

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 before the deadline for filing  
7 an application for a place on the ballot:

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

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

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

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

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President of the Senate

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Speaker of the House

I certify that H.B. No. 1067 was passed by the House on April 2, 2019, by the following vote: Yeas 141, Nays 5, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 1067 on May 10, 2019, by the following vote: Yeas 104, Nays 2, 1 present, not voting.

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Chief Clerk of the House

I certify that H.B. No. 1067 was passed by the Senate, with amendments, on May 8, 2019, by the following vote: Yeas 31, Nays 0.

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Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

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Governor