

## **BILL ANALYSIS**

Senate Research Center

S.B. 994  
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State Affairs  
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Enrolled

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

#### Background

In 2019, the Texas Legislature passed into law a requirement that all candidates for a state or county office pay a filing fee or submit a valid petition with signatures in lieu of the filing fee in order to be eligible to be placed on the ballot.

S.B. 994 builds upon the government's interest in preventing voter confusion, ballot overcrowding, and the presence of frivolous candidates. S.B. 994 provides that a candidate may be administratively declared ineligible if the candidate fails to pay the filing fee or submit a petition in lieu of the filing fee. S.B. 994 also provides that a candidate who fails to submit the required filing fee or petition may be declared ineligible by the secretary of state.

#### Key Provisions of S.B. 994

- S.B. 994 amends the Election Code to add the Texas Secretary of State as an authority who may declare a candidate as ineligible.
- S.B. 994 adds that a candidate's failure to pay the filing fee or submit a petition in lieu of a filing fee as one qualification for ineligibility.

S.B. 994 amends current law relating to the declaration of a candidate's ineligibility on the basis of failure to pay a filing fee or submit a petition in lieu of a filing fee.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Sections 145.003, Election Code, by amending Subsection (b) and (f) and adding Subsection (f-1), as follows:

(b) Authorizes a candidate in the general election for state and county officers to be declared ineligible before the 30th day preceding election day, except as provided by Subsection (f-1), by certain entities, including the secretary of state, if the candidate is ineligible under Subsection (f)(3). Makes nonsubstantive changes.

(f) Authorizes a candidate to be declared ineligible only if:

(1)-(2) makes nonsubstantive changes to these subdivisions; or

(3) the candidate fails to pay the filing fee or submit a petition in lieu of a filing fee.

(f-1) Prohibits a candidate from being declared ineligible under Subsection (f)(3) after the 74th day preceding election day.

SECTION 2. Amends Section 145.036, Election Code, by amending Subsection (a) and adding Subsection (b-1), as follows:

(a) Creates an exception under Subsection (b-1). Makes a nonsubstantive change.

(b-1) Authorizes an executive committee to make a replacement nomination following an administrative declaration of ineligibility under Section 145.003(f)(3) only if the replacement candidate pays the filing fee or submits a petition in lieu of a filing fee.

SECTION 3. Effective date: September 1, 2023.