

1-1 By: Huffman S.B. No. 1703
1-2 (In the Senate - Filed March 13, 2015; March 23, 2015, read
1-3 first time and referred to Committee on State Affairs;
1-4 March 31, 2015, reported favorably by the following vote: Yeas 9,
1-5 Nays 0; March 31, 2015, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	Huffman	X		
1-9	Ellis	X		
1-10	Birdwell	X		
1-11	Creighton	X		
1-12	Estes	X		
1-13	Fraser	X		
1-14	Nelson	X		
1-15	Schwertner	X		
1-16	Zaffirini	X		

1-17 A BILL TO BE ENTITLED
1-18 AN ACT

1-19 relating to the deadlines for certain processes and procedures
1-20 involving an election.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Section 11.055(a), Education Code, is amended to
1-23 read as follows:

1-24 (a) ~~An~~ [~~Except as provided by Subsection (c), an~~]
1-25 application of a candidate for a place on the ballot must be filed
1-26 not later than 5 p.m. of the 78th [~~71st~~] day before the date of the
1-27 election. An application may not be filed earlier than the 30th
1-28 day before the date of the filing deadline.

1-29 SECTION 2. Section 1.006, Election Code, is amended by
1-30 adding Subsection (f) to read as follows:

1-31 (f) In this code:

1-32 (1) "National holiday" means:

1-33 (A) a legal public holiday under 5 U.S.C. Section
1-34 6103; and

1-35 (B) if a holiday described by Paragraph (A)
1-36 occurs on a Saturday or Sunday, a holiday taken in lieu of that
1-37 holiday on which there is no regular United States mail delivery.

1-38 (2) "State holiday" means a state holiday under
1-39 Sections 662.003(b)(1) through (6), Government Code.

1-40 SECTION 3. Section 3.005(c), Election Code, is amended to
1-41 read as follows:

1-42 (c) For an election to be held on[+]

1-43 [~~(1) the date of the general election for state and~~
1-44 ~~county officers, the election shall be ordered not later than the~~
1-45 ~~78th day before election day; and~~

1-46 [~~(2)] a uniform election date [other than the date of~~
1-47 ~~the general election for state and county officers], the election~~
1-48 ~~shall be ordered not later than the 78th [71st] day before election~~
1-49 ~~day.~~

1-50 SECTION 4. Section 41.001(c), Election Code, is amended to
1-51 read as follows:

1-52 (c) Except for an election under Subsection (a) or Section
1-53 41.0011 or a runoff election following an election held under
1-54 Subsection (a)(2), an election may not be held within 30 days before
1-55 or after the date of the general election for state and county
1-56 officers, general primary election, or runoff primary election.

1-57 SECTION 5. Section 65.051(a), Election Code, is amended to
1-58 read as follows:

1-59 (a) The early voting ballot board shall verify and count
1-60 provisional ballots as provided by this subchapter not later than
1-61 the ninth [~~seventh~~] day after the date of an election.

2-1 SECTION 6. Section 86.008(a), Election Code, is amended to
 2-2 read as follows:

2-3 (a) If on reviewing an application for a ballot to be voted
 2-4 by mail that was received on or before the 18th [~~12th~~] day before
 2-5 election day the early voting clerk determines that the application
 2-6 does not fully comply with the applicable requirements prescribed
 2-7 by this title, the clerk shall mail or otherwise deliver an official
 2-8 application form to the applicant.

2-9 SECTION 7. Section 87.125, Election Code, is amended by
 2-10 amending Subsection (a) and adding Subsection (a-1) to read as
 2-11 follows:

2-12 (a) The early voting ballot board shall convene to count
 2-13 ballots voted by mail described by Section 86.007(d) at the time set
 2-14 by the presiding judge of the board on the ninth [~~sixth~~] day after
 2-15 the date of an election or on an earlier day if the early voting
 2-16 clerk certifies that all ballots mailed from outside the United
 2-17 States have been received.

2-18 (a-1) Notwithstanding Subsection (a), for an election held
 2-19 on the date of the general election for state and county officers,
 2-20 the early voting ballot board shall convene to count ballots voted
 2-21 by mail described by Section 86.007(d) not later than the 13th day
 2-22 after the date of the election.

2-23 SECTION 8. Sections 101.052(b) and (f), Election Code, are
 2-24 amended to read as follows:

2-25 (b) A federal postcard application may be submitted at any
 2-26 time during the calendar year in which the election for which a
 2-27 ballot is requested occurs, but not later than the deadline for
 2-28 submitting a regular application for a ballot to be voted by mail
 2-29 for a voter to be entitled to receive a ballot by mail for that
 2-30 election.

