By: Strama

<div align="right">H.B. No. 1842</div>

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the selection of certain candidates for office through

3 a unitary primary election.

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

5   SECTION 1. Chapter 172, Election Code, is amended by adding

6 Subchapter F to read as follows:

7   SUBCHAPTER F. USE OF UNITARY PRIMARY

8   Sec. 172.201. APPLICABILITY OF SUBCHAPTER.   (a)   This

9 subchapter applies only to the election for a statewide office or

10 the office of state senator or state representative for a full term

11 at the general election for state and county officers. This

12 subchapter does not apply to a special election held to fill a

13 vacancy in those offices, including a special election held in

14 conjunction with the general election for state and county

15 officers.

16   (b)   This subchapter does not apply to an election of a

17 candidate for the office of president or vice-president of the

18 United States.

19   Sec. 172.202. CONFLICTS.   To the extent of any conflict

20 between this subchapter and another provision of this code with

21 regard to an office to which this subchapter applies, this

22 subchapter controls.

23   Sec. 172.203. UNITARY PRIMARY REQUIRED.   (a)   Instead of

24 following the primary process established by the other subchapters

1 of this chapter, the nominating process established by Chapter 181,

2 the independent candidacy provisions of Chapter 142, or the

3 write-in candidacy provisions of Subchapter B, Chapter 146, all

4 candidates for an office to which this subchapter applies must

5 appear on the unitary primary election ballot and face election at

6 the unitary primary election established under this subchapter.

7 (b) A political party may not make a nomination for an

8 office elected at the unitary primary election.

9 Sec. 172.204. APPLICATION REQUIRED. (a) To be entitled to

10 a place on the unitary primary election ballot, a candidate must

11 make an application for a place on the ballot.

12 (b) In addition to complying with Section 141.031, an

13 application must:

14 (1) state the party preference of the candidate or

15 state that the candidate is running as an independent candidate;

16 and

17 (2) be accompanied by:

18 (A) a filing fee in the amount prescribed by

19 Section 172.024 as if the office did appear on the general primary

20 election ballot; or

21 (B) a petition that satisfies the requirements

22 prescribed by Section 141.062 and contains at least the number of

23 signatures prescribed by Section 172.025 to appear on the petition

24 of a candidate as if the office did appear on the general primary

25 election ballot.

26 (c) A person is eligible to sign a petition under Subsection

27 (b)(2)(B) regardless of the person's affiliation with a political

1 party, and the person's signature on the petition does not affect

2 the person's ability to affiliate with or participate in the

3 affairs of a political party.

4   Sec. 172.205. AUTHORITY WITH WHOM APPLICATION FILED:

5 DISPOSITION OF FILING FEE. (a) An application for a place on the

6 unitary primary election ballot must be filed during the period

7 prescribed by Section 172.023 with the secretary of state.

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

9 deposited in the general revenue fund.

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

11 (a) The county clerk shall prepare the ballot for the unitary

12 primary election.

13   (b) The secretary of state shall certify the name of each

14 candidate who has filed an application for a place on the ballot

15 that complies with the requirements as to form, content, and

16 procedure that the application must satisfy for the candidate's

17 name to be placed on the ballot.

18   (c) For each office that is to appear on the ballot, the

19 clerk shall list the name of each candidate certified under

20 Subsection (b) and include next to the name the candidate's party

21 preference or independent status as designated on the application

22 under Section 172.204(b)(1).

23   Sec. 172.207. CONDUCT OF UNITARY PRIMARY ELECTION. The

24 unitary primary election is held in conjunction with the general

25 primary election. Each political party holding a primary election

26 shall also provide a separate ballot for the unitary primary

27 election. Any eligible voter may vote in the unitary primary

1 election, and a person who votes only in the unitary primary

2 election does not become affiliated with a political party.

3 Sec. 172.208. CANVASS; RESULTS OF PRIMARY ELECTION. (a) In

4 the manner provided by Chapter 67:

5 (1) the local canvass shall be conducted by the

6 commissioners court of each county; and

7 (2) the state canvass shall be conducted by the

8 governor.

9 (b) For each office that appears on the unitary primary

10 election ballot, the authority that conducts the final canvass for

11 that office shall certify to the county clerk for inclusion on the

12 ballot for the general election for state and county officers the

13 names of the candidate who received the greatest number of votes and

14 the candidate who received the second greatest number of votes.

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

16 (a) Offices for which a unitary primary election was held shall

17 appear on the ballot for the general election for state and county

18 officers:

19 (1) following the office of president or

20 vice-president of the United States;

21 (2) before the offices, other than the office of

22 president or vice-president of the United States, for which

23 nominees are chosen at primary elections or conventions; and

24 (3) under a heading that indicates the candidates for

25 office were chosen at the unitary primary election and a statement

26 that indicates a straight-party vote is not tallied for those

27 offices.

