

## **BILL ANALYSIS**

Senate Research Center

S.B. 1703  
By: Huffman  
State Affairs  
6/2/2015  
Enrolled

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

S.B. 100, which was passed during the 82nd Legislature, Regular Session, 2011, changed the date for transmitting absentee ballots for military and overseas voters. This made the voting process more efficient for military and overseas voters.

However, some dates under S.B. 100 were omitted. S.B. 1703 addresses this problem by ensuring consistency in the Election Code.

S.B. 1703 amends current law relating to the deadlines for certain processes and procedures involving an election.

### **RULEMAKING AUTHORITY**

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

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 11.055(a), Election Code, to require that an application of a candidate for a place on the ballot be filed not later than 5 p.m. of the 78th day, rather than 71st day, before the date of the election. Deletes text providing an exception under Subsection (c).

SECTION 2. Amends Section 1.006, Election Code, by adding Subsection (f), to define "national holiday" and "state holiday."

SECTION 3. Amends Section 3.005(c), Election Code, as follows:

(c) Requires that the election, for an election to be held on a uniform election date, be ordered not later than the 78th day before election day. Deletes existing text providing that for an election to be held on the date of the general election for state and county officers, the election shall be ordered not later than the 78th day before election day and a uniform election date other than the date of the general election for state and county officers, the election shall be ordered not later than the 71st day before election day.

SECTION 4. Amends Section 41.001(c) Elections Code, to prohibit an election, except for an election under Subsection (a) or Section 41.0011 (Emergency Requiring Early Election) or a runoff election following an election held under Subsection (a)(2) (relating to elections held on the second Saturday in May in an even numbered year), from being held within 30 days before or after the date of the general election for state and county officers, general primary election, or runoff primary election.

SECTION 5. Amends Section 65.051(a), Election Code, to require the early voting ballot board to verify and count provision ballots as provided by this subchapter not later than the ninth day, rather than seventh day, after the date of an election.

SECTION 6. Amends Section 86.008(a), Election Code, to require the clerk, if on reviewing an application for a ballot to be voted by mail that was received on or before the 18th day, rather than 12th day, before election day the early voting clerk determines that the application does not

fully comply with the applicable requirements prescribed by this title, to mail or otherwise deliver an official application form to the applicant.

SECTION 7. Amends Section 87.125, Election Code, by amending Subsection (a) and adding Subsection (a-1), as follows:

(a) Requires the early voting ballot board to convene to count certain ballots voted by mail on the ninth day, rather than sixth day, after the date of an election or an earlier day under conditions set forth.

(a-1) Requires the early voting ballot board, notwithstanding Subsection (a), for an election held on the date of the general election for state and county officers, to convene to count ballots voted by mail described by Section 86.007(d) (requiring a ballot by mail to meet certain requirements set forth in order to be counted) not later than the 13th day after the date of the election.

SECTION 8. Amends Sections 101.052(b) and (f), Election Code, as follows:

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

(f) Provides that the applicant is entitled to receive only a federal ballot to be voted by mail under Chapter 114 (Voting Federal Ballot by Overseas Citizen) if:

(1) the applicant submits the federal postcard application to the early voting clerk after the date provided by Subsection (e)(1) (entitling a voter applicant to receive a full ballot to be voted by mail if the applicant meets certain requirements set forth) and before the deadline for submitting a regular application for a ballot to be voted by mail, rather than before the sixth day before election day; and

(2) Makes no change to this subdivision.

SECTION 9. Amends Section 143.007(c), Election Code, as follows:

(c) Provides that for an election to be held on a uniform election date, the day of the filing deadline is the 78th day before election day. Deletes existing text providing that, for an election to be held on the date of the general election for state and county officers, the day of the filing deadline is the 78th day before election day, and a uniform election date other than the date of the general election for state and county officers, the day of the filing deadline is the 71st day before election day.

SECTION 10. Amends Section 144.005(d), Election Code, make a conforming change.

SECTION 11. Amends Section 144.006, Election Code, by amending Subsection (b) and adding Subsection (c), as follows:

(b) Provides that, for an election to be held on a uniform election date, the day of the filing deadline is the 74th day before election day. Deletes existing text providing that for an election to be held on the date of the general election for state and county officers, the day of the filing deadline is the 78th day before election day, and a uniform election date other than the date of the general election for state and county officers, the day of the filing deadline is the 71st day before election day.

