

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

March 19, 2017

TO: Honorable Jodie Laubenberg, Chair, House Committee on Elections

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB137 by Dutton (Relating to filling a vacancy in nomination by special primary election.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for HB137, As Introduced: a negative impact of (\$1,484,000) through the biennium ending August 31, 2019.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2018	(\$1,484,000)
2019	\$0
2020	(\$1,484,000)
2021	\$0
2022	(\$1,484,000)

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from General Revenue Fund
	1
2018	(\$1,484,000)
2019	\$0
2020	(\$1,484,000)
2021	\$0
2022	(\$1,484,000)

Fiscal Analysis

The bill would amend the Election Code to require political parties to conduct a special primary election to fill the vacancy of the nomination if a candidate withdraws, dies, or is declared ineligible on or before the 74th day before election day.

Under provisions of the bill, a political party would only be permitted to conduct a special primary election related to a candidate's withdrawal if a candidate withdrew due to a catastrophic illness under certain conditions, if no other candidate would appear on the ballot for the office sought by the withdrawing candidate at the time of the withdrawal, or if the withdrawing candidate had been elected or appointed to fill a vacancy in another elective office or had become the nominee for another office. If after the withdrawal of a candidate no other candidate would appear on the ballot for the office sought by the withdrawing candidate, each political party making nominations for the general election for state and county officers would be permitted to hold a special primary election for the office sought by the withdrawing candidate.

The bill would take effect September 1, 2017.

Methodology

The Secretary of State (SOS) assumes that it would reimburse political parties for expenses incurred in connection with conducting special primary elections in the same manner it currently reimburses political parties for other primary election expenses pursuant to Chapter 173, Election Code.

The SOS reports that, in 2016, 31 counties held primaries including replacement nominees that would have required special primary elections under the provisions of the bill. The SOS sampled reimbursements paid for 31 runoff elections in 2016 in counties of varying sizes. The agency used runoff election data because it assumes that, among election types for which it has reimbursement data, this type of election would be most similar in cost to a special primary election. Reimbursements from the 31 sampled elections totaled \$1,484,000.

The SOS assumes that 31 counties is a reasonable estimate of the number of special primary elections that would be required during the 2018-19 biennium and that the sampled reimbursements are representative of 2018-19 special primary election expenses. The total estimated cost of the implementing the bill is \$1,484,000 for the 2018-19 biennium.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 307 Secretary of State

LBB Staff: UP, LBO, NV, ASa, BM