



June 11, 2009

REC'd
JUN 12 2009
8:15 am

Federal Election Commission
Office of General Counsel
999 E. Street, N.W.
Washington, D.C. 20463

AOR 2009-15

Re: Request for Advisory Opinion: Bill White for Texas
(U.S. Senate Campaign Committee)

Dear Counsel:

I am the Treasurer of Bill White for Texas (the "Committee"), the authorized campaign committee of Bill White, a candidate for the U.S. Senate from the State of Texas. The Committee is requesting an Advisory Opinion addressing the following fact situation:

Fact Situation

Bill White is currently the Mayor of Houston, Texas. On December 12, 2008, he submitted documentation to the Federal Election Commission (the "Commission") creating the Committee as his authorized campaign committee in an election for the U.S. Senate from the State of Texas.

Senator Kay Bailey Hutchison currently holds a U.S. Senate seat from Texas that will be on the ballot in the Texas primary and general elections in 2012. However, Senator Hutchison has publicly stated that she will not be a candidate for re-election to the U.S. Senate in 2012, and she has formed a committee under the Texas Election Code to raise funds for a possible race for Governor of Texas in 2010, when that position will be on the March primary election ballot and the November general election ballot. Senator Hutchison publicly denied a report that she was not planning to resign from the Senate while running for Governor, and has stated that she may resign as early as late 2009. See "Senate Run May Spur Dewhurst to Pick Up the Pace," p. B-8, *Austin American Statesman*, March 26, 2009.

Texas Law on Filling a Vacancy in Office

If Senator Hutchison resigns her seat in the U.S. Senate before the term expires, the scheduling of any election to fill the seat will be governed by the Texas Election Code

("the Code") and primarily by Chapters 201, 203 and 204 of the Code. A copy of these Chapters is attached as Appendix A.

Under Section 201.023 of the Code, a vacancy in office, including the U.S. Senate, occurs on the date the incumbent's resignation is accepted by the Governor, or eight days after receipt of the resignation, whichever is earlier. Under Section 201.051, a special election to fill a vacancy must be ordered "as soon as practicable" after the vacancy occurs. Ordering a special election to fill a vacant U.S. Senate seat is the responsibility of the Governor. Section 3.003.

Under different timing scenarios, Texas law could require that a special election to fill a vacant U.S. Senate seat be held in 2009 or 2010 on one of the two uniform election dates set under the Texas Election Code. Alternatively, the seat could be filled at a special "emergency election" called by the Governor. These scenarios are discussed below:

Scenario 1. Resignation in Odd-Numbered Years. If a vacancy in a U.S. Senate seat occurs in an odd-numbered year, it must be filled by a special election. Section 204.005 and Section 203.004 of the Code require that a special election be held on the first uniform election date occurring at least 36 days "after an election is ordered." Under Section 41.001 of the Code, the two uniform election dates in 2009 are May 9 and November 3. The first date is now moot. If a special election were to be ordered before September 28, 2009, it would be held on November 3. If the special election were ordered after September 28 but before December 31, it would be held on the spring uniform election date in 2010, which is on May 8, 2010.

Scenario 2. Resignation in Even Numbered Years. If a vacancy occurs in an even numbered year on or before the 62nd day before the spring primary date which (which under Section 41.007 will be March 2, 2010), §204.003 requires that the unexpired term be filled at the next general election for state and county officers. Since there are not 62 days in 2010 before the March 2 spring primary, this means that this scenario cannot occur in 2010, and an election cannot be scheduled under 204.003. *

If a vacancy occurs in an even year after the 62nd day before the spring primary date, (which means any date in 2010), then Section 204.005 and 203.004 require that a special election be held on the first uniform election date occurring at least 36 days "after the election is ordered." However, Section 201.051 applies to special elections conducted on the fall general election date, and requires that the election be ordered no later than the 70th day before election day. The 2010 uniform election dates are May 8 and November 2. So, a special election on

* This provision dates to a time when the spring primary in Texas took place in May, as opposed to the current early March date.

May 8 could be ordered up to and through April 2, 2010, and a special election on November 2 (the 2010 general election date) could be ordered up to August 24, 2010.

