

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 1822
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Jurisprudence
4/1/2021
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The United States Census Bureau has delayed delivery of the 2020 redistricting data. The bureau's most recent projection states that the data will be delivered to Texas by September 30, 2021, after the end of the Texas Legislature's 87th Regular Session. S.B. 1822 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. The bill only changes the filing period for districts that will be drawn based on 2020 census data (Texas House and Senate, United States Congress, and Texas State Board of Education (SBOE)). The filing period for these districts depends on when a new map for those districts becomes law. The filing period dates for other elections do not change.

The primary election and primary runoff dates are the same for all candidates, and are set by the bill based on when the last-enacted redistricting plan (among Texas House and Senate, United States Congress, and SBOE) becomes law.

For purposes of the bill, a redistricting plan for the Texas House or Senate, United States Congress, or SBOE "becomes law" when the plan is signed by the governor or after expiration of the period in which the governor may take action on the legislation. The bill also allows the secretary of state to set other election dates and deadlines as necessary for the efficient administration of the election cycle.

C.S.S.B. 1822 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 Section 41.0075 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 under Section 28, Article III, Texas Constitution, that includes a SBOE, state legislative, or federal congressional district becomes law:

(1) on or before November 22, 2021, the following dates related to the primary election for the election of officers for the district shall 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 22, 2021, and on or before January 3, 2022, the following dates relating to the primary election for the election of officers for the district shall 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; and

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

(3) after January 3, 2022, and on or before February 14, 2022, the following dates related to the primary election for the election of officers for the district shall 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) Provides that if the plans for SBOE, state legislative, or federal congressional district become law on dates included under more than one subdivision of Subsection (c), the date provided for the filing period applicable to the effective date of each plan applies, but requires that the latest date provided for the date of the general and runoff primary elections of all of the subdivisions applicable to the effective date of a plan apply. Requires the county chair 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 the drawing of candidates' names not later than the 10th day after the date of the regular filing deadline for the general primary election) after the date of the latest applicable filing deadline.

(e) Requires the secretary of state, 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.

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

SECTION 2. Effective date: upon passage or September 1, 2021.