2-31 (f) The applicant is entitled to receive only a federal
 2-32 ballot to be voted by mail under Chapter 114 if:

2-33 (1) the applicant submits the federal postcard
 2-34 application to the early voting clerk after the date provided by
 2-35 Subsection (e)(1) and before the deadline for submitting a regular
 2-36 application for a ballot to be voted by mail [~~sixth day before~~
 2-37 ~~election day~~]; and

2-38 (2) the application contains the information that is
 2-39 required for registration under Title 2.

2-40 SECTION 9. Section 143.007(c), Election Code, is amended to
 2-41 read as follows:

2-42 (c) For an election to be held on[+]

2-43 [~~(1) the date of the general election for state and~~
 2-44 ~~county officers, the day of the filing deadline is the 78th day~~
 2-45 ~~before election day, and~~

2-46 [~~(2) a uniform election date [other than the date of~~
 2-47 ~~the general election for state and county officers], the day of the~~
 2-48 ~~filing deadline is the 78th [71st] day before election day.~~

2-49 SECTION 10. Section 144.005(d), Election Code, is amended
 2-50 to read as follows:

2-51 (d) For an election to be held on[+]

2-52 [~~(1) the date of the general election for state and~~
 2-53 ~~county officers, the day of the filing deadline is the 78th day~~
 2-54 ~~before election day, and~~

2-55 [~~(2) a uniform election date [other than the date of~~
 2-56 ~~the general election for state and county officers], the day of the~~
 2-57 ~~filing deadline is the 78th [71st] day before election day.~~

2-58 SECTION 11. Section 144.006, Election Code, is amended by
 2-59 amending Subsection (b) and adding Subsection (c) to read as
 2-60 follows:

2-61 (b) For an election to be held on[+]

2-62 [~~(1) the date of the general election for state and~~
 2-63 ~~county officers, the day of the filing deadline is the 78th day~~
 2-64 ~~before election day, and~~

2-65 [~~(2) a uniform election date [other than the date of~~
 2-66 ~~the general election for state and county officers], the day of the~~
 2-67 ~~filing deadline is the 74th [71st] day before election day.~~

2-68 (c) A write-in candidate may not withdraw from the election
 2-69 after the 71st day before election day.

3-1 SECTION 12. Section 145.036(b), Election Code, is amended
3-2 to read as follows:

3-3 (b) An executive committee may make a replacement
3-4 nomination following a withdrawal only if:

3-5 (1) the candidate:

3-6 (A) withdraws because of a catastrophic illness
3-7 that was diagnosed after the first day after the date of the regular
3-8 filing deadline for the [62nd day before] general primary election
3-9 [day] and the illness would permanently and continuously
3-10 incapacitate the candidate and prevent the candidate from
3-11 performing the duties of the office sought; and

3-12 (B) files with the withdrawal request a
3-13 certificate describing the illness and signed by at least two
3-14 licensed physicians;

3-15 (2) no political party that held primary elections has
3-16 a nominee for the office sought by the withdrawing candidate as of
3-17 the time of the withdrawal; or

3-18 (3) the candidate has been elected or appointed to
3-19 fill a vacancy in another elective office or has become the nominee
3-20 for another office.

3-21 SECTION 13. Sections 145.092(b) and (d), Election Code, are
3-22 amended to read as follows:

3-23 (b) A candidate in an election for which the filing deadline
3-24 for an application for a place on the ballot is not later than 5 p.m.
3-25 of the 62nd day before election day may not withdraw from the
3-26 election after 5 p.m. of the 57th ~~[53rd]~~ day before election day.

3-27 (d) A candidate in a runoff election may not withdraw from
3-28 the election after 5 p.m. of the third day after the date of the
3-29 final canvass for the main election.

3-30 SECTION 14. Section 145.096(a), Election Code, is amended
3-31 to read as follows:

3-32 (a) Except as provided by Subsection (b), a candidate's name
3-33 shall be placed on the ballot if the candidate:

3-34 (1) dies on or after the second day before the deadline
3-35 for filing the candidate's application for a place on the ballot;

3-36 (2) is declared ineligible after 5 p.m. of the fifth
3-37 ~~[third]~~ day after the deadline for filing the candidate's
3-38 application for a place on the ballot, in an election subject to
3-39 Section 145.092(a);

3-40 (3) is declared ineligible after 5 p.m. of the 57th
3-41 ~~[53rd]~~ day before election day, in an election subject to Section
3-42 145.092(b); or

3-43 (4) is declared ineligible after 5 p.m. of the 71st day
3-44 before election day, in an election subject to Section 145.092(f).