Scenario 3. Emergency Election. Under Section 41.0011 of the Code, the Governor also has authority to call an "emergency election" to fill a U.S. Senate seat. An emergency election does not have to occur on a uniform election date. For example, if a vacancy were to occur after September 28, 2009, rather than wait for the spring uniform election date in May 2010, the Governor could call an emergency election for an earlier date. To do so, the Governor must determine that an emergency exists that warrants the earlier voting date, and the proclamation or order for the emergency election must include a statement identifying the nature of the emergency. Section 41.0011. The Governor has considerable discretion in deciding whether to call an emergency election, and it is not possible at this time to predict whether he will do so. In the last four years he has ordered at least two emergency elections: the emergency election of February 25, 2006 to fill a vacancy in House District 106, and the emergency election of January 17, 2006 to fill a vacancy in House District 48.

Potential Number of Elections Through 2012

In Texas, a special election or emergency election to fill a U.S. Senate seat under any of the foregoing scenarios is not conducted as a party primary, but as an election in which candidates from all parties appear on the same ballot, with party affiliation indicated. Section 203.011. In any special election or emergency election of this type, the winner must receive a majority of the votes cast. Section 203.003. This means that any special election or emergency election to fill a U.S. Senate seat may be followed by a run-off election between the two candidates receiving the most votes in the first election. Historically, this has usually been the case. The timing of a runoff election after a special election is set by Section 2.025, and it generally must be set within 20 to 45 days after the final canvass from the special election.

Whether or not the U.S. Senate seat is filled by a special election or emergency election in 2009 or 2010, the seat will be on the ballot in 2012, when there will be both March party primary elections and a November general election. Under Texas law, the winner of a primary election must also receive a majority of the votes cast, which means that a primary election may also be followed by a runoff.

Bill White has stated that he will be a candidate in any special election or emergency election that may be called before 2012 to fill the U.S. Senate seat currently held by Senator Hutchison. If there is no special election or emergency election, Bill White will be a candidate for the same U.S. Senate seat in the 2012 Democratic Party Primary election in Texas, and in the 2012 general election if he receives the Democratic Party nomination for the U.S. Senate seat.

Given this scenario, it is possible that Bill White could be a candidate in up to five different elections for the same U.S. Senate seat between now and November 2012: a special election or emergency election in 2009 or 2010, a run-off election following the special or emergency election, a 2012 Democratic Party Primary election, a Democratic Party run-off election, and the November 2012 general election.

We note that, as of January 2009, there were already five other candidates in both major parties who had formed campaign committees or exploratory committees in connection with this U.S. Senate seat. In deciding whether they may accept contributions, these candidates will potentially face the same multiple election scenario outlined above. We also note that the number of already declared candidates increases the likelihood that any special or general election will be followed by a run-off election.

Questions Presented

The Committee requests an advisory opinion addressing the circumstances under which the Committee may accept and use contributions for a special or emergency election (and any related run-off election) that occurs before the 2012 party primary election but that has yet to be called at the time the contributions are made. Specifically:

1. May the Committee accept a contribution of up to \$4800 from an individual contributor prior to the time that any special or emergency election is called, if the contributor (i) designates a portion of the contribution to a special or emergency election if Senator Hutchison resigns her seat before her current terms expires, or to the 2012 primary election if she does not, and (ii) designates the remainder of the contribution to either a runoff election following the special or emergency election if Senator Hutchison resigns her seat, or to the 2012 general election if she does not?

2. We attach copies of an online solicitation form (Appendix B), paper solicitation form (Appendix C) and "notice of redesignation and offer of refund" (Appendix D). If the Committee receives a contribution in excess of the current per-election limit with a completed online solicitation form (Appendix B) or paper solicitation form (Appendix C) prior to the time that any special or emergency election is called, and if the Committee then sends the contributor a notice of redesignation and offer of refund in the form attached as Appendix D:

(a) Will the notice of redesignation be effective as written?

(b) If the provision of the notice of redesignation relating to a special or emergency election and possible runoff election is not effective, will the notice of redesignation nevertheless be effective as to the primary and general elections of 2012?

(c) If the portion of the notice of redesignation is effective as to the 2012 primary and general elections, may the Committee use the contribution for a special or

emergency election and, if one is required, a runoff election if a special or emergency election is called before the 2012 primary election occurs?

3. If a contributor makes a contribution to the Committee of \$2400 or less but does not designate the contribution for any particular election, we would normally assume that the contribution would be for the next regularly scheduled election, which in the absence of any special or emergency election would be the March 2012 primary election. In the event a special or emergency election is scheduled after such a contribution is made and prior to the March 2012 primary election, would that undesignated contribution then be available to the Committee for the "next" election, whether that was a special or emergency election?

4. If the Committee raises money under the fact scenarios presented by Questions 1 and 2 above for a special or emergency election, or for a runoff following a special or emergency election, and the special or emergency election does not occur, what may the Committee do with the money?