(c) Prohibits a write-in candidate from withdrawing from the election after the 71st day before election day.

SECTION 12. Amends Section 145.036(b), Election Code, as follows:

(b) Authorizes the executive committee of a political party to make a replacement nomination following a withdrawal only if:

(1) the candidate:

(A) withdraws because of a catastrophic illness that was diagnosed after the first day after the date of the regular filing deadline for the general primary election, rather than after the 62nd day before general primary election day, and the illness would permanently and continuously incapacitate the candidate and prevent the candidate from performing the duties of the office sought; and

(B) Makes no change to this paragraph.

(2) and (3) Makes no change to these subdivisions.

SECTION 13. Amends Sections 145.092(b) and (d), Election Code, as follows:

(b) Provides that 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 day before election day may not withdraw from the election after 5 p.m. of the 57th day, rather than 53rd day, before election day.

(d) Prohibits a candidate in the runoff election from withdrawing from the election after 5 p.m. of the third day after the date of the final canvass for the main election.

SECTION 14. Amends Section 145.096(a), Election Code, as follows:

(a) Requires a candidate's name, except as provided by Subsection (b) (requiring a candidate's name to be placed on the ballot even if the candidate is deceased), to be placed on the ballot if the candidate:

(1) Makes no change to this subdivisions;

(2) is declared ineligible after 5p.m. of the fifth day, rather than the third day, after the deadline for filing the candidate's application for a place on the ballot, in an election subject to Section 145.092(a) (prohibiting a candidate from withdrawing from an election under certain circumstances set forth);

(3) is declared ineligible after 5p.m. of the 57th day, rather than the 53rd day, before election day; or

(4) Makes no change to this subdivision.

SECTION 15. Amends Section 146.025(a), Election Code, as follows:

(a) Provides that, except as otherwise provided by this code, a declaration of write-in candidacy:

(1) Creates this subdivision from existing text;

(2) may not be filed earlier than the 30th day before the date described by Subdivision (1), rather than before the date of the regular filing deadline. Deletes an exemption otherwise provided by this code. Makes a nonsubstantive change

SECTION 16. Amends Sections 146.0301(a) and (d), Election Code, as follows:

(c) Prohibits a write-in candidate from withdrawing from the election after the 71st day, rather than 67th day, before the election.

(d) Requires a candidate's name to be omitted from the list of write-in candidates if the candidate withdraws on or before the 71st day, rather than 67th, day before election day.

SECTION 17. Amends Section 146.054, Election Code, by amending Subsection (b) and adding Subsection (c), as follows:

(b) Provides that for an election to be held on a uniform election date, the day of the filing deadline is the 74th day, rather than the 71st day, before the election. Deletes existing text providing that, for an election to be held on the date of the general election for state and county officers, the day of the filing deadline is the 74th day before election day and a uniform election date other than the date of the general election for state and county officers, the day of the filing deadline is the 71st day before election day.

(c) Prohibits a write-in candidate from withdrawing from the election after the 71st day before election day.

SECTION 18. Amends Section 146.083, Election Code, to prohibit a write-in candidate from withdrawing from an election after 5 p.m. of the fifth day after the deadline for filing a declaration of write-in candidacy.

SECTION 19. Amends Section 172.028(b), Election Code, to require the state chair of the executive committee of a political party, not later than the ninth day after the date of the regular filing deadline, rather than not later than the 81st day before general primary election day, to notify the county chair in each county in which the candidate's name is to appear on the ballot that the certification has been posted by the secretary of state.

SECTION 20. Amends Section 172.052(a), Election Code, to prohibit a candidate for nomination from withdrawing from the general primary election after the first day after the date of the regular filing deadline for the general primary election, rather than the 79th day before general primary election day.

SECTION 21. Amends Section 172.059(a), Election Code, to prohibit a candidate for nomination from withdrawing from the runoff primary election after 5 p.m. of the 3rd day, rather than 8th day, after the state canvass under Section 172.120 (State Canvass), rather than after general primary election day.

