

BILL ANALYSIS

Senate Research Center
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H.B. 2410
By: Israel; Laubenberg (Zaffirini)
State Affairs
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The cost of holding a runoff primary election following a primary in which few votes were cast and only statewide candidates are on the ballot is unnecessarily burdensome for many small counties. H.B. 2410 remedies this situation by authorizing a runoff primary election to be conducted by mail under certain conditions.

H.B. 2410 amends current law relating to the authority to conduct a runoff primary election by mail in certain counties.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas secretary of state in SECTION 1 (Section 172.129, Election Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter E, Chapter 172, Election Code, by adding Section 172.129, as follows:

Sec. 172.129. VOTING BY MAIL IN CERTAIN RUNOFF PRIMARY ELECTIONS.

(a) Authorizes the state chair of a political party to by order require a runoff primary election to be conducted in a county only by mail if fewer than 100 votes were cast in the county in the party's general primary election and a runoff election is required in the county only for statewide offices or district offices filled by voters of more than one county.

(b) Requires the state chair, if the state chair of the political party requires the conduct of a runoff primary election only by mail, to send the order to the county clerk not later than the fifth day after the local canvass is completed.

(c) Requires the county clerk to provide an official ballot in the manner provided by Chapter 86 (Conduct of Voting by Mail) to each registered voter in a county who voted in the party's general primary election or requests in writing a ballot for the runoff primary election and is otherwise eligible to vote in the election.

(d) Authorizes a person who did not vote in the party's general primary election and did not vote in any other party's primary election to request a runoff primary election ballot to be voted by mail by taking certain actions.

(e) Requires that a written request submitted under Subsection (d)(1) (relating to a written request to a county clerk for a runoff primary election ballot) include certain information.

(f) Requires that a voter requesting a ballot under Subsection (d)(3) or (4) be provided with the ballot materials on presentation of an application or written request demonstrating that the voter is eligible to vote in the election.

(g) Authorizes a voter requesting a ballot under Subsection (d)(3) to return the marked ballot in person to the county clerk or by mail or common carrier.

(h) Authorizes a voter requesting a ballot under Subsection (d)(4) to return the marked ballot to the county clerk in person not later than 7 p.m. on election day.

(i) Requires that all ballots voted by mail or in person under this section be counted in the same manner as a ballot voted by mail under Chapter 86.

(j) Requires that the county clerk be reimbursed for costs of conducting the runoff election by mail from the same funds that would provide for a runoff primary election by personal appearance.

(k) Authorizes the Texas secretary of state to adopt rules as necessary to implement this section. Requires that the application form adopted by the secretary of state under this section include the required information for a written request under Subsection (e).

SECTION 2. Effective date: September 1, 2017.