5. The Committee also requests an advisory opinion on the proper reporting, on FEC Form 3, of accepted contributions under the fact scenarios presented by Questions 1 and 2 above in the event that the Commission responds that a candidate is not currently limited to accepting contributions designated solely for the 2012 elections. The Committee believes it would be proper to report these contributions as being for the 2012 primary election with the notation "designated for special or emergency election if before 2012", and for the 2012 general election with the notation "designated for special or emergency runoff election if before 2012".

In making this request, the Committee states its opinion that it should currently be permitted to accept up to \$4,800 per contributor without those funds being available solely for the 2012 elections, provided that (i) the contributor properly designates, as set out in Question 1 above that the \$4800 consists of two contributions of \$2400 specifically for either 1) a special or emergency election and a run-off election following the special or emergency election; or 2) the 2012 party primary election, and the November 2012 general election, depending on whether there is a special or emergency election preceding the 2012 party primary election, or (ii) in the event the contributor has not made a specific designation, the Committee has sent to the contributor a notice of redesignation and offer of refund in the form attached as Appendix D.

The Committee presents this opinion request in part because it may need to use contributions it is currently raising for any one of these possible elections, but it cannot yet be certain which elections those will be. If the Committee currently must accept designated contributions only for the 2012 Democratic Party Primary election and the 2012 general election, it will likely face uncertainties and complications in raising additional contributions when a special or emergency election is called.

If, on the other hand, the Committee is permitted to maintain separate designated subaccounts (for our purposes, referred to as Election 1 funds and Election 2 funds) and

to expend Election 1 funds in either a special or emergency election if one is called, or the 2012 primary election if one is not, and to expend Election 2 funds in either a run-off election following the special or emergency election if one is called, or the November 2012 general election, if there is no special or emergency election, the purposes of the Federal Election Campaign Act and the Commission's rules will be fully served.

Under this scenario, the maximum amount that a contributor may contribute in connection with any election will still be the current contribution limit. Also, the contributor will have provided a written designation (in the case of the fact scenario presented in Question 1) or will have been provided specific written notice by the Committee of how the Committee presumes the contributor intends for the contribution to be designated and given the right to object to such designation (in the case of the fact scenario presented in Question 2), ensuring that the Committee understands the contributor's intent, promoting consistency in the way contributions are reported by the Committee, and complying with the Commission requirement that a contributor must make a written designation if a contribution is for an election other than the next upcoming election.

In requesting these advisory opinions, the Committee is not assuming that there will necessarily be a special or emergency election prior to 2012, although all objective indications are that such an election will take place. If no special or emergency election occurs, we presume that the Committee will remain under the Commission's existing rules and prior advisory opinions governing designation of contributions.

Given the uncertainty of the timing of the special or emergency election to fill Senator Hutchison's seat, the Committee respectfully requests that the Commission address this question at the earliest opportunity.

Sincerely,



Barry Hunsaker
Treasurer, Bill White for Texas

Appendices

- A Chapters 201, 203 and 204, Texas Election Code
- B Online Solicitation Form
- C Paper Solicitation Form
- D Form of Notice of Redesignation and Offer of Refund

APPENDIX A

ELECTION CODE CHAPTER 201. DETERMINATION OF AND ELECTION TO FILL
VACANCY

ELECTION CODE

TITLE 12. ELECTIONS TO FILL VACANCY IN OFFICE

CHAPTER 201. DETERMINATION OF AND ELECTION TO FILL VACANCY

SUBCHAPTER A. RESIGNING OR DECLINING OFFICE

Sec. 201.001. RESIGNING OR DECLINING OFFICE. (a) To be effective, a public officer's resignation or an officer-elect's declination must be in writing and signed by the officer or officer-elect and delivered to the appropriate authority for acting on the resignation or declination. The authority may not refuse to accept a resignation.

(b) If the authority to act on a resignation or declination is a body, the resignation or declination may be delivered to the presiding officer of the body or to its clerk or secretary.

(c) An officer-elect who intends to qualify for the office but desires to resign at a subsequent date may submit a resignation in the same manner as an officer who has assumed office, and the vacancy may be filled in the same manner as if the resignation had been submitted after the officer-elect assumed office.

Acts 1985, 69th Leg., ch. 211, Sec. 1, eff. Jan. 1, 1986. Amended by Acts 1989, 71st Leg., ch. 1187, Sec. 1, eff. Sept. 1, 1989.

