

1-1 By: Ashby (Senate Sponsor - Schwertner) H.B. No. 1067
 1-2 (In the Senate - Received from the House April 3, 2019;
 1-3 April 4, 2019, read first time and referred to Committee on State
 1-4 Affairs; May 1, 2019, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 7, Nays 0; May 1, 2019,
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

| | Yea | Nay | Absent | PNV |
|------|-----|-----|--------|-----|
| 1-8 | | | | |
| 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 COMMITTEE SUBSTITUTE FOR H.B. No. 1067 By: Birdwell

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), a candidate's name shall be placed on the ballot if the
 1-28 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 to
 1-40 read as follows:

1-41 Sec. 145.098. WITHDRAWAL OR DEATH OF CANDIDATE BEFORE
 1-42 BALLOTS ARE PREPARED. (a) If a candidate files a withdrawal
 1-43 request after the deadline prescribed by Section 145.092, and the
 1-44 candidate complies with each requirement under Section 145.001
 1-45 except that the candidate's filing to withdraw is untimely, the
 1-46 authority responsible for preparing the ballots may choose to omit
 1-47 the candidate from the ballot if the ballots have not been prepared
 1-48 at the time the candidate files the withdrawal request.

1-49 (b) If a candidate dies on or before the deadline for filing
 1-50 an application for a place on the ballot:

1-51 (1) the authority responsible for preparing the
 1-52 ballots may choose to omit the candidate from the ballot; and

1-53 (2) if the authority omits the candidate's name under
 1-54 Subdivision (1), the filing deadline for an application for a place
 1-55 on the ballot for the office sought by the candidate is extended
 1-56 until the fifth day after the filing deadline.

1-57 SECTION 3. The changes in law made by this Act apply only to
 1-58 an election for which an application for a place on the ballot is
 1-59 due on or after the effective date of this Act.

1-60 SECTION 4. This Act takes effect immediately if it receives

2-1 a vote of two-thirds of all the members elected to each house, as
2-2 provided by Section 39, Article III, Texas Constitution. If this
2-3 Act does not receive the vote necessary for immediate effect, this
2-4 Act takes effect September 1, 2019.

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