

## **BILL ANALYSIS**

Senate Research Center  
83R7425 ADM-D

H.B. 3101  
By: Morrison (Duncan)  
State Affairs  
5/14/2013  
Engrossed

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

Under current law, a write-in candidate who has filed to be a candidate in an election has an additional three days to remove their name from the ballot. This extra time is not available to other candidates. These additional three days prevent the election official from completing the ballot and holds back the printing of the ballot. These three days are time that an election official needs to get the ballot out to military and overseas voters.

H.B. 3101 establishes a filing deadline for write-in candidacy that is the same as other candidates. The bill also amends the Education Code, Health and Safety Code, and Water Code to make conforming changes.

H.B. 3101 amends current law relating to filing deadlines to become a write-in candidate in 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 Subchapter A, Chapter 146, Election Code, by adding Section 146.003, to read as follows:

Sec. 146.003. **FILING DEADLINES FOR CANDIDATES.** Requires that a filing deadline by which an application for a place on a ballot, in this code, be filed applies to a declaration of write-in candidacy for that election.

SECTION 2. Amends the heading to Section 146.025, Election Code, to read as follows:

Sec. 146.025. **TIME OF FILING.**

SECTION 3. Amends Section 11.056(b), Education Code, to require that a declaration of write-in candidacy be filed not later than the deadline prescribed by Section 146.003, rather than by Section 146.054 (Filing Deadline), Election Code, for a write-in candidate, rather than for a write-in candidate in a city election.

SECTION 4. Amends Section 130.0825(b), Education Code, to make conforming changes.

SECTION 5. Amends Section 285.131(d), Health and Safety Code, to make conforming changes.

SECTION 6. Amends Section 63.0945(d), Water Code, to make conforming changes.

SECTION 7. Repealers: Sections 144.006 (Filing Deadline for Declared Write-In Candidate), 146.025(a) (relating to requiring a declaration of write-in candidacy to be filed not later than 5 p.m. of the 78th day before general election day, except as otherwise provided by the Election Code) and (b) (relating to authorize a declaration of write-in candidacy for the office sought by

the deceased or ineligible candidate, if a candidate whose name is to appear on the general election ballot dies or is declared ineligible after a certain time, to be filed not later than 5 p.m. of the 75th day before election day), 146.054 (Filing Deadline), 146.083 (Filing Deadline), and 171.0231(d) (relating to requiring that a declaration of write-in candidacy be filed not later than 6 p.m. of the fifth day after the date of the filing deadline for the general primary election), Election Code.

SECTION 8. Effective date: upon passage or September 1, 2013.