

BILL ANALYSIS

C.S.H.B. 1635
By: Burrows
Elections
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties have expressed concern over the operation of political parties in Texas and have suggested that certain provisions of the Election Code should be clarified. C.S.H.B. 1635 seeks to ensure that a person eligible to affiliate with a political party is not denied the ability to do so by amending state law relating to political parties. Among other provisions, the bill provides for the review of an application for a place on the general primary election ballot for compliance with state or federal law and prohibits state or county primary funding for a party's primary elections if the party has authorized an official to reject a ballot application that complies with statutory requirements.

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

C.S.H.B. 1635 amends the Election Code to make void and unenforceable a political party rule on electoral affairs that conflicts with state or federal law and prohibits rules for a presidential primary election adopted by a party's state executive committee from being inconsistent with national party rules.

C.S.H.B. 1635 prohibits a party official from denying a person who is a registered voter or eligible to vote a limited ballot at the time of affiliating the ability to affiliate with the political party.

C.S.H.B. 1635 requires the authority with whom the application for a place on the general primary election ballot is filed to review the application to determine whether it complies with state or federal law or with the requirements as to form, content, and procedure that it must satisfy for the candidate's name to be placed on the general primary election ballot.

C.S.H.B. 1635 prohibits a state or county primary fund from being used to pay expenses incurred by a political party in connection with a primary election conducted by a political party that has authorized a party official to reject an application for a place on the primary election ballot or declare a candidate ineligible for any reason not specified under state or federal law. The bill requires any funds disbursed to the primary fund of such a political party to be remitted to the secretary of state immediately on request and deposited in the state treasury for the financing of primary elections.

C.S.H.B. 1635 repeals provisions establishing a party primary committee in each county having a party county executive committee and requiring a party's county chair to submit the format for the official primary election ballot to the primary committee for its review and approval. The bill replaces the county executive committee with the county chair as the authority required to supervise the overall conduct of a primary election in each county, to include establishing the county chair, or the chair's designee, as the only actor authorized to conduct the required drawing of names for the order of a general primary election ballot.

C.S.H.B. 1635 repeals Sections 172.081 and 172.083, Election Code.

EFFECTIVE DATE

September 1, 2023.

COMPARISON OF INTRODUCED AND SUBSTITUTE

While C.S.H.B. 1635 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute includes a provision absent from the introduced that makes void and unenforceable a political party rule on electoral affairs that conflicts with state or federal law.

The substitute changes the introduced version's provisions relating to a candidate's application for a place on the general primary election ballot in the following ways:

- omits the prohibition on the authority who receives the application rejecting the application for any reason not specified under the Election Code;
- omits the prohibition on a candidate in a general or runoff primary election being declared ineligible for any such reason; and
- includes a provision that requires the authority to review the application for compliance with state or federal law or for compliance with other requirements.

The substitute includes provisions not in the introduced prohibiting the use of a state or county primary fund to pay expenses in connection with a primary election conducted by a political party that has authorized certain actions and requiring any funds disbursed to such a party to be remitted to the secretary of state for deposit to the state treasury for financing primary elections.

The substitute omits the following provisions that were in the introduced:

- a provision authorizing a political party to only adopt a rule governing or affecting presidential or vice-presidential nominees;
- a requirement for the secretary of state to adopt any rule governing or affecting general or runoff primary elections or nominees for all other public offices;
- a provision specifying that a party's rules, including amendments to rules, governing or affecting its nominees that may be adopted only by a state convention or the state executive committee are rules governing or affecting its presidential or vice-presidential nominees; and
- a prohibition against a candidate in a general or runoff primary election being declared ineligible for any reason not specified in the Election Code with respect to an administrative declaration of ineligibility after the polls close on primary election day.