

SUBJECT: Removing deceased candidates' names from ballots in certain elections

COMMITTEE: Elections — favorable, without amendment

VOTE: 8 ayes — Klick, Cortez, Bucy, Burrows, Cain, Fierro, Israel, Middleton
1 nay — Swanson

WITNESSES: For — Debra Newkirk, City of Midway; (*Registered, but did not testify:*
Cary Roberts, County and District Clerks' Association of Texas; Chris
Davis, Texas Association of Elections Administrators; Glen Maxey, Texas
Democratic Party; Shanna Igo, Texas Municipal League)

Against — None

On — Alan Vera, Harris County Republican Party Ballot Security
Committee; Christina Adkins, Texas Secretary of State, Elections
Division

BACKGROUND: Election Code sec. 145.096(a)(1) requires a deceased candidate's name to
be printed on a ballot if the candidate died on or after the second day
before the filing deadline. This requirement applies to elections other than
general elections for state and county officers.

DIGEST: HB 1067 would allow election authorities to remove a deceased
candidate's name from a ballot in certain elections if the candidate died on
or after the second day before the election's filing deadline and before the
ballots were prepared. The bill would not apply to general elections for
state and county officers.

This bill would take immediate effect if finally passed by a two-thirds
record vote of the membership of each house. Otherwise, it would take
effect September 1, 2019. The bill would apply only to elections with
filing deadlines on or after the effective date.

SUPPORTERS HB 1067 would allow local election authorities to remove the name of a

SAY: deceased candidate from the ballot in an election under certain circumstances. This could prevent situations in which voters elected a deceased candidate, resulting in the election being declared invalid and forcing local municipalities to use significant resources to appoint a new candidate or hold another election. The bill would promote honest and transparent elections by allowing election authorities to ensure that only viable candidates were on the ballot.

The bill would not require that deceased candidates' names be removed from a ballot, and local authorities could decide what was appropriate in each situation. Authorities could leave the name of a deceased candidate on a ballot, allowing for the appointment of a new candidate or another election.

OPPONENTS SAY: HB 1067 could lead to undesirable situations in which an unpopular candidate was elected automatically because another candidate died and was removed from the ballot. The bill should extend an election's filing deadline to allow for additional candidates to enter the race after a candidate's name was removed from a ballot.