

BILL ANALYSIS

Senate Research Center

C.S.S.B. 493
By: Nelson
State Affairs
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Committee Report (Substituted)

DIGEST

Currently, the Election Code has a very broad reference authorizing “other methods of transmission” in Section 1.007. Using any method of transmission for candidacy filings creates many problems, including the risk of litigation. Simultaneous submission of application fees along with the candidacy filing is a current requirement unable to be completed using other methods of transmission. Similar problems exist in the filing of a “declaration of write-in candidacy,” and a “declaration of intent to run as an independent.” This bill would require the original documents to be used for all candidate filings and other documents candidates file. This bill would also authorize the secretary of state to declare a candidate ineligible after the 65th day and before the 54th day preceding election day.

PURPOSE

As proposed, C.S.S.B. 493 establishes procedures for filing for a place on a ballot and procedures for withdrawing a nomination.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 141.031, Election Code, as follows:

Sec. 141.031. GENERAL REQUIREMENTS FOR APPLICATION. Sets forth requirements for a candidate’s application for a place on a ballot. Prohibits filing applications for places on a ballot by telephonic facsimile machine or electronic format with the filing authority.

SECTION 2. Amends Sections 146.0301(a) and (d), Election Code, to prohibit a write-in candidate from withdrawing from an election after the 60th, rather than 46th, day before election day.

SECTION 3. Amends Chapter 181B, Election Code, by amending Section 181.033 and adding Sections 181.0331 and 181.0332, as follows:

Sec. 181.033. FILING DEADLINE. Requires an application for nomination to be filed by certain date, except as provided by Section 181.0331, rather than Subsection (b). Deletes existing Subsection (b), regarding extending filing deadlines. Makes a conforming change.

Sec. 181.0331. EXTENDED FILING DEADLINE. Extends the deadline for filing an application for nomination by a convention if the candidate dies five days prior to the regular deadline or before the 62nd day before the general primary election, holds the office for which the application is made, is declared ineligible after the regular deadline and 62 days before the general primary election, and if no other candidate makes an application that complies with applicable requirements during the period described by Subdivision (2). Requires that an application for an office sought by a withdrawn, deceased, or ineligible candidate to be filed before 6 p.m. of the 60th day before the general primary election, and is not considered timely if received after 5 p.m. of the 60th day before the general primary election. Provides that an extension of the filing deadline applies only to the convention of a political party for which the ineligible candidate applied for nomination.

Sec. 181.0332. WITHDRAWAL FROM NOMINATION. Prohibits a candidate for nomination by a convention from withdrawing after the 62nd day before the general primary election day.

Requires the withdrawal request to be filed with the authority with whom the withdrawing candidate's application for nomination is required to be filed. Requires the withdrawal request to comply with Section 145.001 and specify that the candidacy is for nomination by convention rather than by election.

SECTION 4. Effective date: September 1, 1999.

SECTION 5. Emergency clause.

SUMMARY OF COMMITTEE CHANGES

SECTION 1.

Amends Section 141.031, Election Code, to provide general requirements for a candidate's application for a place on a ballot. Moves text of Section 141.0311, Election Code, to Subsection (b) of Section 141.031, to prohibit an application for a place on the ballot from being filed by telephonic facsimile machine or electronic format with the filing authority.

Deletes Section 145.003(b), Election Code, regarding the ineligibility of state and county officers.

Deletes Section 145.039, Election Code, regarding the placement of an ineligible candidate's name on a ballot.

Deletes Section 145.065, Election Code, regarding the placement of an ineligible candidate's name on a ballot.

SECTION 2.

Redesignated from SECTION 5.

SECTION 3.

Amends Section 181.033, Election Code, to delete Subsection (b) regarding extension of a filing deadline.

Amends Section 181.0331, Election Code, to set forth guidelines for the extension of a filing deadline.

Amends Section 181.0332, Election Code, to provide guidelines for a candidate's withdrawal from nomination.