

BILL ANALYSIS

Senate Research Center
76R1350 DRH-D

S.B. 493
By: Nelson
State Affairs
2/24/1999
As Filed

DIGEST

Currently, the Election Code has a very broad reference authorizing “other methods of transmission” in Section 1.007. Using any method of transmission for candidacy filings creates many problems, including the risk of litigation. Simultaneous submission of application fees along with the candidacy filing is a current requirement unable to be completed using other methods of transmission. Similar problems exist in the filing of a “declaration of write-in candidacy,” and a “declaration of intent to run as an independent.” This bill would require the original documents to be used for all candidate filings and other documents candidates file. This bill would also authorize the secretary of state to declare a candidate ineligible after the 65th day and before the 54th day preceding election day.

PURPOSE

As proposed, S.B. 493 establishes procedures for filing for a place on a ballot and procedures for withdrawing a nomination.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 141B, Election Code, by adding Section 141.0311, as follows:

Sec. 141.0311. TELEPHONIC FACSIMILE MACHINE FILING PROHIBITED. Prohibits filing applications for places on a ballot by telephonic facsimile machine.

SECTION 2. Amends Section 145.003(b), Election Code, to authorize a candidate in the general election for state and county officers to be declared ineligible after the 65th day and before the 54th day preceding election day by the secretary of state. Makes conforming changes.

SECTION 3. Amends Section 145.039, Election Code, to require a candidate’s name to be omitted from the ballot, if the candidate is declared ineligible under Section 145.003(b)(2). Makes conforming changes.

SECTION 4. Amends Section 145.065, Election Code, to make conforming changes.

SECTION 5. Amends Sections 146.0301(a) and (d), Election Code, to prohibit a write-in candidate from withdrawing from an election after the 60th, rather than 46th, day before election day. Makes a conforming change.

SECTION 6. Amends Chapter 181B, Election Code, by adding Section 181.035, as follows:

Sec. 181.035. WITHDRAWAL FROM NOMINATION. Prohibits a candidate for nomination by a convention from withdrawing after the 62nd day before the general primary election day. Requires the withdrawal request to be filed with the authority with whom the withdrawing candidate’s application for nomination is required to be filed. Requires the withdrawal request to comply with Section 145.001 and specify that the candidacy is for nomination by convention rather than by election.

SECTION 7. Effective date: September 1, 1999.

SECTION 8. Emergency clause.