

By: Cain

H.B. No. 4439

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 141.064, Election Code, is amended to  
6 read as follows:

7 Sec. 141.064. METHOD OF ACQUIRING SIGNATURE. A person  
8 circulating a petition must:

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

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

13 (2) [~~(3)~~] ascertain that each date of signing is  
14 correct~~[, and~~

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

18 SECTION 2. Section 141.065(a), Election Code, is amended to  
19 read as follows:

20 (a) Each part of a petition must include an affidavit of the  
21 person who circulated it, executed before a person authorized to  
22 administer oaths in this state, stating that the person:

23 (1) ~~[pointed out and read to each signer, before the~~  
24 ~~petition was signed, each statement pertaining to the signer that~~

1 ~~appears on the petition;~~

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

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

4 and

5           (3) ~~[(4)]~~ believes each signature to be genuine and  
6 the corresponding information to be correct.

7           SECTION 3. Sections [142.002](#)(b) and (c), Election Code, are  
8 amended to read as follows:

9           (b) A declaration of intent to run as an independent  
10 candidate must:

11           (1) be in writing and be signed and acknowledged by the  
12 candidate;

13           (2) be filed with the authority with whom the  
14 candidate's application for a place on the ballot is required to be  
15 filed within the time provided for filing the candidate's  
16 application under Section [142.006](#) ~~[regular filing period for an~~  
17 ~~application for a place on a general primary election ballot]~~; and

18           (3) contain:

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

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

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

26           (c) This section does not apply to:

27           (1) a candidate for an unexpired term if the vacancy

1 occurs after the 10th day before the regular filing deadline for an  
2 application under Section 142.006 [~~for a place on a general primary~~  
3 ~~election ballot~~]; or

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

7 SECTION 4. Section 142.006(a), Election Code, is amended to  
8 read as follows:

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

13 SECTION 5. Chapter 142, Election Code, is amended by adding  
14 Section 142.0065 to read as follows:

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

19 (1) dies on or after the fifth day before the date of  
20 the regular filing deadline and on or before the first day after the  
21 date of the regular filing deadline;

22 (2) holds the office for which the application was  
23 made and withdraws or is declared ineligible on the date of the  
24 regular filing deadline or the first day after the date of the  
25 regular filing deadline; or

26 (3) withdraws or is declared ineligible during the  
27 period prescribed by Subdivision (2), and at the time of the

1 withdrawal or declaration of ineligibility no other candidate has  
2 made an application that complies with the applicable requirements  
3 for the office sought by the withdrawn or ineligible candidate.

4 (b) An application for an office sought by a withdrawn,  
5 deceased, or ineligible candidate must be filed not later than 6  
6 p.m. of the fifth day after the date of the regular filing deadline.  
7 An application filed by mail with the appropriate authority is not  
8 timely if received later than 5 p.m. of the fifth day after the date  
9 of the regular filing deadline.

10 SECTION 6. Section 142.007, Election Code, is amended to  
11 read as follows:

12 Sec. 142.007. NUMBER OF PETITION SIGNATURES REQUIRED. The  
13 minimum number of signatures that must appear on a candidate's  
14 petition is:

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

18 (2) for a district, county, or precinct office, the  
19 lesser of:

20 (A) 500; or

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

26 (i) 25; or

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

1 SECTION 7. Section 142.008, Election Code, is amended to  
2 read as follows:

3 Sec. 142.008. STATEMENT ON PETITION. The following  
4 statement must appear at the top of each page of a candidate's  
5 petition: "I understand that the purpose of this petition is to  
6 entitle (insert candidate's name) to have his or her name placed on  
7 the ballot for the office of (insert office title, including any  
8 place number or other distinguishing number) for the November  
9 (insert year) general election. I understand that signing this  
10 petition does not obligate me to vote for the candidate listed in  
11 this petition or limit in any way my right to vote for the  
12 candidates of my choice for any office in any election." [~~"I know~~  
13 ~~the purpose of this petition. I have not voted in the general~~  
14 ~~primary election or runoff primary election of any political party~~  
15 ~~that has nominated, at either election, a candidate for the office~~  
16 ~~of (insert office title) for which (insert candidate's name) is a~~  
17 ~~candidate."~~]

18 SECTION 8. Section 172.027, Election Code, is amended to  
19 read as follows:

20 Sec. 172.027. STATEMENT ON PETITION. The following  
21 statement must appear at the top of each page of a petition to be  
22 filed under Section 172.021: "I know that the purpose of this  
23 petition is to entitle (insert candidate's name) to have his or her  
24 name placed on the ballot for the office of (insert office title,  
25 including any place number or other distinguishing number) for the  
26 (insert political party's name) primary election. I understand  
27 that ~~by~~ signing this petition does not obligate me to vote for the

