HOUSE
RESEARCH
ORGANIZATION bill digest   5/6/2013

HB 3103
Morrison
(CSHB 3103 by Morrison)

SUBJECT: Allowing for electronic administration of primary elections

COMMITTEE: Elections — committee substitute recommended

VOTE: 7 ayes — Morrison, Miles, Johnson, Klick, Miller, Simmons, Wu

                0 nays

WITNESSES: For — Glen Maxey, Texas Democratic Party; Steve Munisteri, Republican
                Party of Texas; (Registered, but did not testify: Eric Opiela, Texas
                Republican County Chairman's Association, Karnes County Republican
                Party)

                Against — None

                On — (*Registered, but did not testify*: Keith Ingram, Texas Secretary of
                State Elections Division)

BACKGROUND: Election Code, ch. 172 governs primary elections.

                Address where applications will be received. Sec. 172.022 requires the
                county chair to post notice of the address at which applications for
                candidacy will be received. The notice must be posted on the bulletin
                board of the commissioners court.

                Certification of candidate names. Sec. 172.028 requires the state chair to
                certify the name of each candidate in writing and deliver the certification
                to the county chair in each county in which the candidate's name is to
                appear on the ballot. A copy of each certification would need to be made
                available, free of charge, to newspapers, and radio and television stations.

                List of Candidates. Sec. 172.029 requires the state chair and each county
                chair to prepare a list containing:

                •   the name of each candidate who filed an application for a place on
                    the ballot;
                •   the candidate's address; and
                •   the date on which the candidate filed the application.

The section also:
- prescribes rules for the format of the list;
- requires that it be delivered to certain parties no later than the 10th day after the deadline;
- provides rules if a candidate withdraws, dies, or is declared ineligible; and
- requires that the secretary of state retain each list until the day after the general primary election day.

Under sec. 127.056, the state and county chairs must make a supplemental list like the one provided by sec. 172.029 for candidates who file an application during the extended filing period. The list is subject to the same requirements as under sec. 172.029, except the delivery deadline is the seventh day after the extended filing deadline.

Drawing of candidate names. Sec. 172.082 requires the county chair to post notice of the drawing of candidates' names for the primary ballot. Sec. 172.084 requires the county chair to post notice of the drawing of candidates' names for a runoff ballot.

Notice of elected parties and county returns. Sec. 172.118 requires the county chairs to deliver written notice of those elected as party leaders to the state chair, county clerk, and secretary of state. The county chair is required to deliver county returns of a primary election to the state executive committee.

Reporting of precinct results. Sec. 172.124 requires county chairs to prepare a report of votes received in each precinct for certain offices and deliver it to the secretary of state.

Notation of voter's party. Sec. 172.125 requires the voter registrar to make notations on the list of registered voters beside each voter's name indicating the party primary for which the voter was accepted for voting.

DIGEST: CSHB 3103 would amend Election Code, ch. 172 to allow for electronic compliance with several provisions.

Address where applications will be received. CSHB 3103 would require a political party to post notice of the address where applications would be received on the party's Internet website or at the location where the candidate filed for a place on the ballot.

Certification of candidate names. The bill would require the state chair's certification of the name of each qualified candidate under sec. 172.028 be made to the secretary of state, who would have to post the certified list on the secretary's Internet website. The requirement for providing copies to newspapers and radio and television stations would be repealed.

List of candidates. Data compiled on the list prescribed by sec. 172.029 would be electronically submitted to the secretary of state, who would maintain an online database of the information accessible by the county and precinct chairs of the party that submitted it. The secretary of state could prescribe the deadline for submitting this information. The secretary of state would have to be notified if a candidate withdrew, died, or was declared ineligible. The secretary of state would archive and keep available a list of candidates submitted under the section and prescribe rules for electronic submission and distribution. The bill would require electronic submission to this database of candidates applying during the extended filing period and notification that names had been added.

Drawing of candidate names. A party that maintained an Internet website would have to post the notice required under secs. 172.082 and 172.084 on its website and notify electronically all candidates who provided an e-mail address on their filing form.

Notice of elected parties and county returns. The bill would allow notice under sec. 172.118 and 172.119 to be delivered electronically, as long as the recipient adopted rules for electronic submission.

Reporting of precinct results. The bill would require the secretary of state to create and maintain an electronic system for submission of the report from county chairs required under sec. 172.124.

Notation of voter's party. For runoff primary elections, the voter registrar would have to "make appropriate notations to indicate" the preceding party primary for which the voter was accepted, rather than entering on the list a notation beside each voter's name.

Effective date. This bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2013.