

BILL ANALYSIS

H.B. 1193
By: Hancock
Elections
Committee Report (Unamended)

BACKGROUND AND PURPOSE

In Texas, each political party is required to certify the names of its nominees for president and vice-president and to provide the names and addresses of the party's presidential elector candidates. Under current law, this requirement must be met no later than 70 days before to the November general election. Nominees for president and vice-president usually are known after each state has held its primary election, but the nomination process is not complete until the candidates are confirmed at their party's national nomination convention.

In most presidential election years, the national nominating conventions are held before the 70-day deadline, but a national convention may occur after the deadline. In 2008, for example, the Republican National Convention was held later in the year than is customary, and the chairman of the Republican Party of Texas could not certify the nominees' names before the deadline. The certification was sent immediately after the ratification of the candidates by the convention body, but the Libertarian Party filed a lawsuit, claiming that the Republican Party had not met the deadline for filing the required information and asking the secretary of state to remove the names of the Republican Party's nominees from the ballot.

H.B. 1193 allows a political party to file its certification letters after the 70-day deadline if the party's convention is held after that deadline.

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

H.B. 1193 amends the Election Code to add 5 p.m. of the first business day after the date of final adjournment of a political party's national presidential nominating convention as the deadline for the party's state chair to deliver to the secretary of state, as a requirement for having the names of the party's nominees for president and vice-president of the United States placed on the ballot in a presidential general election, the written certification of the names of the party's nominees for president and vice-president and the names and residence addresses of the party's presidential elector candidates, if that date is later than 5 p.m. of the 70th day before presidential election day. The bill provides that if the state chair's certification of the party's nominees is delivered by mail, it is considered to be delivered at the time of its receipt by the secretary of state. The bill adds the second business day after the date of final adjournment of the party's national presidential nominating convention as the deadline for the secretary of state to deliver the certification to the authority responsible for having the official ballot prepared in each county, if that date is later than the 62nd day before presidential election day.

EFFECTIVE DATE

September 1, 2009.