
27 ~~place on the general primary election ballot that complies with the~~

1 ~~applicable requirements dies or is declared ineligible after the~~
2 ~~first day after the date of the regular filing deadline, the~~
3 ~~candidate's]~~ name of a deceased or ineligible candidate is ~~[shall~~
4 ~~be]~~ placed on the ballot, ~~[and]~~ the votes cast for the candidate
5 shall be counted and entered on the official election returns in the
6 same manner as for the other candidates.

7 SECTION 11. Section 145.096, Election Code, is repealed.

8 SECTION 12. This Act takes effect September 1, 2017.