

By: Reynolds

H.B. No. 3068

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the qualification of certain candidates for placement
3 on the ballot.

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

5 SECTION 1. Section 141.063, Election Code, is amended by
6 adding Subsection (e) to read as follows:

7 (e) The signing of a petition electronically as authorized
8 by Section 141.064(b) does not invalidate the signature,
9 notwithstanding any other provision of this title.

10 SECTION 2. Section 141.064, Election Code, is amended to
11 read as follows:

12 Sec. 141.064. METHOD OF ACQUIRING SIGNATURE. (a) A person
13 circulating a petition must:

14 (1) ~~[before permitting a person to sign, point out and~~
15 ~~read to the person each statement pertaining to the signer that~~
16 ~~appears on the petition,~~

17 ~~[(2)]~~ witness each signature; and

18 (2) ~~[(3)]~~ ascertain that each date of signing is
19 correct~~[, and~~

20 ~~[(4) before the petition is filed, verify each~~
21 ~~signer's registration status and ascertain that each registration~~
22 ~~number entered on the petition is correct].~~

23 (b) The secretary of state shall provide a system for
24 qualified voters to sign a nomination petition for a candidate or

1 political party using a secure Internet portal. The system shall
2 allow only those qualified voters who are eligible to sign a
3 petition for a particular candidate or political party to sign the
4 petition and shall provide a method for the voter's identity to be
5 properly verified. A candidate may choose to collect up to an
6 amount equal to 150 percent of the number of required nomination
7 petition signatures by use of the online signature collection
8 system established under this section.

9 SECTION 3. Section 141.065(a), Election Code, is amended to
10 read as follows:

11 (a) Each part of a petition must include an affidavit of the
12 person who circulated it stating that the person:

13 (1) ~~[pointed out and read to each signer, before the~~
14 ~~petition was signed, each statement pertaining to the signer that~~
15 ~~appears on the petition,~~

16 ~~[(2)]~~ witnessed each signature;

17 (2) ~~[(3)]~~ verified each signer's registration status;

18 and

19 (3) ~~[(4)]~~ believes each signature to be genuine and
20 the corresponding information to be correct.

21 SECTION 4. Sections 142.002(b) and (c), Election Code, are
22 amended to read as follows:

23 (b) A declaration of intent to run as an independent
24 candidate must:

25 (1) be in writing and be signed and acknowledged by the
26 candidate;

27 (2) be filed with the authority with whom the

1 candidate's application for a place on the ballot is required to be
2 filed within the time provided for filing the candidate's
3 application under Section 142.006 [~~regular filing period for an~~
4 ~~application for a place on a general primary election ballot~~]; and

5 (3) contain:

6 (A) the candidate's name and residence address;

7 (B) the office sought, including any place number
8 or other distinguishing number; and

9 (C) an indication of whether the office sought is
10 to be filled for a full or unexpired term, if the office sought and
11 another office to be voted on have the same title but do not have
12 place numbers or other distinguishing numbers.

13 (c) This section does not apply to:

14 (1) a candidate for an unexpired term if the vacancy
15 occurs after the 10th day before the regular filing deadline for an
16 application under Section 142.006 [~~for a place on a general primary~~
17 ~~election ballot~~]; or

18 (2) a candidate for an office for which the regular
19 application filing deadline for candidates [~~in a primary election~~]
20 is extended.

21 SECTION 5. Section 142.006(a), Election Code, is amended to
22 read as follows:

23 (a) An application for a place on the ballot must be filed
24 not later than 5 p.m. of the first business day after July 4 [~~30th~~
25 ~~day after runoff primary election day, except as provided by~~
26 ~~Section 202.007~~].

27 SECTION 6. Chapter 142, Election Code, is amended by adding

1 Section 142.0065 to read as follows:

2 Sec. 142.0065. EXTENDED FILING DEADLINE. (a) The deadline
3 for filing an application for a place on the ballot is extended as
4 provided by this section if a candidate who has made an application
5 that complies with the applicable requirements:

6 (1) dies on or after the fifth day before the date of
7 the regular filing deadline and on or before the first day after the
8 date of the regular filing deadline;

9 (2) holds the office for which the application was
10 made and withdraws or is declared ineligible on the date of the
11 regular filing deadline or the first day after the date of the
12 regular filing deadline; or

