

CHAPTER 589

S.B. No. 904

AN ACT

1  
2 relating to the adoption of certain voting procedures and the  
3 modification of certain election deadlines, including those  
4 necessary to implement the federal Military and Overseas Voter  
5 Empowerment Act.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

7 SECTION 1. Section 101.007, Election Code, is amended by  
8 adding Subsection (d) to read as follows:

9 (d) The secretary of state shall make a checklist or similar  
10 guidelines available for optional use by early voting clerks in  
11 processing an application and providing balloting materials under  
12 this chapter.

13 SECTION 2. Subsection (b), Section 101.107, Election Code,  
14 is amended to read as follows:

15 (b) A voter who receives a ballot under this subchapter must  
16 return the ballot in the same manner as required under Section  
17 101.057 except that a voter who completes a signature sheet is not  
18 required to complete a carrier envelope. Except [and, except] as  
19 provided by Chapter 105, the voter may not return the ballot by  
20 electronic transmission.

21 SECTION 3. Subsection (a), Section 145.092, Election Code,  
22 is amended to read as follows:

23 (a) Except as otherwise provided by this section, a  
24 candidate may not withdraw from an election after 5 p.m. of the

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1 fifth [~~third~~] day after the deadline for filing the candidate's  
2 application for a place on the ballot.

3 SECTION 4. Subsections (a) and (b), Section 172.054,  
4 Election Code, are amended to read as follows:

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

9 (1) dies on or after the fifth day before the date of  
10 the regular filing deadline and on or before the first [~~79th~~] day  
11 after the date of the regular filing deadline [~~before general~~  
12 ~~primary election day~~];

13 (2) holds the office for which the application was  
14 made and withdraws or is declared ineligible on [~~or after~~] the date  
15 of the regular filing deadline [~~and on~~] or [~~before~~] the first [~~79th~~]  
16 day after the date of the regular filing deadline [~~before general~~  
17 ~~primary election day~~]; or

18 (3) withdraws or is declared ineligible during the  
19 period prescribed by Subdivision (2), and at the time of the  
20 withdrawal or declaration of ineligibility no other candidate has  
21 made an application that complies with the applicable requirements  
22 for the office sought by the withdrawn or ineligible candidate.

23 (b) An application for an office sought by a withdrawn,  
24 deceased, or ineligible candidate must be filed not later than 6  
25 p.m. of the fifth day after the date of the regular filing deadline  
26 [~~81st day before general primary election day~~]. An application  
27 filed by mail with the state chair is not timely if received later

1 than 5 p.m. of the fifth day after the date of the regular filing  
2 deadline [~~81st day before general primary election day~~].

3 SECTION 5. Section 172.057, Election Code, is amended to  
4 read as follows:

5 Sec. 172.057. WITHDRAWN, DECEASED, OR INELIGIBLE  
6 CANDIDATE'S NAME OMITTED FROM GENERAL PRIMARY BALLOT. A  
7 candidate's name shall be omitted from the general primary election  
8 ballot if the candidate withdraws, dies, or is declared ineligible  
9 on or before the first [79th] day after the date of the regular  
10 filing deadline [~~before general primary election day~~].

11 SECTION 6. Subsection (a), Section 172.058, Election Code,  
12 is amended to read as follows:

13 (a) If a candidate who has made an application for a place on  
14 the general primary election ballot that complies with the  
15 applicable requirements dies or is declared ineligible after the  
16 first [79th] day after the date of the regular filing deadline  
17 [~~before general primary election day~~], the candidate's name shall  
18 be placed on the ballot and the votes cast for the candidate shall  
19 be counted and entered on the official election returns in the same  
20 manner as for the other candidates.

21 SECTION 7. Subsections (a) and (c), Section 202.004,  
22 Election Code, are amended to read as follows:

23 (a) A political party's nominee for an unexpired term must  
24 be nominated by primary election if:

25 (1) the political party is making nominations by  
26 primary election for the general election in which the vacancy is to  
27 be filled; and

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1           (2) the vacancy occurs on or before the fifth [~~62nd~~]  
2 day before the date of the regular deadline for candidates to file  
3 applications for a place on the general primary ballot [~~general~~  
4 ~~primary election day~~].

5           (c) If the vacancy occurs after the 10th day before the date  
6 of the regular filing deadline, an application for the unexpired  
7 term must be filed not later than 6 [~~5~~] p.m. of the fifth day after  
8 the date of the regular filing deadline [~~15th day after the date the~~  
9 ~~vacancy occurs or 5 p.m. of the 60th day before general primary~~  
10 ~~election day, whichever is earlier~~].

11           SECTION 8. (a) Section 50, Chapter 1318 (Senate Bill No.  
12 100), Acts of the 82nd Legislature, Regular Session, 2011, is  
13 repealed.

14           (b) The secretary of state may not adjust or modify affected  
15 election dates, deadlines, or procedures to implement the federal  
16 Military and Overseas Voter Empowerment Act under Section 50,  
17 Chapter 1318 (Senate Bill No. 100), Acts of the 82nd Legislature,  
18 Regular Session, 2011.

19           (c) This section takes effect December 31, 2016.

20           SECTION 9. Except as otherwise provided by this Act, this  
21 Act takes effect September 1, 2013.

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David Newkum  
President of the Senate

Joe Straus  
Speaker of the House

I hereby certify that S.B. No. 904 passed the Senate on April 15, 2013, by the following vote: Yeas 30, Nays 0.

Antony Spaw  
Secretary of the Senate

I hereby certify that S.B. No. 904 passed the House on May 20, 2013, by the following vote: Yeas 147, Nays 0, two present not voting.

Robert Haney  
Chief Clerk of the House

Approved:

14 JUNE '13  
Date

Rick Perry  
Governor

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
10PM O'CLOCK

JUN 14 2013

[Signature]  
Secretary of State