3-45 SECTION 15. Section 146.025(a), Election Code, is amended
3-46 to read as follows:

3-47 (a) Except as otherwise provided by this code, a [A]
3-48 declaration of write-in candidacy:

3-49 (1) must be filed not later than 5 p.m. of the 78th day
3-50 before general election day; and

3-51 (2) ~~[, except as otherwise provided by this code. A~~
3-52 ~~declaration]~~ may not be filed earlier than the 30th day before the
3-53 date described by Subdivision (1) [of the regular filing deadline].

3-54 SECTION 16. Sections 146.0301(a) and (d), Election Code,
3-55 are amended to read as follows:

3-56 (a) A write-in candidate may not withdraw from the election
3-57 after the 71st ~~[67th]~~ day before election day.

3-58 (d) A candidate's name shall be omitted from the list of
3-59 write-in candidates if the candidate withdraws on or before the
3-60 71st ~~[67th]~~ day before election day.

3-61 SECTION 17. Section 146.054, Election Code, is amended by
3-62 amending Subsection (b) and adding Subsection (c) to read as
3-63 follows:

3-64 (b) For an election to be held on[+]

3-65 ~~[(1) the date of the general election for state and~~
3-66 ~~county officers, the day of the filing deadline is the 74th day~~
3-67 ~~before election day; and~~

3-68 ~~[(2)] a uniform election date [other than the date of~~
3-69 ~~the general election for state and county officers], the day of the~~

4-1 filing deadline is the 74th [~~71st~~] day before election day.
 4-2 (c) A write-in candidate may not withdraw from the election
 4-3 after the 71st day before election day.
 4-4 SECTION 18. Section 146.083, Election Code, is amended to
 4-5 read as follows:
 4-6 Sec. 146.083. FILING DEADLINE. A declaration of write-in
 4-7 candidacy must be filed not later than 5 p.m. on the date an
 4-8 application for a place on the ballot is required to be filed. A
 4-9 write-in candidate may not withdraw from an election after 5 p.m. of
 4-10 the fifth day after the deadline for filing a declaration of
 4-11 write-in candidacy.
 4-12 SECTION 19. Section 172.028(b), Election Code, is amended
 4-13 to read as follows:
 4-14 (b) Not later than the ninth day after the date of the
 4-15 regular filing deadline [~~81st day before general primary election~~
 4-16 ~~day~~], the state chair shall notify the county chair in each county
 4-17 in which the candidate's name is to appear on the ballot that the
 4-18 certification has been posted by the secretary of state.
 4-19 SECTION 20. Section 172.052(a), Election Code, is amended
 4-20 to read as follows:
 4-21 (a) A candidate for nomination may not withdraw from the
 4-22 general primary election after the first day after the date of the
 4-23 regular filing deadline for the [~~79th day before~~] general primary
 4-24 election [~~day~~].
 4-25 SECTION 21. Section 172.059(a), Election Code, is amended
 4-26 to read as follows:
 4-27 (a) A candidate for nomination may not withdraw from the
 4-28 runoff primary election after 5 p.m. of the 3rd [~~8th~~] day after the
 4-29 state canvass under Section 172.120 [~~general primary election day~~].
 4-30 SECTION 22. Section 172.082(c), Election Code, is amended
 4-31 to read as follows:
 4-32 (c) The drawing shall be conducted at the county seat not
 4-33 later than the 10th day after the date of the regular filing
 4-34 deadline for the general primary election [~~third Tuesday in~~
 4-35 ~~December of an odd-numbered year~~].
 4-36 SECTION 23. Section 191.003, Election Code, is amended to
 4-37 read as follows:
 4-38 Sec. 191.003. NOTICE OF CANDIDATES TO SECRETARY OF STATE.
 4-39 The state chair of each political party holding a presidential
 4-40 primary election shall certify the name of each presidential
 4-41 candidate who qualifies for a place on the presidential primary
 4-42 election ballot and deliver the certification to the secretary of
 4-43 state not later than the ninth day after the date of the regular
 4-44 filing deadline for the general [~~57th day before presidential~~]
 4-45 primary election [~~day~~].
 4-46 SECTION 24. Section 192.031(a), Election Code, is amended
 4-47 to read as follows:
 4-48 (a) A political party is entitled to have the names of its
 4-49 nominees for president and vice-president of the United States
 4-50 placed on the ballot in a presidential general election if:
 4-51 (1) the nominees possess the qualifications for those
 4-52 offices prescribed by federal law;
 4-53 (2) the party's state chair signs a written
 4-54 certification of:
 4-55 (A) the names of the party's nominees for
 4-56 president and vice-president; and
 4-57 (B) the names and residence addresses of
 4-58 presidential elector candidates nominated by the party, in a number
 4-59 equal to the number of presidential electors that federal law
 4-60 allocates to this state;
 4-61 (3) the party's state chair delivers the written
 4-62 certification to the secretary of state before the later of:
 4-63 (A) 5 p.m. of the 71st [~~70th~~] day before
 4-64 presidential election day; or
 4-65 (B) 5 p.m. of the first business day after the
 4-66 date of final adjournment of the party's national presidential
 4-67 nominating convention; and
 4-68 (4) the party is:
 4-69 (A) required or authorized by Subchapter A of