SECTION 22. Amends Section 172.082(c), Election Code, to require that the drawing be conducted at the county seat not later than the 10th day after the date of the regular filing deadline for the general primary election, rather than not later than the third Tuesday in December of an odd-numbered year.

SECTION 23. Amends Section 191.003, Election Code, as follows:

Sec. 191.003. NOTICE OF CANDIDATES TO SECRETARY OF STATE. Requires the state chair of each political party holding a presidential primary election to certify the name of each presidential candidate who qualifies for a place on the presidential primary election ballot and deliver the certification to the secretary of state not later than the ninth day after the date of the regular filing deadline for the general election day, rather than not later than the 57th day before presidential primary election day.

SECTION 24. Amends Section 192.031(a), Election Code, as follows:

(a) Entitles a political party to have the names of its nominees for president and vice-president of the United States placed on the ballot in a presidential general election if:

(1) and (2) Makes no change these subdivisions;

(3) the party's state chair delivers the written certification to the secretary of state before the later of:

(A) 5 p.m. of the 71st day, rather than 70th day, before presidential election day; or

(B) Makes no change to this paragraph;

(4) Makes no change to this subdivision.

SECTION 25. Amends Section 192.062(a), Election Code, as follows:

(a) Requires the secretary of state to certify in writing for placement on the ballot the name of a political party's replacement nominee for president or vice-president of the United States if:

(1) Makes no change to this subdivision; and

(2) the party's state chair delivers certification of the replacement nominee's name, signed by the state chair, to the secretary of state not later than 5 p.m. of the 71st day, rather than 70th day, before presidential election day.

SECTION 26. Amends Section 192.064(a), Election Code, as follows:

(a) Requires the secretary of state to certify in writing for placement on the ballot the name of a replacement vice-presidential running mate for an independent candidate for president of the United States if:

(1) Makes no change to this subdivision; and

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

SECTION 27. Amends Section 201.052, Election Code, as follows:

Sec. 201.052. DATE OF ELECTION. (a) Requires that a special election to fill a vacancy, except as otherwise provided by this code, be held on the first authorized uniform election date occurring on or after the 46th day, rather than 45th day, after the date the election is ordered.

(b) Requires that the election, if law outside this code authorizes the holding of the election on a date earlier than the 46th day, rather than 45th day, after the date of the order, be held on the first authorized uniform election date occurring on or after the earliest date that the election could be held under that law.

SECTION 28. Amends Section 201.054(a), Election Code, as follows:

(a) Requires that a candidate's application for a place on a special election ballot, except as provided by Subsection (f) (providing that for a special election to be held on the date of the general election for state and county officers, the day of the filing deadline is the 75th day before election day), be filed not later than:

(1) Makes no change to this subdivision; and

(2) 5 p.m. of the 40th day, rather than 45th day, before election day, if election day is on or after the 46th day, rather than 57th day, and before the 70th day after the date the election is ordered.

SECTION 29. Amends Section 202.006(a), Election Code, as follows:

(a) Authorizes a political party's state, district, county, or precinct executive committee, as appropriate for the particular office, to nominate a candidate for the unexpired term if:

(1) in the case of a party holding a primary election, the vacancy occurs after the fifth day before the date of the regular deadline for candidates to file applications for a place on the ballot for the general primary election, rather than after the 62nd day before general primary election day; or

(2) Makes no change to this subdivision.

SECTION 30. Amends Section 274.003(b), Election Code, to require the secretary of state, not later than the 68th day, rather than 50th day, before election day, to deliver the certification to the authority responsible for having the official ballot prepared in each county.

SECTION 31. Repealer: Section 11.055(c) (providing that for an election to be held on the date of the general election for state and county officers, the day of the filing deadline is the 78th day before election day), Education Code.

Repealers: Sections 65.051(c) (providing that Section 1.006 (Effect of Weekend or Holiday) does not apply to this section) and 101.052(g) (providing that an applicant who submits a federal postcard application to the early voting clerk on or after the sixth day before election day is not entitled to receive a ballot by mail for that election), Election Code.

SECTION 32. Effective date: September 1, 2015.