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H.B. No. 2017

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the date of the primary election and related
3 procedures.

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

5 SECTION 1. Sections 41.007(a), (b), and (c), Election Code,
6 are amended to read as follows:

7 (a) The general primary election date is the first Tuesday
8 in February [~~March~~] in each even-numbered year.

9 (b) The runoff primary election date is the second Tuesday
10 in March [~~April~~] following the general primary election.

11 (c) The presidential primary election date is the first
12 Tuesday in February [~~March~~] in each presidential election year.

13 SECTION 2. Section 141.031, Election Code, is amended to
14 read as follows:

15 Sec. 141.031. GENERAL REQUIREMENTS FOR APPLICATION. A
16 candidate's application for a place on the ballot that is required
17 by this code must:

18 (1) be in writing;

19 (2) be signed and sworn to by the candidate and
20 indicate the date that the candidate swears to the application;

21 (3) be timely filed with the appropriate authority;
22 and

23 (4) include:

24 (A) the candidate's name;

1 (B) the candidate's occupation;

2 (C) the office sought, including any place number
3 or other distinguishing number;

4 (D) an indication of whether the office sought is
5 to be filled for a full or unexpired term if the office sought and
6 another office to be voted on have the same title but do not have
7 place numbers or other distinguishing numbers;

8 (E) a statement that the candidate is a United
9 States citizen;

10 (F) a statement that the candidate has not been
11 determined mentally incompetent by a final judgment of a court;

12 (G) a statement that the candidate has not been
13 finally convicted of a felony from which the candidate has not been
14 pardoned or otherwise released from the resulting disabilities;

15 (H) the candidate's date of birth;

16 (I) the candidate's residence address or, if the
17 residence has no address, the address at which the candidate
18 receives mail and a concise description of the location of the
19 candidate's residence;

20 (J) the candidate's length of continuous
21 residence in the state and in the territory from which the office
22 sought is elected as of the date the candidate swears to the
23 application;

24 (K) the statement: "I, _____, of _____
25 County, Texas, being a candidate for the office of _____,
26 swear that I will support and defend the constitution and laws of
27 the United States and of the State of Texas"; [~~and~~]

1 (L) a statement that the candidate is aware of
2 the nepotism law, Chapter 573, Government Code; and

3 (M) a statement that the candidate is aware of
4 the provisions of Section 65, Article XVI, Texas Constitution.

5 SECTION 3. Section 141.034, Election Code, is amended by
6 amending Subsection (a) and adding Subsection (c) to read as
7 follows:

8 (a) Except as provided by Subsection (c), an [~~An~~]
9 application for a place on the ballot may not be challenged for
10 compliance with the applicable requirements as to form, content,
11 and procedure after the day before the beginning of early voting by
12 personal appearance for the election for which the application is
13 made.

14 (c) An application for a place on the ballot for the general
15 primary election must be challenged for compliance with the
16 applicable requirements as to form, content, and procedure not
17 later than the 15th day after the date of the regular filing
18 deadline.

19 SECTION 4. Section 145.003, Election Code, is amended by
20 amending Subsection (c) and adding Subsection (c-1) to read as
21 follows:

22 (c) A candidate in an election other than the general
23 election for state and county officers or the general primary
24 election may be declared ineligible before the beginning of early
25 voting by personal appearance by the authority with whom an
26 application for a place on the ballot for the office sought by the
27 candidate is required to be filed.

1 (c-1) Except as provided by Subsection (d), a candidate in
2 the general primary election may be declared ineligible not later
3 than the 15th day after the date of the regular filing deadline by
4 the authority with whom an application for a place on the ballot for
5 the office sought by the candidate is required to be filed.

6 SECTION 5. Section 162.003, Election Code, is amended to
7 read as follows:

8 Sec. 162.003. AFFILIATION BY VOTING IN PRIMARY. (a) A
9 person becomes affiliated with a political party when the person:

10 (1) is accepted to vote in the party's primary
11 election; or

12 (2) applies for and is provided an early voting or
13 limited primary ballot to be voted by mail.

14 (b) An affiliation under Subsection (a)(2) applies to the
15 voting year in which the primary election is held.

16 SECTION 6. Section 172.023, Election Code, is amended to
17 read as follows:

18 Sec. 172.023. REGULAR FILING PERIOD. (a) An application
19 for a place on the general primary election ballot must be filed
20 after 8 a.m. on October 1 and not later than 6 p.m. on October 31 in
21 the odd-numbered year preceding general primary election day
22 [January 2 in the primary election year] unless the filing deadline
23 is extended under Subchapter C.

24 (b) ~~[An application, other than an application for the~~
25 ~~office of precinct chair, may not be filed earlier than the 30th day~~
26 ~~before the date of the regular filing deadline.]~~ An application for
27 the office of precinct chair may not be filed earlier than the 90th

1 day before the date of the regular filing deadline.

