

1-1 By: Kacal, Ashby (Senate Sponsor - Paxton) H.B. No. 3046  
 1-2 (In the Senate - Received from the House May 8, 2023;  
 1-3 May 10, 2023, read first time and referred to Committee on State  
 1-4 Affairs; May 19, 2023, reported favorably by the following vote:  
 1-5 Yeas 8, Nays 0; May 19, 2023, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10			X	
1-11			X	
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			
1-18			X	

1-19 A BILL TO BE ENTITLED  
 1-20 AN ACT

1-21 relating to the omission of a deceased candidate from the ballot in  
 1-22 certain elections.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Section 145.096(a), Election Code, is amended to  
 1-25 read as follows:

1-26 (a) Except as provided by Subsection (b) or Section  
 1-27 145.098(b) or (d), a candidate's name shall be placed on the ballot  
 1-28 if the candidate:

1-29 (1) dies on or after the second day before the deadline  
 1-30 for filing the candidate's application for a place on the ballot;

1-31 (2) is declared ineligible after 5 p.m. of the fifth  
 1-32 day after the deadline for filing the candidate's application for a  
 1-33 place on the ballot, in an election subject to Section 145.092(a);

1-34 (3) is declared ineligible after 5 p.m. of the 57th day  
 1-35 before election day, in an election subject to Section 145.092(b);  
 1-36 or

1-37 (4) is declared ineligible after 5 p.m. of the 71st day  
 1-38 before election day, in an election subject to Section 145.092(f).

1-39 SECTION 2. Section 145.098, Election Code, is amended by  
 1-40 adding Subsections (c) and (d) to read as follows:

1-41 (c) If the deadline for filing an application for a place on  
 1-42 the ballot is extended under Subsection (b), the authority  
 1-43 responsible for preparing the ballot shall:

1-44 (1) prepare a notice identifying the name of the  
 1-45 deceased candidate, the office sought by the candidate, and the  
 1-46 date of the new filing deadline; and

1-47 (2) publish the notice prepared under Subdivision (1):

1-48 (A) on the Internet website maintained by the  
 1-49 political subdivision holding the election; or

1-50 (B) if the political subdivision does not  
 1-51 maintain an Internet website, on the bulletin board used for  
 1-52 posting notice of meetings of the governing body of the political  
 1-53 subdivision.

1-54 (d) If a candidate for an office of a city with a population  
 1-55 of 100,000 or less dies before the ballots are printed, the  
 1-56 authority responsible for preparing the ballots may choose to omit  
 1-57 the candidate from the ballot.

1-58 SECTION 3. The change in law made by this Act applies only  
 1-59 to an election ordered on or after the effective date of this Act.

1-60 SECTION 4. This Act takes effect September 1, 2023.

1-61 \* \* \* \* \*