5-1 Chapter 172 to make its nominations by primary election; or

5-2 (B) entitled to have the names of its nominees
5-3 placed on the general election ballot under Chapter 181.

5-4 SECTION 25. Section 192.062(a), Election Code, is amended
5-5 to read as follows:

5-6 (a) The secretary of state shall certify in writing for
5-7 placement on the ballot the name of a political party's replacement
5-8 nominee for president or vice-president of the United States if:

5-9 (1) the original nominee withdraws, dies, or is
5-10 declared ineligible on or before the 74th day before presidential
5-11 election day; and

5-12 (2) the party's state chair delivers certification of
5-13 the replacement nominee's name, signed by the state chair, to the
5-14 secretary of state not later than 5 p.m. of the 71st [~~70th~~] day
5-15 before presidential election day.

5-16 SECTION 26. Section 192.064(a), Election Code, is amended
5-17 to read as follows:

5-18 (a) The secretary of state shall certify in writing for
5-19 placement on the ballot the name of a replacement vice-presidential
5-20 running mate for an independent candidate for president of the
5-21 United States if:

5-22 (1) the original running mate withdraws, dies, or is
5-23 declared ineligible on or before the 74th day before presidential
5-24 election day; and

5-25 (2) the independent presidential candidate delivers
5-26 certification of the replacement running mate's name, signed by the
5-27 presidential candidate, to the secretary of state not later than 5
5-28 p.m. of the 71st [~~70th~~] day before presidential election day.

5-29 SECTION 27. Section 201.052, Election Code, is amended to
5-30 read as follows:

5-31 Sec. 201.052. DATE OF ELECTION. (a) Except as otherwise
5-32 provided by this code, a special election to fill a vacancy shall be
5-33 held on the first authorized uniform election date occurring on or
5-34 after the 46th [~~45th~~] day after the date the election is ordered.

5-35 (b) If a law outside this code authorizes the holding of the
5-36 election on a date earlier than the 46th [~~45th~~] day after the date
5-37 of the order, the election shall be held on the first authorized
5-38 uniform election date occurring on or after the earliest date that
5-39 the election could be held under that law.

5-40 SECTION 28. Section 201.054(a), Election Code, is amended
5-41 to read as follows:

5-42 (a) Except as provided by Subsection (f), a candidate's
5-43 application for a place on a special election ballot must be filed
5-44 not later than:

5-45 (1) 5 p.m. of the 62nd day before election day, if
5-46 election day is on or after the 70th day after the date the election
5-47 is ordered; or

5-48 (2) 5 p.m. of the 40th [~~45th~~] day before election day,
5-49 if election day is on or after the 46th [~~57th~~] day and before the
5-50 70th day after the date the election is ordered.

5-51 SECTION 29. Section 202.006(a), Election Code, is amended
5-52 to read as follows:

5-53 (a) A political party's state, district, county, or
5-54 precinct executive committee, as appropriate for the particular
5-55 office, may nominate a candidate for the unexpired term if:

5-56 (1) in the case of a party holding a primary election,
5-57 the vacancy occurs after the fifth day before the date of the
5-58 regular deadline for candidates to file applications for a place on
5-59 the ballot for the [~~62nd day before~~] general primary election
5-60 [~~day~~]; or

5-61 (2) in the case of a party nominating by convention,
5-62 the vacancy occurs after the fourth day before the date the
5-63 convention having the power to make a nomination for the office
5-64 convenes.

5-65 SECTION 30. Section 274.003(b), Election Code, is amended
5-66 to read as follows:

5-67 (b) Not later than the 68th [~~50th~~] day before election day,
5-68 the secretary of state shall deliver the certification to the
5-69 authority responsible for having the official ballot prepared in

6-1 each county.

6-2 SECTION 31. Section 11.055(c), Education Code, and Sections
6-3 65.051(c) and 101.052(g), Election Code, are repealed.

6-4 SECTION 32. This Act takes effect September 1, 2015.

6-5 * * * * *