

By: Larson

H.B. No. 725

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 fourth [~~first~~]
8 Tuesday in January [~~March~~] in each even-numbered year.

9 (b) The runoff primary election date is the fourth Tuesday
10 in March [~~May~~] following the general primary election.

11 (c) The presidential primary election date is the fourth
12 [~~first~~] Tuesday in January [~~March~~] in each presidential election
13 year.

14 SECTION 2. Section 141.031(a), Election Code, is amended to
15 read as follows:

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

18 (1) be in writing;

19 (2) be signed and sworn to before a person authorized
20 to administer oaths in this state by the candidate and indicate the
21 date that the candidate swears to the application;

22 (3) be timely filed with the appropriate authority;
23 and

24 (4) include:

- 1 (A) the candidate's name;
- 2 (B) the candidate's occupation;
- 3 (C) the office sought, including any place number
4 or other distinguishing number;
- 5 (D) an indication of whether the office sought is
6 to be filled for a full or unexpired term if the office sought and
7 another office to be voted on have the same title but do not have
8 place numbers or other distinguishing numbers;
- 9 (E) a statement that the candidate is a United
10 States citizen;
- 11 (F) a statement that the candidate has not been
12 determined by a final judgment of a court exercising probate
13 jurisdiction to be:
- 14 (i) totally mentally incapacitated; or
15 (ii) partially mentally incapacitated
16 without the right to vote;
- 17 (G) a statement that the candidate has not been
18 finally convicted of a felony from which the candidate has not been
19 pardoned or otherwise released from the resulting disabilities;
- 20 (H) the candidate's date of birth;
- 21 (I) the candidate's residence address or, if the
22 residence has no address, the address at which the candidate
23 receives mail and a concise description of the location of the
24 candidate's residence;
- 25 (J) the candidate's length of continuous
26 residence in the state and in the territory from which the office
27 sought is elected as of the date the candidate swears to the

1 application;

2 (K) the statement: "I, _____, of
3 _____ County, Texas, being a candidate for the office of
4 _____, swear that I will support and defend the constitution
5 and laws of the United States and of the State of Texas";

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

8 (M) a public mailing address at which the
9 candidate receives correspondence relating to the candidate's
10 campaign, if available, and an electronic mail address at which the
11 candidate receives correspondence relating to the candidate's
12 campaign, if available; and

13 (N) a statement that the candidate is aware of
14 the provisions of Section 65, Article XVI, Texas Constitution.

15 SECTION 3. Section 162.003, Election Code, is amended to
16 read as follows:

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

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

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

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

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

27 (a) An application for a place on the general primary

1 election ballot must be filed not later than 6 p.m. on the second
2 Monday in October [~~December~~] of an odd-numbered year unless the
3 filing deadline is extended under Subchapter C.

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

6 Sec. 173.010. FURNISHING RULES AND GUIDELINES. During
7 September [~~October~~] preceding each primary election year, the
8 secretary of state shall post on the secretary's website a current
9 set of the rules and any available guidelines adopted under this
10 subchapter. The secretary of state shall e-mail each state or
11 county chair who has provided the secretary of state an e-mail
12 address when the rules and guidelines have been posted. If a rule or
13 amendment of a rule is adopted after the set is posted, the
14 secretary shall update the posting with the new rule or amendment
15 not later than the 10th day after the date of its adoption.

16 SECTION 6. Section 181.0041, Election Code, is amended to
17 read as follows:

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

24 SECTION 7. Sections 181.061(b) and (c), Election Code, are
25 amended to read as follows:

26 (b) A party nominating by convention must make its
27 nominations for offices of districts situated in more than one

1 county at district conventions held on the second Saturday after
2 general primary election day [~~the second Tuesday in March~~]. A
3 district convention consists of delegates selected at the county
4 conventions held under Subsection (c).

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

13 SECTION 8. Section [182.005](#), Election Code, is amended to
14 read as follows:

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

22 SECTION 9. Section [204.005](#), Election Code, is amended to
23 read as follows:

24 Sec. 204.005. VACANCY FILLED AT SPECIAL ELECTION. An [~~If a~~
25 ~~vacancy occurs during an odd-numbered year or after the 62nd day~~
26 ~~before general primary election day in an even-numbered year, the~~
27 ~~remainder of the~~] unexpired term shall be filled by a special

1 election in the same manner as provided by Chapter 203 for the
2 legislature, except that:

3 (1) the minimum number of signatures that must appear
4 on a petition accompanying a candidate's application for a place on
5 the ballot is 5,000; and

6 (2) Section 203.013 does not apply.

7 SECTION 10. Sections 204.003 and 204.004, Election Code,
8 are repealed.

9 SECTION 11. The term of a person who is serving as a county
10 or precinct chair of a political party on the effective date of this
11 Act ends on the 20th day after the fourth Tuesday in March 2020.

12 SECTION 12. This Act takes effect September 1, 2019.