

## **BILL ANALYSIS**

Senate Research Center  
78R14923 DRH-F

C.S.S.B. 1215  
By: Van de Putte  
Intergovernmental Relations  
5/6/2003  
Committee Report (Substituted)

### **DIGEST AND PURPOSE**

Currently, the deadline for calling an election in Texas is 45 days before election day, in order for local entities to have time to prepare and meet legal requirements for elections. This deadline has not been changed since Texas expanded its early voting period. C.S.S.B. 1215 moves the deadline for calling an election to 62 days before election day, and conforms other election deadlines to that change.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the secretary of state in SECTION 4 (Section 144.005, Election Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 3.005, Election Code, as follows:

- (a) Requires an election ordered by an authority of a political subdivision to be ordered not later than the 62nd, rather than 45th, day before election day.
- (b) Provides that this section supersedes a law outside this code to the extent of any conflict.

SECTION 2. Amends Section 143.007(a), Election Code, to make conforming changes.

SECTION 3. Amends Section 143.008(b), Election Code, to provide that if at the deadline prescribed by Section 143.007 no candidate has filed an application for a place on the ballot for an office, the filing deadline for that office is extended to 5 p.m. of the 57th, rather than 40th, day before election day.

SECTION 4. Amends Section 144.005, Election Code, by amending Subsection (a) and adding Subsection (c), as follows:

- (a) Makes conforming changes.
- (c) Requires the governing body of a political subdivision for which a deadline for filing for candidacy is prescribed by a law outside this code to take appropriate action to comply with Subsection (a) and to adjust any affected date, deadline, or procedure to allow the same interval of time in relation to the filing deadline as would be provided by application of the other law. Requires the secretary of state to prescribe any rules necessary to facilitate the implementation of this subsection.

SECTION 5. Amends Section 145.092(b), Election Code, to prohibit a candidate in an election for which the filing deadline for an application for a place on the ballot is not later than 5 p.m. of the 62nd, rather than 45th, day before election day from withdrawing from the election after 5 p.m. of the 53rd, rather than 36th, day before election day.

SECTION 6. Amends Section 145.094(a), Election Code, to make conforming changes.

SECTION 7. Amends Section 145.096(a), Election Code, to make conforming changes.

SECTION 8. Amends Section 63.0945(d), Water Code, to require a declaration of write-in candidacy to be filed not later than 5 p.m. of the fifth day after the date an application for a place on the ballot is required to be filed, rather than the 45th day before election day. Deletes a provision regarding an ineligible candidate.

SECTION 9. Amends Section 11.055(a), Education Code, to make conforming changes.

SECTION 10. Amends Section 130.0825(b), Education Code, to make conforming changes.

SECTION 11. Amends Section 285.131(d), Health and Safety Code, to make conforming and nonsubstantive changes.

SECTION 12. Effective date: November 1, 2003.

Makes application of this Act prospective.