

BILL ANALYSIS

H.B. 3005
By: Laubenberg
Elections
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The Texas Election Code is hundreds of pages long and has been amended extensively over the years. In addition, election-related provisions can be found in many other codes, including the Education Code in regard to the election of school board trustees. Interested parties explain that due to the complexity and length of the Election Code, the secretary of state has identified areas of the Election Code that require modification for consistency and accuracy. H.B. 3005 seeks to make these modifications.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 3005 amends the Education Code to change the deadline by which an application for a place on the ballot as a candidate for the board of trustees of an independent school district must be filed from not later than 5 p.m. of the 71st day before the date of the election to not later than 5 p.m. of the 78th day before the date of the election.

H.B. 3005 amends the Election Code to change the deadline by which an election ordered by an authority of a political subdivision held on a uniform election date must be ordered from not later than the 71st day before election day to not later than the 78th day before election day and to remove language that provided a separate deadline for an election ordered by an authority of a political subdivision on a general election for state and county officers.

H.B. 3005 exempts a runoff election following an election held by a political subdivision other than a county on the uniform election date that is the second Saturday in May in an even-numbered year from the prohibition against an election 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.

H.B. 3005 changes the deadline by which the early voting ballot board is required to verify and count provisional ballots from the seventh day after the date of an election to the ninth day after the date of an election. The bill defines "national holiday" and "state holiday" for purposes of the Election Code and repeals a statutory provision exempting the early voting ballot board's duty to verify and count provisional ballots from statutory provisions establishing the effect of a weekend or holiday on election procedures.

H.B. 3005 revises the conditions under which an early voting clerk is required to deliver to an applicant an official application form for a ballot to be voted by mail on the clerk's determination that the application that was received by a certain date does not fully comply with the applicable requirements to change the received-by date from on or before the 12th day before election day to on or before the 18th day before election day. The bill changes the day on which the early voting ballot board is required to convene to count ballots voted by mail, with a certain exception, from the sixth day after the date of an election to the ninth day after the date of an election, except for an election held on the date of the general election for state and county officers, in which case the bill requires the board to count the ballots voted by mail not later than the 13th day after the date of the election. The bill repeals a statutory provision establishing that a federal postcard applicant who submits the 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 and changes the deadline for submitting a federal postcard application in order to be entitled to receive only a federal ballot to be voted by mail from the sixth day before election day to the deadline for submitting a regular application for a ballot to be voted by mail.

H.B. 3005 changes the filing deadline for an application for a place on the ballot for a candidate for city office and a candidate for an office of a political subdivision other than a county or city in an election to be held on a uniform election date from the 71st day before election day to the 78th day before election day. The bill changes the deadline by which an application for a place on the ballot for a declared write-in candidate for an office of a political subdivision other than a county or city for an election held on a uniform election date must be filed from the 71st day before election day to the 74th day before election day. The bill prohibits such a write-in candidate from withdrawing from the election after the 71st day before election day. The bill removes provisions setting the deadline for such candidates to file a declaration of candidacy for an election held on the date of the general election for state and county officers.

H.B. 3005 revises the conditions under which an executive committee of a political party conducting a primary election may make a replacement nomination following the withdrawal of a candidate because of a catastrophic illness to specify that the illness is an illness that was diagnosed after the first day after the date of the regular filing deadline for the general primary election, among other criteria, instead of being diagnosed after the 62nd day before the general primary election day.

H.B. 3005 changes the date after which a candidate is prohibited from withdrawing from an election for which the filing application deadline for a place on the ballot is not later than 5 p.m. of the 62nd day before election day from after 5 p.m. of the 53rd day before election day to after 5 p.m. of the 57th day before election day. For a candidate in a runoff election, the bill changes the deadline after which the candidate is prohibited from withdrawing from the election from after 5 p.m. of the third day after the date of the main election to after 5 p.m. of the third day after the date of the final canvass for the main election. The bill changes the conditions under which the name of a candidate for an election other than a general election for state and county officers declared ineligible for a place on the ballot is required to be placed on the ballot as follows: for certain elections other than a general election for state and county officers changes the condition from the candidate being declared ineligible after 5 p.m. of the third day after the filing deadline for an application on the ballot to after 5 p.m. of the fifth day after the filing deadline for an application on the ballot; or for certain other elections other than a general election for state and county officers from the candidate being declared ineligible after 5 p.m. of the 53rd day before election day to the 57th day before election day.

