BILL ANALYSIS

Senate Research Center   H.B. 3046
88R22774 MPF-D   By: Kacal; Ashby (Paxton)
                                                                State Affairs
                                                                  5/17/2023
                                                                  Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The 86th Legislature passed H.B. 1067, which provided for a candidate who died before an election's filing deadline to be removed from the ballot. While that legislation was a good effort to address the problem, elections officials and administrators should be allowed to remove a deceased candidate from the ballot at any point before an election. Especially in small towns, allowing deceased candidates to remain on ballots and filling the vacancies left by their candidacy can become costly for local governments. H.B. 3046 seeks to address this issue by providing for deceased candidates for certain local offices to be removed from the ballot if the candidate dies before the ballots are printed.

H.B. 3046 amends current law relating to the omission of a deceased candidate from the ballot in certain elections.

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 145.096(a), Election Code, to create an exception under Section 145.098(d).

SECTION 2. Amends Section 145.098, Election Code, by adding Subsections (c) and (d), as follows:

(c) Requires the authority responsible for preparing the ballot, if the deadline for filing an application for a place on the ballot is extended under Subsection (b) (relating to providing that the filing deadline for an application for a place on the ballot for the office sought by the candidate is extended until the fifth day after the filing deadline if the authority omits a deceased candidate's name), to:

(1) prepare a notice identifying the name of the deceased candidate, the office sought by the candidate, and the date of the new filing deadline; and

(2) publish the notice prepared under Subdivision (1):

(A) on the Internet website maintained by the political subdivision holding the election; or

(B) if the political subdivision does not maintain an Internet website, on the bulletin board used for posting notice of meetings of the governing body of the political subdivision.

(d) Authorizes the authority responsible for preparing the ballot, if a candidate for an office of a city with a population of 100,000 or less dies before the ballots are printed, to choose to omit the candidate from the ballot.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: September 1, 2023.