

Chapter 172

H.B. No. 1067

1 AN ACT
2 relating to the omission of a deceased candidate from the ballot in
3 certain elections.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 145.096(a), Election Code, is amended to
6 read as follows:

7 (a) Except as provided by Subsection (b) or Section
8 145.098(b), a candidate's name shall be placed on the ballot if the
9 candidate:

10 (1) dies on or after the second day before the deadline
11 for filing the candidate's application for a place on the ballot;

12 (2) is declared ineligible after 5 p.m. of the fifth
13 day after the deadline for filing the candidate's application for a
14 place on the ballot, in an election subject to Section 145.092(a);

15 (3) is declared ineligible after 5 p.m. of the 57th day
16 before election day, in an election subject to Section 145.092(b);
17 or

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

20 SECTION 2. Section 145.098, Election Code, is amended to
21 read as follows:

22 Sec. 145.098. WITHDRAWAL OR DEATH OF CANDIDATE BEFORE
23 BALLOTS ARE PREPARED. (a) If a candidate files a withdrawal
24 request after the deadline prescribed by Section 145.092, and the

1 candidate complies with each requirement under Section 145.001
2 except that the candidate's filing to withdraw is untimely, the
3 authority responsible for preparing the ballots may choose to omit
4 the candidate from the ballot if the ballots have not been prepared
5 at the time the candidate files the withdrawal request.

6 (b) If a candidate dies on or before the deadline for filing
7 an application for a place on the ballot:

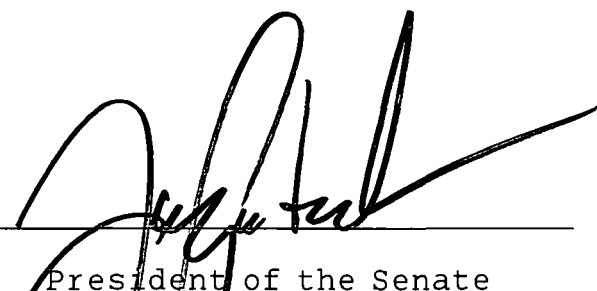
8 (1) the authority responsible for preparing the
9 ballots may choose to omit the candidate from the ballot; and

10 (2) if the authority omits the candidate's name under
11 Subdivision (1), the filing deadline for an application for a place
12 on the ballot for the office sought by the candidate is extended
13 until the fifth day after the filing deadline.

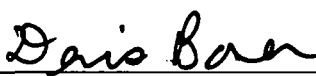
14 SECTION 3. The changes in law made by this Act apply only to
15 an election for which an application for a place on the ballot is
16 due on or after the effective date of this Act.

17 SECTION 4. This Act takes effect immediately if it receives
18 a vote of two-thirds of all the members elected to each house, as
19 provided by Section 39, Article III, Texas Constitution. If this
20 Act does not receive the vote necessary for immediate effect, this
21 Act takes effect September 1, 2019.

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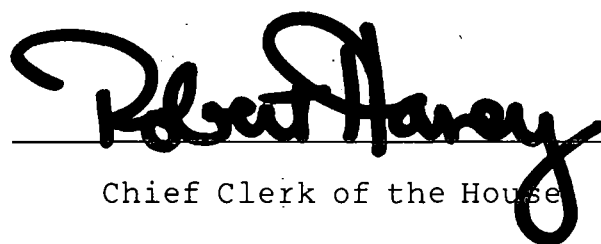


President of the Senate



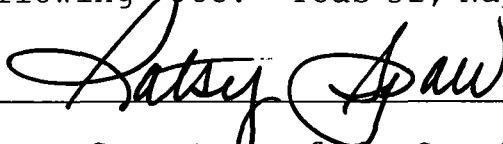
Speaker of the House

I certify that H.B. No. 1067 was passed by the House on April 2, 2019, by the following vote: Yeas 141, Nays 5, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 1067 on May 10, 2019, by the following vote: Yeas 104, Nays 2, 1 present, not voting.



Chief Clerk of the House

I certify that H.B. No. 1067 was passed by the Senate, with amendments, on May 8, 2019, by the following vote: Yeas 31, Nays 0.

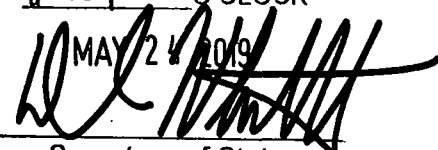


Secretary of the Senate

APPROVED: 5-23-2019
Date



Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
6:45 pm O'CLOCK
MAY 24 2019


Secretary of State