H.B. 3005 changes the earliest date a declaration of a write-in candidacy for a general election for state and county officers may be filed from not earlier than the 30th day before the date of the regular filing deadline to not earlier than the 30th day before 5 p.m. of the 78th day before the general election. The bill changes the date after which such a write-in candidate is prohibited from withdrawing from the election from after the 67th day before election day to after the 71st

day before election day. The bill changes the filing deadline for an application for a place on the ballot for a write-in candidate for an election held on a uniform election date from the 71st day before election day to the 74th day before election day. The bill prohibits such a write-in candidate from withdrawing from the election after the 71st day before election day. The bill removes a provision setting the deadline for such a write-in candidate to file a declaration of that candidacy for an election held on the date of the general election for state and county officers. The bill prohibits a write-in candidate in a special election to fill a vacancy in the legislature from withdrawing from an election after 5 p.m. of the fifth day after the deadline for filing a declaration of write-in candidacy.

H.B. 3005 changes the deadline by which the state chair of a political party must notify the county chair in each county in which a candidate's name is to appear on the ballot that the certification of names for placement on the general primary ballot has been posted by the secretary of state from the 81st day before general primary election day to the ninth day after the date of the regular filing deadline. The bill changes the deadline after which a candidate for nomination is prohibited from withdrawing from the general election primary from the 79th day before the general primary election day to the first day after the date of the regular filing deadline for the general primary election. The bill changes the deadline after which a candidate for nomination is prohibited from withdrawing from a runoff primary election from the 8th day after the general primary election day to the 3rd day after the state canvass for that election. The bill changes the date on which the drawing for order of names on the general primary ballot is conducted from the third Tuesday in December of an odd-numbered year to the 10th day after the date of the regular filing deadline for the general primary election.

H.B. 3005 changes the deadline by which the state chair of each political party holding a presidential primary election must deliver the certification of each presidential candidate who qualifies for a place on the presidential primary election ballot to the secretary of state from the 57th day before presidential primary election day to the ninth day after the date of the regular filing deadline for the general primary election.

H.B. 3005 revises certain of the conditions under which a political party is entitled 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 to change a deadline among alternative deadlines by which a party's state chair must deliver the written certification of certain nominee information from 5 p.m. of the 70th day before presidential election day to 5 p.m. of the 71st day before presidential election day. The bill revises certain of the conditions under which the secretary of state is required 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 to change the deadline by which a political party's state chair must deliver to the secretary of state the certification of the name of a replacement nominee for president or vice-president of the United States, from the 70th day before presidential election day to the 71st day before that day.

H.B. 3005 revises certain of the conditions under which the secretary of state is required 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 to change the deadline by which the independent presidential candidate must deliver to the secretary of state certification of the replacement running mate's name signed by the candidate from the 70th day before presidential election day to the 71st day before that day.

H.B. 3005 changes the date on which a special election to fill a vacancy is required to be held from the first authorized uniform election date occurring on or after the 45th day after the date the election is ordered to the first authorized uniform election date occurring on or after the 46th day after the date an election is ordered. The bill revises one of the alternative deadlines by which a candidate's application for a place on a special election ballot must be filed from 5 p.m. of the 45th day before election day if the election day is on or after the 57th day and before the 70th day after the date the election is ordered to 5 p.m. of the 40th day before election day if the

election is on or after the 46th day and before the 70th day after the date the election is ordered.

H.B. 3005 revises a condition under which a political party's state, district, county, or precinct executive committee, as appropriate for the particular office, is authorized to nominate a candidate for the completion of an unexpired term to change, in the case of a party holding a primary election, the applicable date on which the vacancy occurs from after the 62nd day before general primary election day to 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.

H.B. 3005 changes the deadline by which the secretary of state must deliver the certifying amendment for a place on the ballot to the authority responsible for having the official ballot prepared in each county from the 50th day before election day to the 68th day before election day.

H.B. 3005 repeals Section 11.055(c), Education Code, and the following provisions of the Election Code:

- Section 65.051(c)
- Section 101.052(g)

EFFECTIVE DATE

September 1, 2015.