1   (b) For each office for which a unitary primary election was
2 held, the county clerk shall place on the ballot the name of each
3 candidate certified under Section 172.208(b) and the party
4 preference or independent status that the candidate provided on the
5 application under Section 172.204(b)(1).
6   Sec. 172.210. CONDUCT OF GENERAL ELECTION. (a) At the
7 general election for state and county officers, a straight-party
8 vote is not tallied for an office for which a unitary primary
9 election was held.
10   (b) Subchapter C, Chapter 145, applies to a candidate in the
11 general election for state and county officers.
12   Sec. 172.211. RULES. The secretary of state shall adopt
13 rules as necessary to implement this subchapter.
14   SECTION 2. Section 32.002(c), Election Code, is amended to
15 read as follows:
16   (c) The presiding judge and alternate presiding judge must
17 be affiliated or aligned with different political parties, subject
18 to this subsection. Before July of each year in a county to which
19 Subsection (a)(1) applies or before August of each year in a county
20 to which Subsection (a)(2) applies, the county chair of a political
21 party whose candidate for president [governor] received the highest
22 or second highest number of votes in the county in the most recent
23 presidential [gubernatorial] general election shall submit in
24 writing to the commissioners court a list of names of persons in
25 order of preference for each precinct who are eligible for
26 appointment as an election judge. The county chair may supplement
27 the list of names of persons until the 20th day before a general

1 election or the 15th day before a special election in case an
2 appointed election judge becomes unable to serve. The
3 commissioners court shall appoint the first person meeting the
4 applicable eligibility requirements from the list submitted in
5 compliance with this subsection by the party with the highest
6 number of votes in the precinct in the most recent presidential
7 general election as the presiding judge and the first person
8 meeting the applicable eligibility requirements from the list
9 submitted in compliance with this subsection by the party with the
10 second highest number of votes in the precinct as the alternate
11 presiding judge. If the candidates for president [governor] of two
12 political parties received the same number of votes in the
13 precinct, the first person meeting the applicable eligibility
14 requirements from the list submitted by the party whose candidate
15 for president [governor] received the highest number of votes in
16 the county shall be appointed as the presiding judge and the first
17 person meeting the applicable eligibility requirements from the
18 list submitted by the party whose candidate for president
19 [governor] received the second highest number of votes in the
20 county shall be appointed as the alternate presiding judge. The
21 commissioners court may reject the list if the persons whose names
22 are submitted on the list are determined not to meet the applicable
23 eligibility requirements.
24   SECTION 3. Sections 32.034(b) and (e), Election Code, are
25 amended to read as follows:
26   (b) The county chair of a political party whose candidate
27 for president [governor] received the highest or second highest

1 number of votes in the county in the most recent <u>presidential</u>
2 [~~gubernatorial~~] general election may, not later than the 25th day
3 before a general election or the 10th day before a special election
4 to which Subsection (a) applies, submit to a presiding judge a list
5 containing the names of at least two persons who are eligible for
6 appointment as a clerk. If a timely list is submitted, the presiding
7 judge shall appoint at least one clerk from the list, except as
8 provided by Subsection (c).

9   (e) If a presiding judge has not been appointed at the time
10 the county chair of a political party is required to submit a list
11 of names for the appointment of a clerk under this section, the list
12 of names shall be submitted to the county chair of the political
13 party whose candidate for <u>president</u> [~~governor~~] received the most
14 votes in the precinct in the most recent <u>presidential</u>
15 [~~gubernatorial~~] election and to the commissioners court. The
16 county chair, or the commissioners court in a county without a
17 county chair, shall appoint clerks from the list in the same manner
18 provided for a presiding judge to appoint clerks by this section.
19   SECTION 4. Section 52.091(b), Election Code, is amended to
20 read as follows:
21   (b) Columns of parties specified by Subsection (a)(1) shall
22 be arranged in descending order of the number of votes received
23 statewide by each party's candidate for <u>president</u> [~~governor~~] in the
24 most recent <u>presidential</u> [~~gubernatorial~~] general election,
25 beginning on the left with the party whose candidate received the
26 highest number of votes. Columns of parties that did not have a
27 candidate for <u>president</u> [~~governor~~] in the most recent <u>presidential</u>

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1 [gubernatorial] general election shall appear after the columns of

2 parties that had a candidate, and the order of their columns shall

3 be determined by a drawing conducted by the secretary of state.

