

By: Strama

H.B. No. 1431

A BILL TO BE ENTITLED

AN ACT

relating to the selection of candidates for the State Board of Education through a unitary primary election.

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

SECTION 1. Chapter 172, Election Code, is amended by adding Subchapter F to read as follows:

SUBCHAPTER F. USE OF UNITARY PRIMARY

Sec. 172.201. APPLICABILITY OF SUBCHAPTER. This subchapter applies only to the election of a member of the State Board of Education.

Sec. 172.202. CONFLICTS. To the extent of any conflict between this subchapter and another provision of this code with regard to an office to which this subchapter applies, this subchapter controls.

Sec. 172.203. UNITARY PRIMARY REQUIRED. (a) Instead of following the primary process established by the other subchapters of this chapter, the nominating process established by Chapter 181, the independent candidacy provisions of Chapter 142, or the write-in candidacy provisions of Subchapter B, Chapter 146, all candidates for an office to which this subchapter applies must appear on the unitary primary election ballot and face election at the unitary primary election established under this subchapter.

(b) A political party may not make a nomination for an office elected at the unitary primary election.

1 Sec. 172.204. APPLICATION REQUIRED. (a) To be entitled to
2 a place on the unitary primary election ballot, a candidate must
3 make an application for a place on the ballot.

4 (b) In addition to complying with Section 141.031, an
5 application must:

6 (1) state the party preference of the candidate or
7 state that the candidate is running as an independent candidate;
8 and

9 (2) be accompanied by:

10 (A) a filing fee in the amount prescribed by
11 Section 172.024 as if the office did appear on the general primary
12 election ballot; or

13 (B) a petition that satisfies the requirements
14 prescribed by Section 141.062 and contains at least the number of
15 signatures prescribed by Section 172.025 to appear on the petition
16 of a candidate as if the office did appear on the general primary
17 election ballot.

18 (c) A person is eligible to sign a petition under Subsection
19 (b)(2)(B) regardless of the person's affiliation with a political
20 party, and the person's signature on the petition does not affect
21 the person's ability to affiliate with or participate in the
22 affairs of a political party.

23 Sec. 172.205. AUTHORITY WITH WHOM APPLICATION FILED:
24 DISPOSITION OF FILING FEE. (a) An application for a place on the
25 unitary primary election ballot must be filed during the period
26 prescribed by Section 172.023 with the secretary of state.

27 (b) A filing fee received by the secretary of state shall be

1 deposited in the general revenue fund.

2 Sec. 172.206. PREPARATION OF BALLOT FOR PRIMARY ELECTION.

3 (a) The county clerk shall prepare the ballot for the unitary
4 primary election.

5 (b) The secretary of state shall certify the name of each
6 candidate who has filed an application for a place on the ballot
7 that complies with the requirements as to form, content, and
8 procedure that the application must satisfy for the candidate's
9 name to be placed on the ballot.

10 (c) For each office that is to appear on the ballot, the
11 clerk shall list the name of each candidate certified under
12 Subsection (b) and include next to the name the candidate's party
13 preference or independent status as designated on the application
14 under Section 172.204(b)(1).

15 Sec. 172.207. CONDUCT OF UNITARY PRIMARY ELECTION. (a) The
16 unitary primary election is held in conjunction with the general
17 primary election. Each political party holding a primary election
18 shall also provide a separate ballot for the unitary primary
19 election. Any eligible voter may vote in the unitary primary
20 election, and a person who votes only in the unitary primary
21 election does not become affiliated with a political party.

22 (b) Write-in voting is not permitted in the unitary primary
23 election.

24 Sec. 172.208. CANVASS; RESULTS OF PRIMARY ELECTION. (a) In
25 the manner provided by Chapter 67:

26 (1) the local canvass shall be conducted by the
27 commissioners court of each county; and

1 (2) the state canvass shall be conducted by the
2 governor.

3 (b) For each office that appears on the unitary primary
4 election ballot, the authority that conducts the final canvass for
5 that office shall certify to the county clerk for inclusion on the
6 ballot for the general election for state and county officers the
7 names of the candidate who received the greatest number of votes and
8 the candidate who received the second greatest number of votes.

9 Sec. 172.209. PREPARATION OF BALLOT FOR GENERAL ELECTION.

10 (a) Offices for which a unitary primary election was held shall
11 appear on the ballot for the general election for state and county
12 officers:

13 (1) following the offices for which nominees are
14 chosen at primary elections or conventions; and

15 (2) under a heading that indicates the candidates for
16 office were chosen at the unitary primary election and a statement
17 that indicates a straight-party vote is not tallied for those
18 offices.

19 (b) For each office for which a unitary primary election was
20 held, the county clerk shall place on the ballot the name of each
21 candidate certified under Section 172.208(b) and the party
22 preference or independent status that the candidate provided on the
23 application under Section 172.204(b)(1).

24 Sec. 172.210. CONDUCT OF GENERAL ELECTION. (a) At the
25 general election for state and county officers:

26 (1) write-in voting is not permitted for an office for
27 which a unitary primary election was held; and

1 (2) a straight-party vote is not tallied for an office
2 for which a unitary primary election was held.

3 (b) Subchapter C, Chapter 145, applies to a candidate in the
4 general election for state and county officers.

5 Sec. 172.211. VACANCY FILLED BY SPECIAL ELECTION. (a) This
6 section applies only to a vacancy in office to which this subchapter
7 applies:

8 (1) that is required to be filled under Section
9 202.002 at the next general election for state and county officers;
10 and

11 (2) that occurs after the 62nd day before general
12 primary election day.

13 (b) The election to fill the vacancy shall be held in the
14 same manner as a special election to fill a vacancy in the
15 legislature except that:

16 (1) the election shall be held on the date of the
17 general election for state and county officers;

18 (2) Section 203.013 does not apply; and

19 (3) write-in voting is not permitted.

20 Sec. 172.212. RULES. The secretary of state shall adopt
21 rules as necessary to implement this subchapter.

22 SECTION 2. This Act takes effect September 1, 2011.