

BILL ANALYSIS

S.B. 13
By: Huffman
Constitutional Rights & Remedies, Select
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The United States Census Bureau has delayed delivery of the 2020 redistricting data to the states. S.B. 13 adjusts the timeline for the 2022 election cycle to account for this delay by allowing additional time for legislative action, giving the legislature an opportunity to carry out its redistricting duty using the census data. The bill sets new dates for the candidate filing period, primary election, and primary runoff election in the 2022 election cycle based on when the new redistricting plans become law. 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.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

S.B. 13 amends the Election Code to establish certain primary election dates and related scheduling requirements contingent on the dates when applicable redistricting plans become law. An applicable redistricting plan is a plan adopted by the legislature following the 2020 federal census that includes a State Board of Education (SBOE), state legislative, or federal congressional district.

S.B. 13 sets the following dates relating to primary elections in 2022:

- if an applicable redistricting plan becomes law on or before November 15, 2021:
 - an application for a place on the general primary election ballot must be filed not earlier than November 29, 2021, and not later than 6 p.m. on December 13, 2021;
 - the general primary election date is March 1, 2022; and
 - the runoff primary election date is May 24, 2022;
- if an applicable redistricting plan becomes law after November 15, 2021, and on or before December 28, 2021:
 - an application for a place on the general primary election ballot must be filed not earlier than January 10, 2022, and not later than 6 p.m. on January 24, 2022;
 - the general primary election date is April 5, 2022; and
 - the runoff primary election date is June 21, 2022; and
- if an applicable redistricting plan becomes law after December 28, 2021, and on or before February 7, 2022:
 - an application for a place on the general primary election ballot must be filed not earlier than February 21, 2022, and not later than 6 p.m. on March 7, 2022;

- the general primary election date is May 24, 2022; and
- the runoff primary election date is July 26, 2022.

S.B. 13 specifies that if an applicable redistricting plan becomes law on dates that fall within more than one of the specified time periods, the latest provided filing period dates and general and runoff primary election dates that correspond to that plan's effective date apply. The bill requires the county chair to conduct the drawing to determine the order of the candidates' names on the general primary election ballot after the date of the applicable filing deadline. The bill establishes that a filing period date or the general primary election date set under the bill's provisions according to the date an applicable redistricting plan becomes law is the date of any filing period provided under the Election Code or of any general primary election held under that code.

S.B. 13 requires the secretary of state, if an applicable redistricting plan has not become law on or before February 7, 2022, to set the filing period dates and general and runoff primary election dates for the election of officers of the affected districts and, in setting those dates, to ensure the efficient and orderly administration of elections and, to the extent practicable, to allow the same interval of time in relation to the date of the election as would be provided by the application of other law.

S.B. 13 requires the secretary of state to adjust the schedule for canvassing election returns, declaring results, or performing any other official act relating to an election held on a date determined under the bill's provisions as necessary for the efficient and orderly administration of the election. The bill requires the secretary of state, to the extent practicable, to adjust those schedules 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.

S.B. 13 defines the date a redistricting plan "becomes law" for purposes of the bill's provisions as the earlier of the date the governor signs an act of the 87th Legislature relating to the composition of applicable SBOE, state legislative, or federal congressional districts or the date on which the time established by the Texas Constitution for gubernatorial action on such an act expires.

The bill's provisions expire January 1, 2023, and supersede any conflicting statute with respect to a primary election to be held in 2022.

EFFECTIVE DATE

On passage or, if the bill does not receive the necessary vote, the 91st day after the last day of the legislative session.