

## **BILL ANALYSIS**

Senate Research Center

S.B. 13  
By: Huffman  
Jurisprudence  
8/31/2021  
Enrolled

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

The United States Census Bureau has delayed delivery of the 2020 redistricting data to the states. As a result of this delay, S.B. 13 gives the legislature an opportunity to carry out its redistricting duty using census data by adjusting the timeline for the 2022 election cycle to allow additional time for legislative action.

The bill does this by setting new dates for the candidate-filing period, primary election, and primary runoff election in the 2022 election cycle based on when the legislature completes redistricting. The bill also allows the secretary of state to set other election dates and deadlines to the extent necessary for the efficient administration of the election cycle.

S.B. 13 amends current law relating to dates of certain elections to be held in 2022.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Subchapter A, Chapter 41, Election Code, by adding Section 41.0075, as follows:

Sec. 41.0075. PRIMARY ELECTION: TEMPORARY PROVISION. (a) Provides that this section supersedes any conflicting statute with respect to a primary election to be held in 2022.

(b) Provides that for the purposes of this section, a redistricting plan "becomes law" on the earlier of:

(1) the date the governor signs an Act of the 87th Legislature relating to the composition of the State Board of Education (SBOE), state legislative, or federal congressional districts; or

(2) the date on which the time for gubernatorial action on an Act of the 87th Legislature relating to the composition of SBOE, state legislative, or federal congressional districts expires under Section 14, Article IV, Texas Constitution.

(c) Provides that if a redistricting plan adopted following the 2020 federal census by the legislature that includes SBOE, state legislative, or federal congressional district becomes law:

(1) on or before November 15, 2021, the following dates related to the primary election for the election of officers for the district are required to apply:

(A) an application for a place on the general primary election ballot is required to be filed not earlier than November 29, 2021, and not later than 6 p.m. on December 13, 2021;

(B) the general primary election date is March 1, 2022; and

(C) the runoff primary election date is May 24, 2022;

(2) after November 15, 2021, and on or before December 28, 2021, the following dates related to the primary election for the election of officers for the district are required to apply:

(A) an application for a place on the general primary election ballot is required to be filed not earlier than January 10, 2022, and not later than 6 p.m. on January 24, 2022;

(B) the general primary election date is April 5, 2022;

(C) the runoff primary election date is June 21, 2022; and

(3) after December 28, 2021, and on or before February 7, 2022, the following dates related to the primary election for the election of officers for the district are required to apply:

(A) an application for a place on the general primary election ballot is required to be filed not earlier than February 21, 2022, and not later than 6 p.m. on March 7, 2022;

(B) the general primary election date is May 24, 2022; and

(C) the runoff primary election date is July 26, 2022.

(d) Requires that, if a plan for an SBOE, state legislative, or federal congressional district becomes law on dates included under more than one subdivision of Subsection (c), the latest dates provided for the filing period and the general and runoff primary elections of all the subdivisions applicable to the effective date of a plan apply. Requires the county chair of each political party to conduct the drawing to determine the order of the candidates' names on the general primary election ballot in accordance with Section 172.082(c) (relating to requiring the drawing to be conducted not later than the 10th day after the date of the regular filing deadline for the general primary election) after the date of the applicable filing deadline.

(e) Requires the secretary of state (SOS), if a redistricting plan to which this section applies has not become law on or before February 7, 2022, to set the dates of the filing period and the general and runoff primary elections for the election of officers of the districts to which this section applies. Requires SOS, in setting dates under this subsection, to ensure the efficient and orderly administration of elections and, to the extent practicable, to set dates in a manner that allows the same interval of time in relation to the date of the election as would be provided by the application of other law.

(f) Requires that, except as provided by Subsection (h), a date set for the filing period or the general primary election under Subsection (c) or (d) be the date of any filing period provided under this code or of any general primary election held under this code.

(g) Requires SOS, except as provided by this section, to adjust the schedule for canvassing election returns, declaring results, or performing any other official act relating to an election held on a date under this section as necessary for the efficient and orderly administration of the election. Requires SOS, to the extent practicable, to adjust schedules under this subsection in a manner that allows the same interval of time in relation to the date of the election as would be provided by the application of other law.

(h) Requires that, notwithstanding any other provision of this code, an election for the office of precinct chair of a political party (precinct chair) held in 2022 be held on the same date as the runoff primary election held in 2022 and that the

precinct chair be elected by plurality vote. Requires SOS to set the dates of the filing period for the election of the precinct chair and to adjust the schedule for performing any official act relating to an election held under this subsection as necessary for the efficient and orderly administration of the election.

(i) Provides that this section expires January 1, 2023.

SECTION 2. Effective date: upon passage or the 91st day after the last day of the legislative session.