

## **BILL ANALYSIS**

Senate Research Center  
85R1049 SRS-D

S.B. 374  
By: Taylor, Van  
State Affairs  
4/4/2017  
As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

A candidate for nomination in a primary election may withdraw their name from the primary election ballot after the first day following the filing deadline for that election. Interested parties observe that this 24-hour window is not sufficient to complete the necessary steps to remove an individual from a ballot. These parties suggest that a broader window would provide enough time to remove a candidate from a ballot in the event of a death, mental incapacitation, or other finding of ineligibility after the filing deadline. Interested parties further observe that a broader withdrawal window would help in cases where a candidate files to run on the filing deadline and the party does not have enough time to verify the candidate's eligibility. The inability to remove an ineligible candidate from a ballot can lead to disenfranchisement of voters who are unaware of an individual's ineligibility and can also lead to costly taxpayer-funded runoff elections.

S.B. 374 expands the window for a political candidate to have their name removed from a primary ballot from 24 hours to 72 hours after the filing deadline. This change provides a reasonable amount of time for ineligible candidates to be removed from a primary election ballot.

As proposed, S.B. 374 amends current law relating to the time period for the withdrawal of a candidate for a general primary election.

### **RULEMAKING AUTHORITY**

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

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 172.052(a), Election Code, to prohibit a candidate from withdrawing from the general primary election after the third, rather than the first, day after the date of the regular filing deadline for the general primary election.

SECTION 2. Amends Section 172.054(a), Election Code, as follows:

(a) Provides that the deadline for filing an application for a place on the general primary election ballot is extended as provided by this section if a candidate who has made an application that complies with the applicable requirements:

(1) makes no changes to this subdivision;

(2) holds the office for which the application was made and:

(A) withdraws on or before the third day after the date of the regular filing deadline. Creates this paragraph from existing text.; or

(B) creates this paragraph from existing text and makes no further changes to this paragraph; or

(3) withdraws or is declared ineligible during the period described by Subdivision (2)(A) or (B) (relating to extending the deadline for filing an application for a place on the general primary election if certain criteria are met), as applicable, rather than Subdivision (2), and at the time of the withdrawal or declaration of ineligibility no other candidate has made an application that complies with the applicable requirements for the office sought by the withdrawn or ineligible candidate.

SECTION 3. Amends Section 172.057, Election Code, as follows:

Sec. 172.057. WITHDRAWN, DECEASED, OR INELIGIBLE CANDIDATE'S NAME OMITTED FROM GENERAL PRIMARY BALLOT. Requires a candidate's name to be omitted from the general primary election ballot if the candidate dies or is declared ineligible, rather than withdraws, dies, or is declared ineligible, on or before the first day after the date of the regular filing deadline or withdraws on or before the third day after the date of the regular filing deadline.

SECTION 4. Effective date: upon passage or September 1, 2017.