

SUBJECT: Modifying qualifications for nominees' placement on ballots

COMMITTEE: Elections — favorable, without amendment

VOTE: 6 ayes — Klick, Burrows, Cain, Fierro, Middleton, Swanson

3 nays — Cortez, Bucy, Israel

WITNESSES: For — James Dickey, Republican Party of Texas; Ed Johnson;  
(*Registered, but did not testify*: Adam Cahn, Cahnman's Musings; Mary Smith, Concerned Women for America; Alan Vera, Harris County Republican Party Ballot Security Committee; Mary Pat Paul and Samuel Paul, Hays County Republican Party; J.T. Edwards, Republican Party of Texas, Galveston County Republican Party; Janet Jackson, TRCCA; and 21 individuals)

Against — Kathie Glass, Harris County Libertarian Party; Whitney Bilyeu, Libertarian Party; Victor Hinojosa, Libertarian Party of Texas; and eight individuals; (*Registered, but did not testify*: Joanne Richards, Common Ground for Texans; James Slattery, Texas Civil Rights Project; Glen Maxey, Texas Democratic Party; and 11 individuals)

On — Eric Opiela; (*Registered, but did not testify*: Christina Adkins, Secretary of State)

BACKGROUND: Election Code sec. 181.005 governs the ways in which political parties can have their nominees placed on the ballot for a general election.

Political parties required to make nominations by convention must file lists of precinct convention participants with the secretary of state within 75 days of the precinct conventions. The lists must include participants' addresses and voter registration numbers and indicate that the number of participants equals at least 1 percent of the total number of votes received by all candidates for governor in the most recent gubernatorial general election.

Alternatively, a political party is entitled to have the names of its nominees placed on a general election ballot if, in the previous general election, the party had a nominee for a statewide office who received at least 5 percent of the total number of votes received by all candidates for that office.

**DIGEST:** HB 4416 would entitle a political party to have the names of its nominees placed on the ballot in a general election if, in the previous general election, the party had a nominee for statewide office who received at least 10 percent of the total number of votes received by all candidates for that office.

The bill would take effect September 1, 2019.

**SUPPORTERS SAY:** HB 4416 would appropriately raise the threshold that political parties would need to clear in order to place their candidates on the ballot for a general election. The current threshold of 5 percent of the total number of votes received by all candidates for a statewide office allows parties that do not have significant electoral support to place their candidates on ballots, and raising the threshold would require all political parties to demonstrate greater voter input and engagement. The increase in the threshold also would align the laws in Texas with those in other states.

The bill still would allow all candidates adequate access to ballots because they could run as independent or write-in candidates if they did not meet the requirements to be placed on the ballot as a party representative. Additionally, the bill would not modify the other method by which parties could place their candidates on ballots, which would involve securing a convention participation rate of at least 1 percent of the total number of votes received by all candidates for governor in the most recent gubernatorial general election.

**OPPONENTS SAY:** HB 4416 would unfairly limit the ability of certain parties to place their candidates on general election ballots. The suggested 10 percent threshold is unrealistic, as the 5 percent threshold already is burdensome for some parties to attain. By limiting the ability of certain parties to place their

candidates on the ballot, the bill also would decrease voters' ability to select from a number of different candidates and express their political will.