

SENATE AMENDMENTS

2nd Printing

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.

ADOPTED

MAY 08 2019

Atty. Gen. Scott
Secretary of the Senate

By: Schwetner

H.B. No. 1067

Substitute the following for ___B. No. _____:

By: Bridwell

C.S.H.B. No. 1067

A BILL TO BE ENTITLED

AN ACT

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(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

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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.

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

May 8, 2019

TO: Honorable Dennis Bonnen, Speaker of the House, House of Representatives

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: HB1067 by Ashby (Relating to the omission of a deceased candidate from the ballot in certain elections.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

Based on the analysis of the Secretary of State, it is assumed that the provisions of the bill relating to the omission of deceased candidates on certain ballots could be absorbed using existing resources.

Local Government Impact

According to the Texas Association of Counties, no significant fiscal implication to units of local government is anticipated.

Source Agencies: 307 Secretary of State

LBB Staff: WP, SD, CMa, SLE, NV, JMO, AF

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

April 30, 2019

TO: Honorable Joan Huffman, Chair, Senate Committee on State Affairs

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: HB1067 by Ashby (relating to the omission of a deceased candidate from the ballot in certain elections.), **Committee Report 2nd House, Substituted**

No significant fiscal implication to the State is anticipated.

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Local Government Impact

According to the Texas Association of Counties, no significant fiscal implication to units of local government is anticipated.

Source Agencies: 307 Secretary of State

LBB Staff: WP, CMa, SLE, NV, JMO, AF

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

April 28, 2019

TO: Honorable Joan Huffman, Chair, Senate Committee on State Affairs

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: HB1067 by Ashby (Relating to the omission of a deceased candidate from the ballot in certain elections.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

Based on the analysis of the Secretary of State, it is assumed that the provisions of the bill relating to the omission of deceased candidates on certain ballots could be absorbed using existing resources.

Local Government Impact

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Source Agencies: 307 Secretary of State

LBB Staff: WP, CMa, SLE, NV, JMO, AF

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

March 1, 2019

TO: Honorable Stephanie Klick, Chair, House Committee on Elections

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: HB1067 by Ashby (Relating to the omission of a deceased candidate from the ballot in certain elections.), **As Introduced**

No significant fiscal implication to the State is anticipated.

Based on the analysis of the Secretary of State, it is assumed that the provisions of the bill relating to the omission of deceased candidates on certain ballots could be absorbed using existing resources.

Local Government Impact

According to the Texas Association of Counties, no significant fiscal implication to units of local government is anticipated.

Source Agencies: 307 Secretary of State

LBB Staff: WP, SLE, NV, JMO, AF