

1-1 By: Giddings, et al. (Senate Sponsor - West) H.B. No. 2017  
1-2 (In the Senate - Received from the House April 16, 2007;  
1-3 April 19, 2007, read first time and referred to Committee on State  
1-4 Affairs; May 10, 2007, reported adversely, with favorable  
1-5 Committee Substitute by the following vote: Yeas 6, Nays 3;  
1-6 May 10, 2007, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 2017 By: Ellis

1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to the date of the primary election and related  
1-11 procedures.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Sections 41.007(a), (b), and (c), Election Code,  
1-14 are amended to read as follows:

1-15 (a) The general primary election date is the first Tuesday  
1-16 in February [~~March~~] in each even-numbered year.

1-17 (b) The runoff primary election date is the second Tuesday  
1-18 in March [~~April~~] following the general primary election.

1-19 (c) The presidential primary election date is the first  
1-20 Tuesday in February [~~March~~] in each presidential election year.

1-21 SECTION 2. Section 141.031, Election Code, is amended to  
1-22 read as follows:

1-23 Sec. 141.031. GENERAL REQUIREMENTS FOR APPLICATION. A  
1-24 candidate's application for a place on the ballot that is required  
1-25 by this code must:

1-26 (1) be in writing;

1-27 (2) be signed and sworn to by the candidate and  
1-28 indicate the date that the candidate swears to the application;

1-29 (3) be timely filed with the appropriate authority;  
1-30 and

1-31 (4) include:

1-32 (A) the candidate's name;

1-33 (B) the candidate's occupation;

1-34 (C) the office sought, including any place number  
1-35 or other distinguishing number;

1-36 (D) an indication of whether the office sought is  
1-37 to be filled for a full or unexpired term if the office sought and  
1-38 another office to be voted on have the same title but do not have  
1-39 place numbers or other distinguishing numbers;

1-40 (E) a statement that the candidate is a United  
1-41 States citizen;

1-42 (F) a statement that the candidate has not been  
1-43 determined mentally incompetent by a final judgment of a court;

1-44 (G) a statement that the candidate has not been  
1-45 finally convicted of a felony from which the candidate has not been  
1-46 pardoned or otherwise released from the resulting disabilities;

1-47 (H) the candidate's date of birth;

1-48 (I) the candidate's residence address or, if the  
1-49 residence has no address, the address at which the candidate  
1-50 receives mail and a concise description of the location of the  
1-51 candidate's residence;

1-52 (J) the candidate's length of continuous  
1-53 residence in the state and in the territory from which the office  
1-54 sought is elected as of the date the candidate swears to the  
1-55 application;

1-56 (K) the statement: "I, \_\_\_\_\_, of \_\_\_\_\_  
1-57 County, Texas, being a candidate for the office of \_\_\_\_\_,  
1-58 swear that I will support and defend the constitution and laws of  
1-59 the United States and of the State of Texas"; [~~and~~]

1-60 (L) a statement that the candidate is aware of  
1-61 the nepotism law, Chapter 573, Government Code; and

1-62 (M) a statement that the candidate is aware of  
1-63 the provisions of Section 65, Article XVI, Texas Constitution.

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

(a) Except as provided by Subsection (c), an [An] application for a place on the ballot may not be 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.

(c) An application for a place on the ballot for the general primary election must 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.

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

(c) A candidate in an election other than the general election for state and county officers or the general primary election may 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 sought by the candidate is required to be filed.

(c-1) Except as provided by Subsection (d), a candidate in the general primary election may 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 filed.

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

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

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

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

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

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

Sec. 172.023. REGULAR FILING PERIOD. (a) An application for a place on the general primary election ballot must be filed after 8 a.m. on October 15 and not later than 6 p.m. on November 15 in the odd-numbered year preceding general primary election day [January 2 in the primary election year] unless the filing deadline is extended under Subchapter C.

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

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

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

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

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

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

(a) The deadline for filing an application for a place on the general primary election ballot is extended as provided by this section if a candidate who has made an application that complies

3-1 with the applicable requirements:

3-2 (1) dies on or after the fifth day before the date of  
3-3 the regular filing deadline and on or before the second day after  
3-4 the date of the regular filing deadline [~~the 62nd day before general~~  
3-5 ~~primary election day~~];

3-6 (2) holds the office for which the application was  
3-7 made and withdraws or is declared ineligible on or after the date of  
3-8 the regular filing deadline and on or before the second day after  
3-9 the date of the regular filing deadline [~~the 62nd day before general~~  
3-10 ~~primary election day~~]; or

3-11 (3) withdraws or is declared ineligible during the  
3-12 period prescribed by Subdivision (2), and at the time of the  
3-13 withdrawal or declaration of ineligibility no other candidate has  
3-14 made an application that complies with the applicable requirements  
3-15 for the office sought by the withdrawn or ineligible candidate.