Sec. 201.002. AUTHORITY TO ACT ON RESIGNATION OR DECLINATION. Unless otherwise provided by law, the authority to act on a public officer's resignation or an officer-elect's declination is the officer or body authorized to make an appointment or order a special election to fill a vacancy in the office.

Acts 1985, 69th Leg., ch. 211, Sec. 1, eff. Jan. 1, 1986.

SUBCHAPTER B. TIME VACANCY OCCURS

Sec. 201.021. TIME VACANCY OCCURS GENERALLY. For purposes of this title, a vacancy in office occurs at the time prescribed by this subchapter.

Acts 1985, 69th Leg., ch. 211, Sec. 1, eff. Jan. 1, 1986.

Sec. 201.022. DEATH. If an officer or officer-elect dies, a vacancy occurs on the date of death.
Acts 1985, 69th Leg., ch. 211, Sec. 1, eff. Jan. 1, 1986.

Sec. 201.023. RESIGNATION. If an officer submits a resignation, whether to be effective immediately or at a future date, a vacancy occurs on the date the resignation is accepted by the appropriate authority or on the eighth day after the date of its receipt by the authority, whichever is earlier.
Acts 1985, 69th Leg., ch. 211, Sec. 1, eff. Jan. 1, 1986. Amended by Acts 1989, 71st Leg., ch. 1187, Sec. 2, eff. Sept. 1, 1989.

Sec. 201.024. REMOVAL. If an officer is removed from office by a court or other tribunal, a vacancy occurs on the date the judgment becomes final.
Acts 1985, 69th Leg., ch. 211, Sec. 1, eff. Jan. 1, 1986.

Sec. 201.025. ACCEPTANCE OF ANOTHER OFFICE. If an officer accepts another office and the two offices may not lawfully be held simultaneously, a vacancy in the first office occurs on the date the person qualifies for the other office.
Acts 1985, 69th Leg., ch. 211, Sec. 1, eff. Jan. 1, 1986.

Sec. 201.026. DECLARATION OF INELIGIBILITY. (a) If an officer or officer-elect is declared ineligible to hold the office by a judgment of a court or other tribunal, a vacancy occurs on the date the judgment becomes final.

(b) If an officer or officer-elect is declared ineligible to hold the office by an administrative authority, a vacancy occurs on the date the declaration is made.
Acts 1985, 69th Leg., ch. 211, Sec. 1, eff. Jan. 1, 1986.

Sec. 201.027. NEW OFFICE. If a new office is created, a vacancy occurs on the effective date of the Act of the legislature creating the office or on the date the order creating the office is adopted.

Acts 1985, 69th Leg., ch. 211, Sec. 1, eff. Jan. 1, 1986. Amended by Acts 1993, 73rd Leg., ch. 728, Sec. 71, eff. Sept. 1, 1993.

Sec. 201.028. DECEASED OR INELIGIBLE CANDIDATE RECEIVING VOTE REQUIRED FOR ELECTION. If a deceased or ineligible candidate receives the vote required for election to an office, a vacancy occurs on the date the final canvass of the election is completed. Acts 1985, 69th Leg., ch. 211, Sec. 1, eff. Jan. 1, 1986.

Sec. 201.029. DECLINATION OF OFFICER-ELECT. If an officer-elect declines to qualify for the office before assuming office for the term for which elected, a vacancy in the term occurs on the date the declination is delivered to the appropriate authority. Acts 1985, 69th Leg., ch. 211, Sec. 1, eff. Jan. 1, 1986.

SUBCHAPTER C. SPECIAL ELECTION TO FILL VACANCY GENERALLY

Sec. 201.051. TIME FOR ORDERING ELECTION. (a) If a vacancy in office is to be filled by special election, the election shall be ordered as soon as practicable after the vacancy occurs, subject to Subsection (b).

(b) For a vacancy to be filled by a special election to be held on the date of the general election for state and county officers, the election shall be ordered not later than the 70th day before election day.

Acts 1985, 69th Leg., ch. 211, Sec. 1, eff. Jan. 1, 1986.

Amended by:

Acts 2005, 79th Leg., Ch. 1109, Sec. 26, eff. September 1, 2005.

Sec. 201.052. DATE OF ELECTION. (a) Except as otherwise provided by this code, a special election to fill a vacancy shall be held on the first authorized uniform election date occurring on or after the 30th day after the date the election is ordered.

(b) If a law outside this code authorizes the holding of the election on a date earlier than the 30th day after the date of the order, the election shall be held on the first authorized uniform

election date occurring on or after the earliest date that the election could be held under that law.

Acts 1985, 69th Leg., ch. 211, Sec. 1, eff. Jan. 1, 1986.

