

SUBJECT: Uniform ballot application filing authority for legislative candidates

COMMITTEE: Elections — committee substitute recommended

VOTE: 6 ayes — Danburg, Denny, Gallego, Greenberg, Hodge, Uher
0 nays
1 present, not voting — Madden
2 absent — J. Jones, Averitt

WITNESSES: For — Mary Ann Collins, Republican Party of Texas; Steve McDonald, Texas Democratic Party
Against — None
On — Elizabeth Hanshaw, Secretary of State's Office

BACKGROUND: Current law requires a candidate for state senator or representative whose district is wholly within a single county to file an application for a place on the party's general primary election ballot with the party's county chair or with the secretary, if any, of the county executive committee. If the district encompasses more than one county, candidates must file with the state party chair in Austin.

DIGEST: CSHB 265 would amend the Election Code to require candidates running for state senator or representative to file their application for a place on the general primary election ballot with their state party chair, regardless of whether their district was wholly within a single county.
CSHB 265 would take effect September 1, 1999.

SUPPORTERS SAY: CSHB 265 would create a uniform filing location for all state House and Senate candidates. Around 40 percent of candidates running for legislative seats already file with the state party chair because their districts encompass multiple counties.

It makes sense for all legislative candidates to file with the state chair in Austin because the state chair certifies all primary candidates for statewide or district office, as required by the Election Code. CSHB 265 would increase administrative efficiency and timeliness, provide consistency from district to district, and make it easier for potential candidates to determine where they were supposed to file and to meet the filing deadline.

There is statewide interest in House and Senate candidates, and people look to the state party for information on candidates. Having a more centralized location for filing and certifying would make it easier for interested people, including the media, to get information about a party's candidates.

All people intending to run for state senator or representative have to be mindful of deadlines, and this bill would not change that. Most filings are done through the mail or an expedited delivery service. CSHB 265 would not prevent anyone from obtaining signatures on a petition or from filing the petition and the application in a timely manner. Current law allows a candidate who files an application with a petition to fax these documents.

OPPONENTS
SAY:

CSHB 265 could create an obstacle for candidates in single-county districts who file near the deadline. For individuals who are walking door-to-door collecting signatures for a petition, this could create a time crunch. Relying on the mail or an expedited delivery service is not an option when a candidate still is collecting signatures on the last day of filing. A candidate who faced a time crunch for this reason might have to travel to Austin to file. Even though petitions and applications can be faxed, this is risky. If the fax transmission is illegible or if a fax machine malfunctions, the application could be declared invalid. As a result, CSHB 265 could increase the cost to candidates running for a state House or Senate seat.

OTHER
OPPONENTS
SAY:

Requiring all legislative candidates to file in Austin could cause a delay in transferring the filing information to county chairs. This could create a disadvantage for candidates waiting to file in a district where there is an established incumbent. Often, a prospective candidate will not challenge an incumbent. If an incumbent decided at the last minute not to seek reelection and the filing information was not readily available, it could deter a potential candidate from running.

NOTES: The committee substitute deleted from the original bill the requirement that an application for a place on the general primary ballot for state senator or representative be filed with the secretary of state. Instead, it would require that applications be filed with the state chair.