

By: Ashby

H.B. No. 1067

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

1 candidate complies with each requirement under Section 145.001
2 except that the candidate's filing to withdraw is untimely, the
3 authority responsible for preparing the ballots may choose to omit
4 the candidate from the ballot if the ballots have not been prepared
5 at the time the candidate files the withdrawal request.

6 (b) If a candidate dies on or after the second day before the
7 deadline for filing an application for a place on the ballot and
8 before the ballots are prepared, the authority responsible for
9 preparing the ballots may choose to omit the candidate from the
10 ballot.

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

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