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

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

24 SECTION 7. Section 142.007, Election Code, is amended to
25 read as follows:

26 Sec. 142.007. NUMBER OF PETITION SIGNATURES REQUIRED. The
27 minimum number of signatures that must appear on a candidate's

1 petition is:

2 (1) for a statewide office, 10,000 [~~one percent of the~~
3 ~~total vote received by all candidates for governor in the most~~
4 ~~recent gubernatorial general election~~]; or

5 (2) for a district, county, or precinct office, the
6 lesser of:

7 (A) 500; or

8 (B) two [~~five~~] percent of the total vote received
9 in the district, county, or precinct, as applicable, by all
10 candidates for governor in the most recent gubernatorial general
11 election, unless that number is under 25, in which case the required
12 number of signatures is the lesser of:

13 (i) 25; or

14 (ii) four [~~10~~] percent of that total vote.

15 SECTION 8. Section 142.008, Election Code, is amended to
16 read as follows:

17 Sec. 142.008. STATEMENT ON PETITION. The following
18 statement must appear at the top of each page of a candidate's
19 petition: "I understand that the purpose of this petition is to
20 entitle (insert candidate's name) to have his or her name placed on
21 the ballot for the office of (insert office title, including any
22 place number or other distinguishing number) for the November
23 (insert year) general election. I understand that signing this
24 petition does not obligate me to vote for the candidate listed in
25 this petition or limit in any way my right to vote for the
26 candidates of my choice for any office in any election." [~~"I know~~
27 ~~the purpose of this petition. I have not voted in the general~~

1 ~~primary election or runoff primary election of any political party~~
2 ~~that has nominated, at either election, a candidate for the office~~
3 ~~of (insert office title) for which (insert candidate's name) is a~~
4 ~~candidate."]~~

5 SECTION 9. Section 172.027, Election Code, is amended to
6 read as follows:

7 Sec. 172.027. STATEMENT ON PETITION. The following
8 statement must appear at the top of each page of a petition to be
9 filed under Section 172.021: "I know that the purpose of this
10 petition is to entitle (insert candidate's name) to have his or her
11 name placed on the ballot for the office of (insert office title,
12 including any place number or other distinguishing number) for the
13 (insert political party's name) primary election. I understand
14 that ~~[by]~~ signing this petition does not obligate me to vote for the
15 candidate listed in this petition or limit in any way my right to
16 vote for the candidates of my choice for any office in any election
17 ~~[I become ineligible to vote in a primary election or participate in~~
18 ~~a convention of another party, including a party not holding a~~
19 ~~primary election, during the voting year in which this primary~~
20 ~~election is held]."~~

21 SECTION 10. Section 181.005, Election Code, is amended to
22 read as follows:

23 Sec. 181.005. QUALIFYING FOR PLACEMENT ON BALLOT BY PARTY
24 REQUIRED TO NOMINATE BY CONVENTION. (a) To be entitled to have the
25 names of its nominees placed on the general election ballot, a
26 political party required to make nominations by convention must
27 file with the secretary of state, not later than the first business

1 day after July 4 [~~75th day after the date of the precinct~~
2 ~~conventions held under this chapter~~], lists of precinct convention
3 participants indicating that the number of participants equals at
4 least 10,000 [~~one percent of the total number of votes received by~~
5 ~~all candidates for governor in the most recent gubernatorial~~
6 ~~general election~~]. The lists must include each participant's
7 residence address and voter registration number.

8 (b) A political party is entitled to have the names of its
9 nominees placed on the ballot, without qualifying under Subsection
10 (a), in each subsequent general election following a general
11 election in which the party had a nominee for a statewide office who
12 received a number of votes equal to at least two [~~five~~] percent of
13 the total number of votes received by all candidates for that
14 office.

15 SECTION 11. Sections 181.006(b), (f), and (k), Election
16 Code, are amended to read as follows:

17 (b) A petition must:

18 (1) satisfy the requirements prescribed by Section
19 141.062 for a candidate's petition;

20 (2) contain signatures in a number that, when added to
21 the number of convention participants indicated on the lists,
22 equals at least 10,000 [~~one percent of the total number of votes~~
23 ~~received by all candidates for governor in the most recent~~
24 ~~gubernatorial general election~~]; and

25 (3) be filed with the secretary of state by the state
26 chair before the deadline for filing the lists of precinct
27 convention participants.

