

BILL ANALYSIS

C.S.H.B. 2017
By: Giddings
Elections
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Currently in Texas the general primary election and the presidential primary election dates are held on the first Tuesday in March and the primary election runoff date is held on the second Tuesday in April. Because of the late primary election dates, it is felt that Texas has little say in the Presidential Primary Elections. It is the general consensus that because of the large population and the amount of electoral votes that Texas possesses, our primary elections should be held at an earlier date to give Texas a larger influence over who is elected to represent the political parties for the Presidential election. CSHB 2017 would move the general primary election and the primary runoff election dates to the first Tuesday in February and the Second Tuesday in March respectively and the presidential primary election date to the first Tuesday in February, and modifies applicable dates associated with the move in the general primary election, the primary runoff election, and the presidential primary election dates.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

CSHB 2017 amends the Election Code by moving the general primary election date from the first Tuesday in March to the first Tuesday in February in each even numbered year. The bill moves the runoff primary election date from the second Tuesday in April to the second Tuesday in March following the general primary election. The bill moves the presidential primary election date from the first Tuesday in March to the first Tuesday in February in each presidential year. The bill requires a statement that the candidate is aware of the provisions of Section 65, Article XVI of the Texas Constitution to be included with a candidate's application for a place on the ballot that is required by the Elections Code.

CSHB 2017 requires an application for a place on the ballot for the general primary election to be challenged for compliance with the applicable requirements as to form, content, and procedure not later than the 15th day after the date of the regular filing deadline. The above provision is an exception to the provision that an application for a place on the ballot is prohibited from being challenged for compliance with the applicable requirements as to form, content, and procedure after the day before the beginning of early voting by personal appearance for the election for which the application is made.

CSHB 2017 authorizes a candidate in an election other than the general election for state and county officers or the general primary election to be declared ineligible before the beginning of early voting by personal appearance by the authority with whom an application for a place on the ballot for the office is sought by the candidate is required to be filled. The bill authorizes a candidate in the general primary election to be declared ineligible not later than the 15th day after the date of the regular filing deadline by the authority with whom an application for a place on the ballot for the office sought by the candidate is required to be filled, except as provided under Section 145.003 (d), Elections Code.

CSHB 2017 sets forth that a person becomes affiliated with a political party when the person applies for and is provided an early voting or limited primary ballot to be voted by mail and that affiliation applies to the voting year in which the primary election is held.

CSHB 2017 requires an application for a place on the general primary election ballot to be filed after 8 a.m. on October 1 and not later than 6 p.m. on October 31 in the odd-numbered year preceding general primary election day, rather than 6 p.m. on January 2 in the primary election year, unless the filing deadline is extended under provisions pertaining to the withdrawal, death, and ineligibility of a candidate. The bill removes the provision that an application, other than an application for the office of precinct chair, is prohibited from being filed earlier than the 30th day before the date of the regular filing period.

CSHB 2017 requires the state chair to deliver the certification to the county chair in each county in which the candidate's name is to appear on the ballot not later than the 10th day after the regular deadline for candidates in the general primary election, rather than the 57th day before general primary election day.

CSHB 2017 prohibits a candidate for nomination from withdrawing from the general primary election after the fifth day following the regular filing deadline for candidates in the general primary election, rather than after the 62nd day before general primary election day.

CSHB 2017 provides that the deadline for filing an application for a place on the general primary election ballot is extended as provided if a candidate who has made an application that complies with the applicable requirements dies on or after the fifth day before the date of the regular filing deadline and on or before November 5 in the odd-numbered year preceding general primary election day, rather than the 62nd day before general primary day, or holds the office for which the application was made and withdraws or is declared ineligible on or after the date of the regular filing deadline and on or before November 5 in the odd-numbered year preceding general primary election day, rather than the 62nd day before general primary election day. The bill requires an application for an office sought by a withdrawn, deceased, or ineligible candidate to be filed no later than 6 p.m. on November 7 in the odd-numbered year preceding general primary election day. The bill provides that an application filed by mail with the state chair is not timely if received later than 5 p.m. on November 7 in the odd-numbered year preceding general primary election day.