1 candidate listed in this petition or limit in any way my right to  
2 vote for the candidates of my choice for any office in any election  
3 ~~[I become ineligible to vote in a primary election or participate in~~  
4 ~~a convention of another party, including a party not holding a~~  
5 ~~primary election, during the voting year in which this primary~~  
6 ~~election is held]."~~

7 SECTION 9. Section 181.005, Election Code, is amended to  
8 read as follows:

9 Sec. 181.005. QUALIFYING FOR PLACEMENT ON BALLOT BY PARTY  
10 REQUIRED TO NOMINATE BY CONVENTION. (a) To be entitled to have the  
11 names of its nominees placed on the general election ballot, a  
12 political party required to make nominations by convention must  
13 file with the secretary of state, not later than the first business  
14 day after July 4 ~~[75th day after the date of the precinct~~  
15 ~~conventions held under this chapter]~~, lists of precinct convention  
16 participants indicating that the number of participants equals at  
17 least 10,000 ~~[one percent of the total number of votes received by~~  
18 ~~all candidates for governor in the most recent gubernatorial~~  
19 ~~general election]~~. The lists must include each participant's  
20 residence address and voter registration number.

21 (b) A political party is entitled to have the names of its  
22 nominees placed on the ballot, without qualifying under Subsection  
23 (a), in each subsequent general election following a general  
24 election in which the party had a nominee for a statewide office who  
25 received a number of votes equal to at least two ~~[five]~~ percent of  
26 the total number of votes received by all candidates for that  
27 office.

1 SECTION 10. Sections 181.006(b), (f), and (k), Election  
2 Code, are amended to read as follows:

3 (b) A petition must:

4 (1) satisfy the requirements prescribed by Section  
5 141.062 for a candidate's petition;

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

11 (3) be filed with the secretary of state by the state  
12 chair before the deadline for filing the lists of precinct  
13 convention participants.

14 (f) The following statement must appear at the top of each  
15 page of the petition: "I know that the purpose of this petition is  
16 to entitle the \_\_\_\_\_ Party to have its nominees placed on the  
17 ballot in the general election for state and county officers. I  
18 understand that signing this petition does not obligate me to vote  
19 for the candidate listed in this petition or limit in any way my  
20 right to vote for the candidates of my choice for any office in any  
21 election [~~I have not voted in a primary election or participated in~~  
22 ~~a convention of another party during this voting year, and I~~  
23 ~~understand that I become ineligible to do so by signing this~~  
24 ~~petition. I understand that signing more than one petition to~~  
25 ~~entitle a party to have its nominees placed on the general election~~  
26 ~~ballot in the same election is prohibited]."~~

27 (k) The secretary of state shall post a notice of the

1 receipt of a petition on the bulletin board used for posting notice  
2 of meetings of state governmental bodies. [~~Any person may~~  
3 ~~challenge the validity of the petition by filing a written~~  
4 ~~statement of the challenge with the secretary of state not later~~  
5 ~~than the fifth day after the date notice is posted. The secretary~~  
6 ~~of state may verify the petition signatures regardless of whether~~  
7 ~~the petition is timely challenged.~~]

8 SECTION 11. Section 181.032(b), Election Code, is amended  
9 to read as follows:

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

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

19 SECTION 12. Section 182.003, Election Code, is amended to  
20 read as follows:

21 Sec. 182.003. QUALIFYING FOR PLACEMENT ON BALLOT. To be  
22 entitled to have the names of its nominees placed on the general  
23 election ballot, a political party making nominations under this  
24 chapter must file with the county clerk, not later than the first  
25 business day after July 4 [~~75th day after the date of the precinct~~  
26 ~~conventions held under this chapter~~], lists of precinct convention  
27 participants indicating that the number of participants equals at



1 least the lesser of:

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

5           (2) 5,000.

6           SECTION 13. Sections 182.004(b) and (f), Election Code, are  
7 amended to read as follows:

8           (b) A petition must:

9           (1) satisfy the requirements prescribed by Section  
10 141.062 for a candidate's petition;

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

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

17           (B) 5,000; and

18           (3) be filed with the county clerk by the county chair  
19 before the deadline for filing the lists of precinct convention  
20 participants.

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

23           SECTION 14. Sections 192.032(c) and (d), Election Code, are  
24 amended to read as follows:

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

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

5           SECTION 15. The following sections of the Election Code are  
6 repealed:

- 7           (1) 141.066;
- 8           (2) 142.009;
- 9           (3) 172.026;
- 10          (4) 181.006(g), (h), (i), and (j);
- 11          (5) 181.033; and
- 12          (6) 192.032(f) and (g).

13           SECTION 16. The changes in law made by this Act apply only  
14 to a petition, declaration, or application filed on or after the  
15 effective date of this Act. A petition, declaration, or  
16 application filed before the effective date of this Act is governed  
17 by the law in effect when the petition, declaration, or application  
18 was filed, and the former law is continued in effect for that  
19 purpose.

20           SECTION 17. This Act takes effect September 1, 2019.