Sec. 201.053. UNEXPIRED TERM AND FULL TERM FILLED SIMULTANEOUSLY. (a) If, after the general election for an office for which a vacancy is filled by special election but before the succeeding full term begins, a vacancy occurs in both the unexpired portion of the current term and in the succeeding full term that was filled at the general election, the special election shall be ordered to fill only the full term.

(b) If any portion of the unexpired current term remains after the date the final canvass of the special election for the full term is completed, the person elected to the full term, if eligible to hold the unexpired current term, is considered to be elected to the remainder of the unexpired current term also and is entitled to qualify and assume office for the unexpired current term and the succeeding full term immediately on receiving a certificate of election. The certificate must recite that it is for both the unexpired current term and the full term.

(c) After qualifying for the unexpired current term, the person is not required to qualify again for the full term. If a bond is required, the amount of the bond for the unexpired current term and the full term is the same as for the full term.

Acts 1985, 69th Leg., ch. 211, Sec. 1, eff. Jan. 1, 1986.
Renumbered from Election Code Sec. 201.054 by Acts 1991, 72nd Leg., ch. 389, Sec. 4, eff. Sept. 1, 1991.

Sec. 201.054. FILING PERIOD FOR APPLICATION FOR PLACE ON BALLOT. (a) Except as provided by Subsection (f), a candidate's application for a place on a special election ballot must be filed not later than:

(1) 5 p.m. of the 67th day before election day, if election day is on or after the 70th day after the date the election is ordered;

(2) 5 p.m. of the 31st day before election day, if election day is on or after the 36th day and before the 70th day

after the date the election is ordered; or

(3) 5 p.m. of a day fixed by the authority ordering the election, which day must be not earlier than the fifth day after the date the election is ordered and not later than the 20th day before election day, if election day is before the 36th day after the date the election is ordered.

(b) If a special election is to be held as an emergency election and a law outside this code prescribes a filing deadline, that deadline applies.

(c) The election order must state the filing deadline.

(d) An application may not be filed before the election is ordered.

(e) An application filed by mail is considered to be filed at the time of its receipt by the appropriate authority.

(f) For a special election to be held on the date of the general election for state and county officers, the day of the filing deadline is the 67th day before election day.

Acts 1985, 69th Leg., ch. 211, Sec. 1, eff. Jan. 1, 1986.
Renumbered from Election Code Sec. 201.055 by Acts 1991, 72nd Leg.,
ch. 389, Sec. 4, eff. Sept. 1, 1991.

Amended by:

Acts 2005, 79th Leg., Ch. 1109, Sec. 27, eff. September 1,
2005.

ELECTION CODE CHAPTER 203. VACANCY IN LEGISLATURE

ELECTION CODE

TITLE 12. ELECTIONS TO FILL VACANCY IN OFFICE

CHAPTER 203. VACANCY IN LEGISLATURE

Sec. 203.001. APPLICABILITY OF CHAPTER. This chapter applies to the offices of state senator and state representative. Acts 1985, 69th Leg., ch. 211, Sec. 1, eff. Jan. 1, 1986.

Sec. 203.002. VACANCY FILLED AT SPECIAL ELECTION. An unexpired term in office may be filled only by a special election in accordance with this chapter. Acts 1985, 69th Leg., ch. 211, Sec. 1, eff. Jan. 1, 1986.

Sec. 203.003. MAJORITY VOTE REQUIRED. To be elected in a special election for an unexpired term, a candidate must receive a majority of the total number of votes received by all candidates for the unexpired term. Acts 1985, 69th Leg., ch. 211, Sec. 1, eff. Jan. 1, 1986.

Sec. 203.004. DATE OF ELECTION. (a) Except as provided by Subsection (b), a special election shall be held on the first uniform election date occurring on or after the 36th day after the date the election is ordered.

(b) If the election is to be held as an emergency election, it shall be held on a Tuesday or Saturday occurring on or after the 36th day and before the 50th day after the date the election is ordered.

Acts 1985, 69th Leg., ch. 211, Sec. 1, eff. Jan. 1, 1986. Amended by Acts 1991, 72nd Leg., ch. 389, Sec. 5, eff. Sept. 1, 1991.

Sec. 203.005. APPLICATION REQUIRED. (a) To be entitled to a place on a special election ballot, a candidate must make an application for a place on the ballot.

(b) An application must, in addition to complying with Section 141.031:

(1) state the political party with which the candidate

is aligned or, if the candidate is not aligned with a party, state that fact; and

(2) be accompanied by:

(A) a filing fee in the amount prescribed by Section 172.024 for a candidate for nomination for the same office in a general primary election; or

(B) a petition that satisfies the requirements prescribed by Section 141.062.

