

BILL ANALYSIS

C.S.H.B. 3537
By: Manuel
Elections
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Current law provides for limits on the eligibility of certain individuals for candidacy for public office, such as the prohibition against candidates who fail to advance in a primary election being write-in candidates in the succeeding general election. However, there is no such provision that addresses the issue of candidates who file in multiple primaries for the same office in a single election year. During the filing period for the 2022 primary election, an individual filed as a candidate for State Board of Education District 11 with all four recognized political parties in the state. Upon seeking guidance from the secretary of state, filing authorities were advised that current law does not provide a mechanism for rejecting applications for a candidate who files in more than one party's primary election. C.S.H.B. 3537 seeks to provide such a mechanism.

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. 3537 amends the Election Code to prohibit a candidate from making an application for a place on the general primary election ballot with more than one political party in the same voting year. The bill requires any authority receiving an application of a candidate in violation of this prohibition to reject the application. The bill establishes the following regarding a candidate whose application is rejected on the grounds of having violated the prohibition:

- the candidate is not entitled to receive a refund of the filing fees for the rejected application; and
- the candidate is ineligible for a place on the ballot for the succeeding general election for state and county officers as:
 - an independent candidate for an office for which a candidate filed for a place on the ballot for the primary; or
 - the nominee of a political party other than the party holding the primary in which the candidate filed an application for a place on the ballot.

The bill requires the secretary of state to prescribe any procedures necessary to implement the bill's provisions.

EFFECTIVE DATE

September 1, 2023.

COMPARISON OF INTRODUCED AND SUBSTITUTE

C.S.H.B. 3537 differs from the introduced in minor or nonsubstantive ways by conforming to certain bill drafting conventions.