4   SECTION 5. Section 85.062(e), Election Code, is amended to

5 read as follows:

6   (e) In an election covered by Subsection (d), a temporary

7 branch polling place that is movable may be established only with

8 the approval of the county clerk. If a movable temporary branch

9 polling place is established on the request of a political party,

10 each other political party whose nominee for president [governor]

11 in the most recent presidential [gubernatorial] general election

12 received more than 10 percent of the total number of votes received

13 by all candidates for president [governor] in the election is

14 entitled to establishment of such a polling place. The election

15 officers serving a polling place covered by this subsection must be

16 affiliated or aligned with different political parties to the

17 extent possible. The secretary of state, after consulting the state

18 chair of each affected political party, shall prescribe the

19 procedures necessary to implement this subsection.

20   SECTION 6. Sections 87.002(c) and (d), Election Code, are

21 amended to read as follows:

22   (c) In the general election for state and county officers,

23 each county chair of a political party with an affiliated candidate

24 [nominees] on the general election ballot shall submit to the

25 county election board a list of names of persons eligible to serve

26 on the early voting ballot board. The county election board shall

27 appoint at least one person from each list to serve as a member of

1 the early voting ballot board. The same number of members must be

2 appointed from each list.

3   (d) In addition to the members appointed under Subsection

4 (c), the county election board shall appoint the presiding judge

5 from the list provided under that subsection by the political party

6 whose nominee for president [governor] received the most votes in

7 the county in the most recent presidential [gubernatorial] general

8 election.

9   SECTION 7. Section 87.027(d), Election Code, is amended to

10 read as follows:

11   (d) The early voting clerk shall determine the number of

12 members who are to compose the signature verification committee and

13 shall state that number in the order calling for the committee's

14 appointment. A committee must consist of not fewer than five

15 members. In an election in which party alignment is indicated on the

16 ballot, each county chair of a political party with a nominee or

17 aligned candidate on the ballot shall submit to the appointing

18 authority a list of names of persons eligible to serve on the

19 signature verification committee. The authority shall appoint at

20 least two persons from each list to serve as members of the

21 committee. The same number of members must be appointed from each

22 list. The authority shall appoint the chair of the committee from

23 the list provided by the political party whose nominee for

24 president [governor] received the most votes in the county in the

25 most recent presidential [gubernatorial] general election. A

26 vacancy on the committee shall be filled by appointment from the

27 original list or from a new list submitted by the appropriate county

1 chair.

2   SECTION 8. Section 141.070(a), Election Code, is amended to

3 read as follows:

4   (a) If, since the most recent presidential [gubernatorial]

5 general election, a district or precinct from which an officer of

6 the federal, state, or county government is elected is created or

7 has had its boundary changed, the number of votes received in the

8 district or precinct by a political party's presidential

9 [gubernatorial] candidate or by all the presidential

10 [gubernatorial] candidates shall be estimated, as provided by this

11 section, for the purpose of computing the number of signatures

12 required on a candidate's petition.

13   SECTION 9. Section 163.006(d), Election Code, is amended to

14 read as follows:

15   (d) Before January 15 of each year in which political

16 parties hold precinct conventions under this title, the secretary

17 of state shall deliver written notice of the requirements of this

18 section to the state chair of each party that had a nominee for

19 president or vice-president [a statewide] or a district office on

20 the most recent general election ballot.

21   SECTION 10. Section 172.088(e), Election Code, is amended

22 to read as follows:

23   (e) The minimum number of signatures that must appear on the

24 petition is five percent of the total vote received by all

25 candidates for president [governor] in the party's most recent

26 presidential [gubernatorial] general primary election.

27   SECTION 11. Section 172.126(b), Election Code, is amended

1 to read as follows:

2 (b) The county clerk shall determine whether to consolidate

3 election precincts under Section 42.009 and shall designate the

4 location of the polling place in a consolidated precinct. To the

5 extent possible, a polling place shall be designated that will

6 accommodate the precinct conventions of each political party. If a

7 polling place, whether for a regular or consolidated precinct, is

8 not suitable for more than one precinct convention, the polling

9 place may be used by the party whose candidate for president

10 [governor] received the most votes in the county in the most recent

11 presidential [gubernatorial] general election.

12 SECTION 12. Section 257.005(a), Election Code, is amended

13 to read as follows:

14 (a) Except as provided by this section, the following are

15 subject to the requirements of this title that apply to a candidate

16 for public office:

17 (1) a candidate for state chair of a political party

18 with an affiliated candidate [a nominee] on the ballot in the most

19 recent gubernatorial general election; and

20 (2) a candidate for election to the office of county

21 chair of a political party with an affiliated candidate [a nominee]

22 on the ballot in the most recent gubernatorial general election if

23 the county has a population of 350,000 or more.

24 SECTION 13. This Act takes effect September 1, 2013.