Acts 1985, 69th Leg., ch. 211, Sec. 1, eff. Jan. 1, 1986.

Sec. 203.006. APPLICATION FILED WITH SECRETARY OF STATE.

An application for a place on a special election ballot must be filed with the secretary of state.

Acts 1985, 69th Leg., ch. 211, Sec. 1, eff. Jan. 1, 1986.

Sec. 203.007. NUMBER OF PETITION SIGNATURES REQUIRED.

The minimum number of signatures that must appear on the petition authorized by Section 203.005(b)(2)(B) is 500.

Acts 1985, 69th Leg., ch. 211, Sec. 1, eff. Jan. 1, 1986.

Sec. 203.008. CIRCULATION OF PETITION.

A petition authorized by Section 203.005(b)(2)(B) may not be circulated before the day after the date the vacancy occurs.

Acts 1985, 69th Leg., ch. 211, Sec. 1, eff. Jan. 1, 1986.

Sec. 203.009. CERTIFICATION OF CANDIDATES FOR PLACEMENT ON

BALLOT. (a) Except as provided by Subsection (c), the secretary of state shall certify in writing for placement on the special election ballot the name of each candidate who files with the secretary an application that complies with Section 203.005(b).

(b) As soon as practicable after the deadline for filing applications, the secretary of state shall deliver the certification to the authority responsible for having the official special election ballot prepared in each county in which the special election is to be held.

(c) A candidate's name may not be certified if, before delivering the certification, the secretary of state learns that

the name is to be omitted from the ballot under Section 145.094.

(d) This section does not apply to the certification of candidates for a runoff election.

Acts 1985, 69th Leg., ch. 211, Sec. 1, eff. Jan. 1, 1986.

Sec. 203.010. TIME FOR CERTIFICATION OF RUNOFF CANDIDATES.

The certification of the names of the runoff candidates for placement on a runoff ballot shall be delivered not later than the fifth day after the date the final canvass is completed.

Acts 1985, 69th Leg., ch. 211, Sec. 1, eff. Jan. 1, 1986.

Sec. 203.011. PARTY ALIGNMENT ON BALLOT. The party alignment of each candidate shall be printed on the official ballot next to the candidate's name.

Acts 1985, 69th Leg., ch. 211, Sec. 1, eff. Jan. 1, 1986.

Sec. 203.012. TIME OF CANVASS. (a) The commissioners court shall convene to conduct the local canvass not later than the 10th day after election day.

(b) The governor shall conduct the state canvass not later than the 14th day after election day.

(c) The secretary of state shall post, on the bulletin board used for posting notice of meetings of state governmental bodies, a notice of the date, hour, and place of the canvass at least 24 hours before the canvass is conducted.

(d) Section 1.006 does not apply to this section.

Acts 1985, 69th Leg., ch. 211, Sec. 1, eff. Jan. 1, 1986. Amended by Acts 1987, 70th Leg., ch. 472, Sec. 50, eff. Sept. 1, 1987; Acts 1989, 71st Leg., ch. 163, Sec. 5, eff. Sept. 1, 1989; Acts 1993, 73rd Leg., ch. 728, Sec. 73, eff. Sept. 1, 1993; Acts 2003, 78th Leg., ch. 1315, Sec. 53, eff. Jan. 1, 2004.

Sec. 203.013. EXPEDITED ELECTION. (a) This section applies to a special election to fill an unexpired term if a vacancy occurs:

(1) during a regular session of the legislature and more than 25 days before the last possible day of the session; or

(2) during the 60 days immediately prior to the date of convening any session of the legislature.

(b) This section supersedes other provisions of this title to the extent of any conflict.

(c) The election must be held on a Tuesday or Saturday occurring not earlier than the 21st day or later than the 45th day after the date the election is ordered.

(d) If the election is to be held before the 36th day after the date the election is ordered, the governor shall set the deadline for filing candidates' applications for a place on the ballot, which must be 5 p.m. of a day not earlier than the fifth day after the date of the order and not later than the 16th day before election day.

(e) If a runoff election is necessary, it must be held on a Tuesday or Saturday occurring not earlier than the 12th day or later than the 25th day after the date the election is ordered.

(f) If a runoff election is to be held before the 21st day after the date the election is ordered, an election notice given by posting shall be posted not later than the seventh day after the date of the order.

