



28 (1) (a) Each person seeking to become a candidate for elective office for any county  
29 office that is to be filled at the next regular general election shall:

30 (i) file a declaration of candidacy in person with the county clerk between the March 7  
31 and before 5 p.m. on the March 17 before the next regular general election; and

32 (ii) pay the filing fee.

33 (b) Each person intending to become a candidate for any legislative office or  
34 multicounty office that is to be filled at the next regular general election shall:

35 (i) file a declaration of candidacy in person with either the lieutenant governor or the  
36 county clerk in the candidate's county of residence between the March 7 and before 5 p.m. on  
37 the March 17 before the next regular general election; and

38 (ii) pay the filing fee.

39 (c) (i) Each county clerk who receives a declaration of candidacy from a candidate for  
40 multicounty office shall transmit the filing fee and a copy of the candidate's declaration of  
41 candidacy to the lieutenant governor within one working day after it is filed.

42 (ii) Each day during the filing period, each county clerk shall notify the lieutenant  
43 governor electronically or by telephone of legislative candidates who have filed in their office.

44 (d) Each person seeking to become a candidate for elective office for any federal office  
45 or constitutional office that is to be filled at the next regular general election shall:

46 (i) file a declaration of candidacy in person with the lieutenant governor between the  
47 March 7 and before 5 p.m. on the March 17 before the next regular general election; and

48 (ii) pay the filing fee.

49 (e) Each person seeking the office of lieutenant governor, the office of district attorney,  
50 or the office of President or Vice President of the United States shall comply with the specific  
51 declaration of candidacy requirements established by this section.

52 (2) (a) Each person intending to become a candidate for the office of district attorney  
53 within a multicounty prosecution district that is to be filled at the next regular general election  
54 shall:

55 (i) file a declaration of candidacy with the clerk designated in the interlocal agreement  
56 creating the prosecution district between the March 7 and before 5 p.m. on the March 17  
57 before the next regular general election; and

58 (ii) pay the filing fee.

59 (b) The designated clerk shall provide to the county clerk of each county in the  
60 prosecution district a certified copy of each declaration of candidacy filed for the office of  
61 district attorney.

62 (3) (a) Within five working days of nomination, each lieutenant governor candidate  
63 shall:

64 (i) file a declaration of candidacy with the lieutenant governor; and

65 (ii) pay the filing fee.

66 (b) (i) Any candidate for lieutenant governor who fails to file within five working days  
67 is disqualified.

68 (ii) If a lieutenant governor is disqualified, another candidate shall be nominated to  
69 replace the disqualified candidate.

70 (4) Each registered political party shall:

71 (a) certify the names of its candidates for President and Vice President of the United  
72 States to the lieutenant governor by [~~August 30~~] September 3; or

73 (b) provide written authorization for the lieutenant governor to accept the certification  
74 of candidates for President and Vice President of the United States from the national office of  
75 the registered political party.

76 (5) (a) A declaration of candidacy filed under this section is valid unless a written  
77 objection is filed with the clerk or lieutenant governor within five days after the last day for  
78 filing.

79 (b) If an objection is made, the clerk or lieutenant governor shall:

80 (i) mail or personally deliver notice of the objection to the affected candidate  
81 immediately; and

82 (ii) decide any objection within 48 hours after it is filed.

83 (c) If the clerk or lieutenant governor sustains the objection, the candidate may cure the  
84 problem by amending the declaration or petition within three days after the objection is  
85 sustained or by filing a new declaration within three days after the objection is sustained.

86 (d) (i) The clerk's or lieutenant governor's decision upon objections to form is final.

87 (ii) The clerk's or lieutenant governor's decision upon substantive matters is reviewable  
88 by a district court if prompt application is made to the court.

89 (iii) The decision of the district court is final unless the Supreme Court, in the exercise

90 of its discretion, agrees to review the lower court decision.

91 (6) Any person who filed a declaration of candidacy may withdraw as a candidate by

92 filing a written affidavit with the clerk.

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**Legislative Review Note**

**as of 12-23-03 8:49 AM**

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

**Office of Legislative Research and General Counsel**

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**Fiscal Note****Certification Deadline for Political Parties***19-Jan-04***Bill Number SB0097***10:52 AM*

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**State Impact**

No fiscal impact.

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**Individual and Business Impact**No fiscal impact.

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**Office of the Legislative Fiscal Analyst**