1 (f) The following statement must appear at the top of each
2 page of the petition: "I know that the purpose of this petition is
3 to entitle the _____ Party to have its nominees placed on the
4 ballot in the general election for state and county officers. I
5 understand that signing this petition does not obligate me to vote
6 for the candidate listed in this petition or limit in any way my
7 right to vote for the candidates of my choice for any office in any
8 election [~~I have not voted in a primary election or participated in~~
9 ~~a convention of another party during this voting year, and I~~
10 ~~understand that I become ineligible to do so by signing this~~
11 ~~petition. I understand that signing more than one petition to~~
12 ~~entitle a party to have its nominees placed on the general election~~
13 ~~ballot in the same election is prohibited]."~~

14 (k) The secretary of state shall post a notice of the
15 receipt of a petition on the bulletin board used for posting notice
16 of meetings of state governmental bodies. [~~Any person may~~
17 ~~challenge the validity of the petition by filing a written~~
18 ~~statement of the challenge with the secretary of state not later~~
19 ~~than the fifth day after the date notice is posted. The secretary~~
20 ~~of state may verify the petition signatures regardless of whether~~
21 ~~the petition is timely challenged.]~~

22 SECTION 12. Section 181.032(b), Election Code, is amended
23 to read as follows:

24 (b) The [~~Not later than the 10th day after the date of the~~
25 ~~filing deadline prescribed by Section 181.033, the~~] authority with
26 whom an application is filed shall deliver to the secretary of state
27 a list containing:

- 1 (1) each candidate's name;
- 2 (2) each candidate's residence address;
- 3 (3) the office sought by the candidate; and
- 4 (4) the date on which the candidate filed the
- 5 application.

6 SECTION 13. Section 182.003, Election Code, is amended to
7 read as follows:

8 Sec. 182.003. QUALIFYING FOR PLACEMENT ON BALLOT. To be
9 entitled to have the names of its nominees placed on the general
10 election ballot, a political party making nominations under this
11 chapter must file with the county clerk, not later than the first
12 business day after July 4 [~~75th day after the date of the precinct~~
13 ~~conventions held under this chapter~~], lists of precinct convention
14 participants indicating that the number of participants equals at
15 least the lesser of:

16 (1) three percent of the total number of votes
17 received in the county by all candidates for governor in the most
18 recent gubernatorial general election; or

19 (2) 5,000.

20 SECTION 14. Sections 182.004(b) and (f), Election Code, are
21 amended to read as follows:

22 (b) A petition must:

23 (1) satisfy the requirements prescribed by Section
24 141.062 for a candidate's petition;

25 (2) contain signatures in a number that, when added to
26 the number of convention participants indicated on the lists,
27 equals at least the lesser of:

1 (A) three percent of the total number of votes
2 received in the county by all candidates for governor in the most
3 recent gubernatorial general election; or

4 (B) 5,000; and

5 (3) be filed with the county clerk by the county chair
6 before the deadline for filing the lists of precinct convention
7 participants.

8 (f) Section 181.006(f) applies [~~Sections 181.006(f)-(j)~~
9 ~~apply~~] to a petition circulated under this section.

10 SECTION 15. Sections 192.032(c) and (d), Election Code, are
11 amended to read as follows:

12 (c) The application must be filed with the secretary of
13 state not later than the first [~~second~~] Monday in August [~~May~~] of
14 the presidential election year.

15 (d) The minimum number of signatures that must appear on the
16 petition is 10,000 [~~one percent of the total vote received in the~~
17 ~~state by all candidates for president in the most recent~~
18 ~~presidential general election~~].

19 SECTION 16. The following sections of the Election Code are
20 repealed:

- 21 (1) 141.066;
- 22 (2) 142.009;
- 23 (3) 172.026;
- 24 (4) 181.006(g), (h), (i), and (j);
- 25 (5) 181.033; and
- 26 (6) 192.032(f) and (g).

27 SECTION 17. The changes in law made by this Act apply only

1 to a petition, declaration, or application filed on or after the
2 effective date of this Act. A petition, declaration, or
3 application filed before the effective date of this Act is governed
4 by the law in effect when the petition, declaration, or application
5 was filed, and the former law is continued in effect for that
6 purpose.

7 SECTION 18. This Act takes effect September 1, 2017.