(g) If a runoff election is to be held before the 16th day after the date the election is ordered, an election notice given by publication shall be published not later than the third day before election day.

Acts 1985, 69th Leg., ch. 211, Sec. 1, eff. Jan. 1, 1986.

Sec. 203.014. DISPOSITION OF FILING FEES. The secretary of state shall deposit the filing fees received under Section 203.005 in a suspense account with the comptroller until after election day. The funds remaining in the account after any refunds are made shall be deposited to the credit of the General Revenue Fund.

Acts 1985, 69th Leg., ch. 211, Sec. 1, eff. Jan. 1, 1986. Amended by Acts 1997, 75th Leg., ch. 1423, Sec. 6.02, eff. Sept. 1, 1997.

ELECTION CODE CHAPTER 204. VACANCY IN CONGRESS

ELECTION CODE

TITLE 12. ELECTIONS TO FILL VACANCY IN OFFICE

CHAPTER 204. VACANCY IN CONGRESS

SUBCHAPTER A. VACANCY IN SENATE

Sec. 204.001. APPLICABILITY OF SUBCHAPTER. This subchapter applies to the office of United States senator. Acts 1985, 69th Leg., ch. 211, Sec. 1, eff. Jan. 1, 1986.

Sec. 204.002. TEMPORARY APPOINTMENT TO FILL VACANCY. The governor shall appoint a person to fill a vacancy in office if the vacancy exists or will exist when congress is in session. The appointee serves until a successor has been elected and has qualified. Acts 1985, 69th Leg., ch. 211, Sec. 1, eff. Jan. 1, 1986.

Sec. 204.003. VACANCY FILLED AT GENERAL ELECTION. If a vacancy occurs on or after January 1 of an even-numbered year and on or before the 62nd day before general primary election day, the remainder of the unexpired term shall be filled at the next general election for state and county officers. Acts 1985, 69th Leg., ch. 211, Sec. 1, eff. Jan. 1, 1986. Amended by Acts 1986, 69th Leg., 3rd C.S., ch. 14, Sec. 30, eff. Sept. 1, 1987.

Sec. 204.004. NOMINATION FOR VACANCY FILLED AT GENERAL ELECTION. A nomination by a political party for an unexpired term to be filled at the general election for state and county officers is made in the manner prescribed by Section 202.004 or 202.005, as applicable. Acts 1985, 69th Leg., ch. 211, Sec. 1, eff. Jan. 1, 1986.

Sec. 204.005. VACANCY FILLED AT SPECIAL ELECTION. If a vacancy occurs during an odd-numbered year or after the 62nd day before general primary election day in an even-numbered year, the remainder of the unexpired term shall be filled by a special election in the same manner as provided by Chapter 203 for the

legislature, except that:

(1) the minimum number of signatures that must appear on a petition accompanying a candidate's application for a place on the ballot is 5,000; and

(2) Section 203.013 does not apply.

Acts 1985, 69th Leg., ch. 211, Sec. 1, eff. Jan. 1, 1986. Amended by Acts 1986, 69th Leg., 3rd C.S., ch. 14, Sec. 30, eff. Sept. 1, 1987.

SUBCHAPTER B. VACANCY IN HOUSE OF REPRESENTATIVES

Sec. 204.021. VACANCY FILLED AT SPECIAL ELECTION. An unexpired term in the office of United States representative may be filled only by a special election in the same manner as provided by Chapter 203 for the legislature, except that Section 203.013 does not apply.

Acts 1985, 69th Leg., ch. 211, Sec. 1, eff. Jan. 1, 1986.

APPENDIX B

**Bill White for Texas
Stay Informed**

Enter Your Email Address: Zip Code

- Home
- About Bill White
 - Biography
 - The Bill White Record
- Issues
- News
 - Press Releases
 - News Articles
 - Blog
- Blog
- Multimedia
 - Testimonials
 - Video Announcements
- Get Involved
 - Contribute
 - Join Our Campaign
 - Personal Fundraising
 - Spread the Word
 - Volunteer
- Contact Us

Get Involved

Make an online contribution

Your contribution will help us in our campaign.
We can't do it without you.

Please enter your name as it appears on your credit card and your billing address.