3-16 (b) An application for an office sought by a withdrawn,  
3-17 deceased, or ineligible candidate must be filed not later than 6  
3-18 p.m. on the fourth day after the date of the regular filing deadline  
3-19 for candidates in the [~~of the 60th day before~~] general primary  
3-20 election [~~day~~]. An application filed by mail with the state chair  
3-21 is not timely if received later than 5 p.m. on the fourth day after  
3-22 the date of the regular filing deadline for candidates in the [~~of~~  
3-23 ~~the 60th day before~~] general primary election [~~day~~].

3-24 SECTION 10. Section 173.010, Election Code, is amended to  
3-25 read as follows:

3-26 Sec. 173.010. FURNISHING RULES. During September  
3-27 [~~November~~] preceding each primary election year, the secretary of  
3-28 state shall deliver to the state chair and each county chair of each  
3-29 political party holding a primary election a current set of the  
3-30 rules adopted under this subchapter. If a rule or amendment of a  
3-31 rule is adopted after delivery of the set, the secretary shall  
3-32 deliver a copy of the rule or amendment not later than the 10th day  
3-33 after the date of its adoption.

3-34 SECTION 11. Section 174.063(a), Election Code, is amended  
3-35 to read as follows:

3-36 (a) The county and senatorial district conventions shall be  
3-37 held on the fourth [~~third~~] Saturday in March after general primary  
3-38 election day. However, if that date occurs during Passover or on  
3-39 the day following Good Friday, the conventions shall be held on the  
3-40 next Saturday that does not occur during Passover or on the day  
3-41 following Good Friday.

3-42 SECTION 12. Section 181.0041, Election Code, is amended to  
3-43 read as follows:

3-44 Sec. 181.0041. REGISTRATION OF PARTY REQUIRED. A political  
3-45 party that intends to make nominations under this chapter for the  
3-46 general election for state and county officers must register with  
3-47 the secretary of state, in the manner prescribed by the secretary,  
3-48 not later than the regular filing deadline for candidates in the  
3-49 general primary election [~~January 2 of the election year~~].

3-50 SECTION 13. Section 181.033(a), Election Code, is amended  
3-51 to read as follows:

3-52 (a) Except as provided by Subsection (b), an application for  
3-53 nomination by a convention must be filed not later than the regular  
3-54 filing deadline for candidates in the general primary election [~~5~~  
3-55 ~~p.m. on January 2 preceding the convention~~].

3-56 SECTION 14. Sections 181.061(b) and (c), Election Code, are  
3-57 amended to read as follows:

3-58 (b) A party nominating by convention must make its  
3-59 nominations for offices of districts situated in more than one  
3-60 county at district conventions held on the second Saturday after  
3-61 general primary election day [~~the second Tuesday in March~~]. A  
3-62 district convention consists of delegates selected at the county  
3-63 conventions held under Subsection (c).

3-64 (c) A party nominating by convention must make its  
3-65 nominations for county and precinct offices and for offices of  
3-66 districts not situated in more than one county at county  
3-67 conventions held on the first Saturday after general primary  
3-68 election day [~~the second Tuesday in March~~]. A county convention  
3-69 consists of delegates selected at precinct conventions held on

4-1 general primary election day [~~the second Tuesday in March~~] in the  
4-2 regular county election precincts.

4-3 SECTION 15. Section 182.005, Election Code, is amended to  
4-4 read as follows:

4-5 Sec. 182.005. NOMINATIONS MADE BY COUNTY CONVENTION. A  
4-6 political party must make its nominations under this chapter at a  
4-7 county convention held on the first Saturday after general primary  
4-8 election day [~~the second Tuesday in March of the election year~~].

4-9 The convention consists of delegates selected at precinct  
4-10 conventions held on general primary election day [~~the second~~  
4-11 ~~Tuesday in March~~] in the regular county election precincts.

4-12 SECTION 16. The term of a person who is serving as a county  
4-13 or precinct chair of a political party on the effective date of this  
4-14 Act ends on the 20th day after the second Tuesday in March 2008.

4-15 SECTION 17. This Act takes effect immediately if it  
4-16 receives a vote of two-thirds of all the members elected to each  
4-17 house, as provided by Section 39, Article III, Texas Constitution.  
4-18 If this Act does not receive the vote necessary for immediate  
4-19 effect, this Act takes effect September 1, 2007.

\* \* \* \* \*

4-20