

BILL ANALYSIS

Senate Research Center

C.S.S.B. 510
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State Affairs
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Committee Report (Substituted)

DIGEST

Currently, a political party is prohibited from holding a primary election in the same building in which another party is holding a primary election. By allowing polling sites to be jointly shared by both parties, party work and election department preparation for primary elections could be reduced by half, in turn reducing staff and overall costs. This bill deletes provisions prohibiting a political party from holding a primary election in the same building in which another party is holding a primary election.

PURPOSE

As proposed, C.S.S.B. 510 sets forth the provisions for conducting and financing primary elections.

RULEMAKING AUTHORITY

Rulemaking authority is granted to the secretary of state in SECTIONS 3 and 4 (Sections 172.126(c), (g), and (i), and 173.011(c), Election Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 161.006, Election Code, as follows:

Sec. 161.006. New heading: HOLDING PRECINCT CONVENTION OF MORE THAN ONE PARTY IN SAME BUILDING. Deletes a provision that prohibits a political party from holding a primary election in the same building in which another party is holding a primary election on the same day. Makes conforming changes.

SECTION 2. Amends Section 172.1111, Election Code, to require the presiding judge to post at each outside door through which a voter may enter the building in which the polling place is located a written notice in bold print of certain information concerning the precinct convention. Requires the notice to remain posted continuously through election day. Makes conforming changes.

SECTION 3. Amends Chapter 172E, Election Code, by adding Section 172.126, as follows:

Sec. 172.126. JOINT PRIMARIES AUTHORIZED. (a) Authorizes the primary elections in a county to be conducted jointly at the regular polling places designated for the general election for the state and county officers. Requires the county clerk to supervise the overall conduct of the joint primary elections. Provides that this section applies to the conduct of joint primary elections notwithstanding and in addition to other applicable provisions of this code. Requires the decision to conduct a joint primary election to be made by majority vote of the full membership of the commissioners court and with the unanimous approval of the county clerk and the county chair of each political party required to nominate candidates by primary election.

(b) Requires the county clerk to determine whether to consolidate election precincts under Section 42.009, Election Code, and to designate the location of the polling place in a consolidated precinct. Requires a polling place to be designated that will accommodate the precinct conventions of each political party. Authorizes the polling place to be used by the party whose candidate for governor received the most votes in the county in the

most recent gubernatorial general election, if a polling place is not suitable for more than one precinct convention.

(c) Requires one set of election officers to conduct the primary elections at each polling place. Requires each county chair to deliver to the county clerk a list of the names of the election judges and clerks for the party by a certain date. Provides that the presiding judge of each party, or alternate judge if applicable, serves as a co-judge for the precinct. Requires the county clerk to appoint the election clerks in accordance with rules prescribed by the secretary of state. Requires the secretary of state to prescribe the maximum number of clerks that may be appointed for each precinct. Requires the early voting ballot board and any central counting station to be composed of and administered by one set of election officers that provides representation for each party, and the secretary of state, by rule, to prescribe procedures for the appointment of officers.

(d) Provides that each co-judge has the law enforcement duties and powers provided under Section 32.075, Election Code, and has the exclusive authority to conduct certain challenges.

(e) Requires a written certification of candidates' names that are to appear on the primary ballot to be delivered to the county clerk in accordance with rules prescribed by the secretary of state.

(f) Requires the county clerk to determine the ballot format and voting system for each election precinct and to procure the election equipment and supplies.

(g) Requires a separate set of ballot boxes approved by the secretary of state to be used for each party's primary, and provides an exception. Requires the lists of registered voters and voters' registration certificates to be marked and stamped to show the appropriate party affiliation for each voter. Requires a separate list of registered voters to be used for each party's primary. Requires the secretary of state, by rule, to prescribe requirements to ensure that one party's ballot is readily distinguished from another's, which may include different colors of ink.

(h) Requires separate election returns to be prepared for each party's primary and to be canvassed as provided by this code.

(i) Requires the secretary of state, by rule, to prescribe the procedures necessary to implement this section to ensure the orderly and proper administration of joint primary elections.

SECTION 4. Amends Chapter 173A, Election Code, by adding Section 173.011, as follows:

Sec. 173.011. FINANCE OF JOINT PRIMARY ELECTIONS GENERALLY. Sets forth the provisions for financing joint primary elections notwithstanding and in addition to other applicable provisions of this code. Sets forth the requirements for surplus in the county primary fund. Requires the secretary of state to adopt rules that are necessary for the fair and efficient financing of joint primary elections.

SECTION 5. Effective date: September 1, 1997.

SECTION 6. Emergency clause.

SUMMARY OF COMMITTEE CHANGES

SECTION 3.

Amends Chapter 172E, Election Code, to require the decision to conduct a joint primary election to be made in a certain manner. Provides that the election officers under this section provide representation for each party when executing assigned duties. Provides that a co-

judge has the exclusive authority to deliver the election returns in the primary of the party with which that judge is affiliated and aligned, rather than aligned, among other assigned duties. Provides an exception for a ballot box under this section that may be used in a joint primary using an electronic voting system in which the ballots are deposited by the voters directly into a unit of automatic tabulating equipment. Requires a separate list of registered voters to be used for each party's primary.

SECTION 4.

Amends Chapter 173A, Election Code, by deleting proposed Subsections (b) through (i), and add new Subsections (b) and (c). Sets forth certain procedures relating to any remaining surplus in a county primary. Requires the secretary of state to adopt rules, consistent with this chapter to the extent practicable, that are necessary for the fair and efficient financing of joint primary elections.