CSHB 2017 requires the secretary of state to deliver during September, rather than November, preceding each primary election year a current set of rules to the state chair and each county chair of each political party holding a primary election.

CSHB 2017 modifies certain deadlines to conform to the moving of the general primary election, the runoff primary election, and the presidential primary election.

CSHB 2017 provides that the term of a person who is serving as a county or precinct chair of a political party on the effective date of this Act ends the 20th day after the second Tuesday in March 2008.

EFFECTIVE DATE

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2007.

COMPARISON OF ORIGINAL TO SUBSTITUTE

CSHB 2017 differs from the original by adding the requirement that an application for a place on the ballot for the general primary election to be challenged for compliance with the applicable requirements as to form, content, and procedure no later than the 15th day after the date of the regular filing deadline. The substitute adds that the above provision is an exception to the provision that an application for a place on the ballot is prohibited from being challenged for compliance with the applicable requirements as to form, content, and procedure after the day before the beginning of early voting by personal appearance for the election for which the application is made.

The substitute differs from the original by adding the general primary election to the provision that a candidate in an election other than the general election for state and county officers to be declared ineligible before the beginning of early voting by personal appearance by the authority with whom an application for a place on the ballot for the office is sought by the candidate is required to be filled. The substitute adds the provision authorizing a candidate in the general primary election to be declared ineligible no later than the 15th day after the date of the regular filing deadline by the authority with whom an application for a place on the ballot for the office sought by the candidate is required to be filled, except as provided under Section 145.003, Subsection d, Elections Code.

The substitute differs from the original by requiring an application for a place on the general primary election ballot to be filed after 8 a.m. on October 1 and not later than 6 p.m. on October 31 in the odd-numbered year preceding general primary election day, rather than the 65th day before general primary election day, unless the filing deadline is extended under provisions pertaining to the withdrawal, death, and ineligibility of a candidate. The substitute removes the provision that an application, other than an application for the office of precinct chair, is prohibited from being filed earlier than the 30th day before the date of the regular filing period.

The substitute differs from the original by adding the requirement that the state chair deliver the certification to the county chair in each county in which the candidate's name is to appear on the ballot no later than the 10th day, rather than the 57th day, after the regular deadline for candidates in the general primary election.

The substitute differs from the original by adding that a candidate for nomination is prohibited from withdrawing from the general primary election after the fifth day, rather than the 62nd day, following the regular filing deadline for candidates in the general primary election.

The substitute differs from the original by adding the provision that the deadline for filing an application for a place on the general primary election ballot is extended as provided if a candidate who has made an application that complies with the applicable requirements dies on or after the fifth day before the date of the regular filing deadline and on or before November 5 in the odd-numbered year preceding general primary election day, rather than the 62nd day before general primary day, or holds the office for which the application was made and withdraws or is declared ineligible on or after the date of the regular filing deadline and on or before November 5 in the odd-numbered year preceding general primary election day, rather than the 62nd day before general primary election day. The substitute requires an application for an office sought by a withdrawn, deceased, or ineligible candidate to be filed no later than 6 p.m. on November 7 in the odd-numbered year preceding general primary election day, rather than no later than 6 p.m. of the 60th day before general primary election day. The substitute provides that an application filed by mail with the state chair is not timely if received later than 5 p.m. on November 7 in the odd-numbered year preceding general primary election day, rather than 5 p.m. of the 60th day before general primary election day.

The substitute differs from the original by requiring the secretary of state to deliver during September, rather than October, preceding each primary election year a current set of rules to the state chair and each county chair of each political party holding a primary election.

Finally, CSHB 2017 differs from the original by changing the effective date from "September 1, 2007" to "Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2007."