By:  Ashby (Senate Sponsor - Schwertner) H.B. No. 1067

(In the Senate - Received from the House April 3, 2019; April 4, 2019, read first time and referred to Committee on State Affairs; May 1, 2019, reported adversely, with favorable Committee Substitute by the following vote: Yeas 7, Nays 0; May 1, 2019, sent to printer.)

COMMITTEE VOTE

               Yea Nay Absent  PNV

Huffman         X

Hughes          X

Birdwell        X

Creighton                 X

Fallon                    X

Hall            X

Lucio           X

Nelson          X

Zaffirini       X

COMMITTEE SUBSTITUTE FOR H.B. No. 1067 By:  Birdwell

A BILL TO BE ENTITLED

AN ACT

relating to the omission of a deceased candidate from the ballot in certain elections.

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

SECTION 1.  Section 145.096(a), Election Code, is amended to read as follows:

(a)  Except as provided by Subsection (b) or Section 145.098(b), a candidate's name shall be placed on the ballot if the candidate:

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

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

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

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

SECTION 2.  Section 145.098, Election Code, is amended to read as follows:

Sec. 145.098.  WITHDRAWAL OR DEATH OF CANDIDATE BEFORE BALLOTS ARE PREPARED. (a)  If a candidate files a withdrawal request after the deadline prescribed by Section 145.092, and the candidate complies with each requirement under Section 145.001 except that the candidate's filing to withdraw is untimely, the authority responsible for preparing the ballots may choose to omit the candidate from the ballot if the ballots have not been prepared at the time the candidate files the withdrawal request.

(b)  If a candidate dies on or before the deadline for filing an application for a place on the ballot:

(1)  the authority responsible for preparing the ballots may choose to omit the candidate from the ballot; and

(2)  if the authority omits the candidate's name under Subdivision (1), the filing deadline for an application for a place on the ballot for the office sought by the candidate is extended until the fifth day after the filing deadline.

SECTION 3.  The changes in law made by this Act apply only to an election for which an application for a place on the ballot is due on or after the effective date of this Act.

SECTION 4.  This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2019.

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