

SUBJECT: Prohibiting post-deadline changes to candidate application or petition

COMMITTEE: Elections — committee substitute recommended

VOTE: 8 ayes — L. Taylor, Hernandez Luna, Berman, Branch, Burkett, Isaac, P. King, Veasey

0 nays

1 absent — Farias

WITNESSES: For — Skipper Wallace, Texas Republican County Chairs Association; (*Registered, but did not testify*: Rosemary Edwards, Travis County Republican Party Chairman; Anthony Gutierrez, Texas Democratic Party)

Against — None

On — (*Registered, but did not testify*: Elizabeth Hanshaw Winn, Secretary of State)

BACKGROUND: Election Code, secs. 141.031 and 141.032 set forth the application requirements for a place on the ballot for public office. An application must be in writing, signed and sworn to by the candidate, and timely filed with the appropriate authority. The authority must review the application for compliance, generally within five days after receiving it.

A candidate may file a petition with the application containing a certain number of valid signatures, depending on the office sought. Petitions must be filed timely with the appropriate authority. Current election law does not address when or if a candidate can amend his or her application or petition for a place on the ballot.

DIGEST: CSHB 1135 would prohibit a candidate from amending his or her application for a place on the ballot after the filing deadline. The authority with whom the application was filed also would be prohibited from accepting an amendment after the filing deadline.

A candidate also would be prohibited from amending a petition in lieu of a filing fee submitted with the application after the filing deadline, and the

authority reviewing the application would be prohibited from accepting any such amendment after the filing deadline.

The bill would take effect September 1, 2011, and would apply only to a candidate's application for a place on the ballot that was filed on or after that date.