2 SECTION 7. Section 172.028(b), Election Code, is amended to
3 read as follows:

4 (b) Not later than the 10th [~~57th~~] day after the regular
5 filing deadline for candidates in the [~~before~~] general primary
6 election [~~day~~], the state chair shall deliver the certification to
7 the county chair in each county in which the candidate's name is to
8 appear on the ballot.

9 SECTION 8. Section 172.052(a), Election Code, is amended to
10 read as follows:

11 (a) A candidate for nomination may not withdraw from the
12 general primary election after the fifth [~~62nd~~] day following the
13 regular filing deadline for candidates in the [~~before~~] general
14 primary election [~~day~~].

15 SECTION 9. Sections 172.054(a) and (b), Election Code, are
16 amended to read as follows:

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

21 (1) dies on or after the fifth day before the date of
22 the regular filing deadline and on or before November 5 in the
23 odd-numbered year preceding [~~the 62nd day before~~] general primary
24 election day;

25 (2) holds the office for which the application was
26 made and withdraws or is declared ineligible on or after the date of
27 the regular filing deadline and on or before November 5 in the

1 odd-numbered year preceding [~~the 62nd day before~~] general primary
2 election day; or

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

8 (b) An application for an office sought by a withdrawn,
9 deceased, or ineligible candidate must be filed not later than 6
10 p.m. on November 7 in the odd-numbered year preceding [~~of the 60th~~
11 ~~day before~~] general primary election day. An application filed by
12 mail with the state chair is not timely if received later than 5
13 p.m. on November 7 in the odd-numbered year preceding [~~of the 60th~~
14 ~~day before~~] general primary election day.

15 SECTION 10. Section 173.010, Election Code, is amended to
16 read as follows:

17 Sec. 173.010. FURNISHING RULES. During September
18 [~~November~~] preceding each primary election year, the secretary of
19 state shall deliver to the state chair and each county chair of each
20 political party holding a primary election a current set of the
21 rules adopted under this subchapter. If a rule or amendment of a
22 rule is adopted after delivery of the set, the secretary shall
23 deliver a copy of the rule or amendment not later than the 10th day
24 after the date of its adoption.

25 SECTION 11. Section 174.063(a), Election Code, is amended
26 to read as follows:

27 (a) The county and senatorial district conventions shall be

1 held on the fourth [~~third~~] Saturday in March after general primary
2 election day. However, if that date occurs during Passover or on
3 the day following Good Friday, the conventions shall be held on the
4 next Saturday that does not occur during Passover or on the day
5 following Good Friday.

6 SECTION 12. Section 181.0041, Election Code, is amended to
7 read as follows:

8 Sec. 181.0041. REGISTRATION OF PARTY REQUIRED. A political
9 party that intends to make nominations under this chapter for the
10 general election for state and county officers must register with
11 the secretary of state, in the manner prescribed by the secretary,
12 not later than the regular filing deadline for candidates in the
13 general primary election [~~January 2 of the election year~~].

14 SECTION 13. Section 181.033(a), Election Code, is amended
15 to read as follows:

16 (a) Except as provided by Subsection (b), an application for
17 nomination by a convention must be filed not later than the regular
18 filing deadline for candidates in the general primary election [~~5~~
19 ~~p.m. on January 2 preceding the convention~~].

20 SECTION 14. Sections 181.061(b) and (c), Election Code, are
21 amended to read as follows:

22 (b) A party nominating by convention must make its
23 nominations for offices of districts situated in more than one
24 county at district conventions held on the second Saturday after
25 general primary election day [~~the second Tuesday in March~~]. A
26 district convention consists of delegates selected at the county
27 conventions held under Subsection (c).

1 (c) A party nominating by convention must make its
2 nominations for county and precinct offices and for offices of
3 districts not situated in more than one county at county
4 conventions held on the first Saturday after general primary
5 election day [~~the second Tuesday in March~~]. A county convention
6 consists of delegates selected at precinct conventions held on
7 general primary election day [~~the second Tuesday in March~~] in the
8 regular county election precincts.

9 SECTION 15. Section 182.005, Election Code, is amended to
10 read as follows:

11 Sec. 182.005. NOMINATIONS MADE BY COUNTY CONVENTION. A
12 political party must make its nominations under this chapter at a
13 county convention held on the first Saturday after general primary
14 election day [~~the second Tuesday in March of the election year~~].
15 The convention consists of delegates selected at precinct
16 conventions held on general primary election day [~~the second~~
17 ~~Tuesday in March~~] in the regular county election precincts.

18 SECTION 16. The term of a person who is serving as a county
19 or precinct chair of a political party on the effective date of this
20 Act ends on the 20th day after the second Tuesday in March 2008.

21 SECTION 17. This Act takes effect immediately if it
22 receives a vote of two-thirds of all the members elected to each
23 house, as provided by Section 39, Article III, Texas Constitution.
24 If this Act does not receive the vote necessary for immediate
25 effect, this Act takes effect September 1, 2007.