

By: Toth

H.B. No. 2940

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 fourth Tuesday
10 in April [~~May~~] 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(a), Election Code, is amended to
14 read as follows:

15 (a) A candidate's application for a place on the ballot that
16 is required by this code must:

17 (1) be in writing;

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

20 (3) be timely filed with the appropriate authority;

21 and

22 (4) include:

23 (A) the candidate's name;

24 (B) the candidate's occupation;

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

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

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

9 (F) a statement that the candidate has not been
10 determined by a final judgment of a court exercising probate
11 jurisdiction to be:

12 (i) totally mentally incapacitated; or
13 (ii) partially mentally incapacitated
14 without the right to vote;

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

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

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

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

27 (K) the statement: "I, _____, of _____

1 County, Texas, being a candidate for the office of _____,
2 swear that I will support and defend the constitution and laws of
3 the United States and of the State of Texas"; ~~and~~

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

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

8 SECTION 3. Section 162.003, Election Code, is amended to
9 read as follows:

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

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

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

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

18 SECTION 4. Section 172.023(a), Election Code, is amended to
19 read as follows:

20 (a) An application for a place on the general primary
21 election ballot must be filed not later than 6 p.m. on the second
22 Monday in November [~~December~~] of an odd-numbered year unless the
23 filing deadline is extended under Subchapter C.

24 SECTION 5. Section 173.010, Election Code, is amended to
25 read as follows:

26 Sec. 173.010. FURNISHING RULES. During October [~~November~~]
27 preceding each primary election year, the secretary of state shall

1 deliver to the state chair and each county chair of each political
2 party holding a primary election a current set of the rules adopted
3 under this subchapter. If a rule or amendment of a rule is adopted
4 after delivery of the set, the secretary shall deliver a copy of the
5 rule or amendment not later than the 10th day after the date of its
6 adoption.

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

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

15 SECTION 7. Section 181.033(a), Election Code, is amended to
16 read as follows:

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

21 SECTION 8. Sections 181.061(b) and (c), Election Code, are
22 amended to read as follows:

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

1 conventions held under Subsection (c).

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

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

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

19 SECTION 10. The term of a person who is serving as a county
20 or precinct chair of a political party on the effective date of this
21 Act ends on the 20th day after the fourth Tuesday in April 2014.

22 SECTION 11. This Act takes effect September 1, 2013.