

BILL ANALYSIS

Senate Research Center

H.B. 2017
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State Affairs
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, primary elections are held on the first Tuesday in March. It is the general consensus that because of the large population of this state and the amount of electoral votes that Texas possesses, the primary elections of this state should be held at an earlier date to give Texas a larger influence over who is nominated to represent the political parties for the presidential election. If the primary date is not moved, the presidential candidates for each political party will be effectively chosen before Texas voters have an opportunity to weigh in their support for or opposition to candidates in terms of issues that are important to voters in this state.

H.B. 2017 moves the general primary election and the primary runoff election dates to the first Tuesday in February and the second Tuesday in March, respectively, and moves the presidential primary election date to the first Tuesday in February. This bill also modifies applicable dates associated with these changes in election dates.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Sections 41.007(a), (b), and (c), Election Code, as follows:

- (a) Provides that the general primary election date is the first Tuesday in February, rather than March, in each even-numbered year.
- (b) Provides that the runoff primary election date is the first Tuesday in March, rather than April, following the general primary election.
- (c) Provides that the presidential primary election date is the first Tuesday in February, rather than March, in each presidential election year.

SECTION 2. Amends Section 141.031, Election Code, to require a candidate's application for a place on the ballot that is required by this code to include a statement that the candidate is aware of the provision of Section 65 (Terms of Office; Automatic Resignation), Article XVI, Texas Constitution.

SECTION 3. Amends Section 141.034, Election Code, by amending Subsection (a) and adding Subsection (c), as follows:

- (a) Includes an exception as provided by Subsection (c).
- (c) Requires an applicant for a place on the ballot for the general primary election to be challenged for compliance with the applicable requirements as to form, content, and procedure not late than the 15th day after the date of the regular filing deadline.

SECTION 4. Amends Section 145.003, Election Code, by amending Subsection (c) and adding Subsection (c-1), as follows:

(c) Authorizes a candidate in an election other than the general election or the general primary election, rather than solely the general election, to be declared ineligible before the beginning of early voting by personal appearance by the authority with whom an application for a place on the ballot for the office sought by the candidate is required to be filed.

(c-1) Authorizes a candidate in the general primary election, except as provided by Subsection (d), to be declared ineligible not later than the 15th day after the date of the regular filing deadline by the authority with whom an application for a place on the ballot for the office sought by the candidate is required to be filed.

SECTION 5. Amends Section 162.003, Election Code, as follows:

Sec. 162.003. AFFILIATION BY VOTING IN PRIMARY. (a) Creates this subsection from existing text.

(b) Provides that an affiliation under Subsection (a)(2) applies to the voting year in which the primary election is held.

SECTION 6. Amends Section 172.023, Election Code, as follows:

(a) Requires an application for a place on the general primary election ballot to be filed after 8 a.m. on October 1 and not later than 6 p.m. on October 31 in the odd-numbered year preceding general primary election day, rather than on January 2 in the primary election year, unless the filing deadline is extended under Subchapter C (Withdrawal, Death, and Ineligibility of Candidate).

(b) Deletes existing text prohibiting an application, other than an application for the office of precinct chair, from being filed earlier than the 30th day before the date of the regular filing deadline.

SECTION 7. Amends Section 172.028(b), Election Code, to require the state chair, not later than the 10th day after the regular filing deadline for candidates in the general primary election, rather than not later than the 57th day before general primary election day, to deliver the certification of a name for placement on the general primary ballot to the county chair in each county in which the candidate's name is to appear on the ballot.

SECTION 8. Amends Section 172.052(a), Election Code, to prohibit a candidate for nomination to withdraw from the general primary election after the fifth day following the regular filing deadline for candidates in the general primary election, rather than after the 62nd day before general primary election day.

SECTION 9. Amends Sections 172.054(a) and (b), Election Code, as follows:

(a) Extends the deadline for filing an application for a place on the general primary election ballot as provided by this section if a candidate who has made an application that complies with the applicable requirements dies on or after the fifth day before the date of the regular filing deadline and on or before November 5 in the odd-numbered year preceding, rather than the 62nd day before, general primary election day or if such a person holds the office for which the application was made and withdraws or is declared ineligible on or after the date of the regular filing deadline and on or before November 5 in the odd-numbered year preceding, rather than the 62nd day before, general primary election day.

(b) Requires an application for an office sought by a withdrawn, deceased, or ineligible candidate to be filed not later than 6 p.m. on November 7 in the odd-numbered year preceding, rather than not later than 6 p.m. of the 60th day before, general primary election day. Provides that an application filed by mail with the state chair is not timely if received later than 5 p.m. on November 7 in the odd-numbered year preceding, rather than not later than 5 p.m. of the 60th day before, general primary election day.

SECTION 10. Amends Section 173.010, Election Code, to require the secretary of state, during September, rather than November, preceding each primary election year, to deliver to the state chair and each county chair of each political party holding a primary election a current set of the rules adopted under this subchapter (Primary Election Expenses Generally).

SECTION 11. Amends Section 174.063(a), Election Code, to require the county and senatorial district conventions to be held on the fourth Saturday in March, rather than the third Saturday, after general primary election day.

SECTION 12. Amends Section 181.0041, Election Code, to require a political party that intends to make nominations under this chapter (Party With State Organization) for the general election for state and county officers to register with the secretary of state, in the manner prescribed by the secretary, not later than the regular filing deadline for candidates in the general primary election, rather than January 2 of the election year.

SECTION 13. Amends Section 181.033(a), Election Code, to require an application for nomination by a convention, except as provided by Subsection (b), to be filed not later than the regular filing deadline for candidates in the general primary election, rather than 5 p.m. on January 2 preceding the convention.

SECTION 14. Amends Sections 181.061(b) and (c), Election Code, as follows:

(b) Requires a party nominating by convention to make its nominations for offices of districts situated in more than one county at district conventions held on the second Saturday after general primary election day, rather than on the second Tuesday in March. Makes a conforming change.

(c) Makes conforming changes.

SECTION 15. Amends Section 182.005, Election Code, to make conforming changes.

SECTION 16. Provides that the term of a person who is serving as a county or precinct chair of a political party on the effective date of this Act ends on the 20th day after the second Tuesday in March 2008.

SECTION 17. Effective date: upon passage or September 1, 2007.