Please select the name of the Finance Committee member who referred you:

Contributor

Amount

\$25 \$100 \$1,000 \$4,800
 \$50 \$500 \$2,400 Other: (USD)

Credit Card

Visa MasterCard Discover American Express

United States

email address

phone number

Employment

Federal law requires us to use our best efforts to collect and report the name, mailing address, occupation, and name of employer of individuals whose contributions exceed \$200 in an election cycle.

employer

occupation

Legal Compliance

Check this box to confirm that the following statements are true and accurate:

- 1. I am a United States citizen or legal permanent resident of the United States.
- 2. This contribution is not made from the general treasury funds of a corporation, labor organization or national bank.
- 3. This contribution is not made from the treasury of an entity or person who is a federal contractor.
- 4. The funds I am donating are not being provided to me by another person or entity for the purpose of making this contribution.
- 5. I am at least 18 years of age.

Additional Information

Cell Phone:

Home Phone:

Office Phone:

Process Contribution

If you would prefer to contribute by mail, download this form and send a check to:

Bill White for Texas
P.O. Box 131197
Houston, Texas 77219-1197

Federal Election Law allows individuals to donate up to \$4,800; \$2,400 for the first election and \$2,400 for any subsequent election. A couple may donate \$9,600.

Contributions to Bill White for Texas are subject to the prohibitions and limitations of the Federal Election Campaign Act. That law prohibits federal contributions from corporations, labor unions, and foreign nationals who are not admitted for permanent residence. All contributions must be made from personal funds and may not be reimbursed by any other person. Contributions are not tax deductible for federal income tax purposes.

Get Involved

Join Our Team | Personal Fundraising | Spread the Word | Volunteer

About Bill

Biography | The Bill White Record | Multimedia

BILL WHITE FOR TEXAS
 Post Office Box 131197
 Houston, Texas 77219-1197
 www.billwhitefortexas.com
 713/659-9000 phone 713/659-9004 fax

APPENDIX C

Office use only
Rec'd by: _____
Date rec'd: _____
Event: _____

CONTRIBUTION FORM

	DONOR 1	DONOR 2
*Name (please print)	_____ (Title, First, MI, Last, Suffix)	_____ (Title, First, MI, Last, Suffix)
Home Address:	_____ (Street Number and Name)	_____ (Street Number and Name)
	_____ (Box or Apt. No.)	_____ (Box or Apt. No.)
	_____ (City, State, ZIP)	_____ (City, State, ZIP)
Daytime phone	_____	_____
Cell phone	_____	_____
Fax	_____	_____
Email	_____	_____
Today's Date:	_____ (Month/Day/Yr)	Check No. _____
Employer Name:	_____	_____
Occupation:	_____	_____

I certify that I am a U.S. citizen or legal permanent resident of the U.S. and am at least 18 years of age.
 If you are a federally registered lobbyist, check here _____.

Federal Election Law allows individuals to donate up to \$4,800; \$2,400 for the first election and \$2,400 for any subsequent election. A couple may donate \$9,600. To comply with federal law, we must use best efforts to obtain, maintain, and submit the name, mailing address, occupation, and name of employer for individuals whose contributions exceed \$200 in an election cycle.

Donor 1: **Amount of Contribution \$ _____	Donor 2: **Amount of Contribution \$ _____
Signature: _____	Signature: _____

Credit Card No. _____
 Visa MC Amex Discover Visa MC Amex Discover

Expiration Date: _____
 (Month/Year) (Security Code) (Month/Year) (Security Code)

Name as it appears on card (print): _____

Signature: _____

*If this contribution is from more than one individual, such as from spouses, please provide the requested information and signature for each person. If two signatures are provided, you both affirm that your contribution is made from a joint account.

**Contributions or gifts to Bill White for Texas are not tax deductible. We may accept contributions from an individual, partnership, sole proprietorship, and certain LLC's. Federal law prohibits contributions to the campaign from corporations, labor organizations, and national banks; from any person contributing another person's funds; from foreign nationals who lack permanent resident status; and from federal government contractors. By signing above, you affirm that your contribution is from personal funds and not from funds otherwise prohibited under law.

Paid for by Bill White for Texas

Fundraiser: _____

Paid for by Bill White for Texas

APPENDIX D

Dear _____:

We received your contribution to Bill White for Texas in the amount of \$_____ and thank you for your generous support for Bill's US Senate campaign. We have designated \$2,400 of your contribution to the first election in which Bill participates (which will be a special or emergency election if Senator Hutchison resigns her seat before her current term expires, or a primary election if she does not), and have designated the remaining \$_____ to the second election in which Bill participates (which will be either a runoff election following the special or emergency election if Senator Hutchison resigns her seat, or a general election following the primary election if she does not). Federal Election Commission regulations require that we notify you that we have made these designations and that you have the option to receive instead a refund of the portion of your contribution in excess of \$2,400. If you are agree with our designations, you do not need to respond to this notice.