

By: Hefner

H.B. No. 3684

A BILL TO BE ENTITLED

1 AN ACT
2 relating to a procedure for applying for a place on a ballot as a
3 candidate for precinct chair of a political party; providing an
4 administrative penalty.

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

6 SECTION 1. Subchapter B, Chapter 171, Election Code, is
7 amended by adding Sections 171.0232 and 171.0233 to read as
8 follows:

9 Sec. 171.0232. PROCEDURE FOR APPLYING FOR PLACE ON BALLOT
10 AS PRECINCT CHAIR. (a) The secretary of state shall adopt rules
11 establishing a procedure for the filing of applications with the
12 county chair for a place on the ballot as a candidate for precinct
13 chair. The procedure must require:

14 (1) the county chair to:

15 (A) mark on the application the date on which an
16 application was received;

17 (B) not later than 24 hours after receiving an
18 application, send to the person who submitted the application by
19 mail or e-mail:

20 (i) confirmation that the application was
21 received by the county chair; and

22 (ii) a copy of the application marked with
23 the date the application was received under Subdivision (1)(A); and

24 (C) not later than 72 hours after receiving an

1 application:

2 (i) submit the application to the secretary
3 of state; and

4 (ii) post notification that the person
5 applied for a place on the ballot as a candidate for precinct chair
6 on the party's Internet website or on an Internet website or
7 bulletin board maintained by the county commissioner's court for
8 the purposes of public notice; and

9 (2) the secretary of state to verify each application
10 submitted.

11 (b) The secretary of state may assess an administrative
12 penalty of not more than \$500 against a county chair for each
13 instance in which the chair violates the procedure established
14 under Subsection (a).

15 Sec. 171.0233. CIVIL LIABILITY. (a) A county chair is
16 liable to a person whose application for a place on the ballot as a
17 candidate for precinct chair was denied or never received as a
18 result of the county chair failing or refusing to comply with or
19 delaying the procedure adopted under Section 171.0232 with the
20 intention of preventing the person from appearing on the ballot.

21 (b) A person who prevails in an action brought under
22 Subsection (a) may recover:

23 (1) all money spent by the person in preparing to run
24 for office including money spent on fund-raising, polling, filing
25 fees, staff, or consultants;

26 (2) income lost as a result of the time the person
27 spent preparing to run for office; and

1 (3) court costs and reasonable attorney's fees.

2 SECTION 2. As soon as practicable after the effective date
3 of this Act but not later than December 1, 2023, the secretary of
4 state shall adopt rules as necessary to implement Section 171.0232,
5 Election Code, as added by this Act.

6 SECTION 3. The change in law made by this Act applies only
7 to a cause of action that accrues on or after January 1, 2024.

8 SECTION 4. This Act takes effect September 1, 2023.