

BILL ANALYSIS

Senate Research Center

C.S.S.B. 993
By: Cain
State Affairs
4-28-97
Committee Report (Substituted)

DIGEST

Currently, the Texas Election Code governs the process for filling the office of precinct chair for the state's respective political parties. A candidate for precinct chair is elected at the general primary by majority vote of the qualified voters of the precinct. Statistics show that approximately 5 percent of the races for precinct chair are contested.

This bill established a cost effective and time efficient manner for filling the office of precinct chair by requiring an unopposed candidate for precinct chair to be declared elected at the time of the local canvass of the results of voting in the primary. Other provisions attempt to reduce costs for printing precinct chair races on the ballot, decrease time for distributing the ballots to elections officials, and remove time and expense for qualifying undeclared write-in candidates.

PURPOSE

As proposed, C.S.S.B. 993 sets forth procedures for the election of the office of precinct chair of a political party under certain conditions.

RULEMAKING AUTHORITY

Rulemaking authority is granted to the secretary of state in SECTION 3 (Section 171.0231(f), Election Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 171.022(a), Election Code, to make conforming and nonsubstantive changes.

SECTION 2. Amends Chapter 171B, Election Code, by adding Section 171.0221, as follows:

Sec. 171.0221. ELECTION NOT HELD FOR OFFICE OF PRECINCT CHAIR. Requires a candidate to be declared elected to the office at the time of the local canvass under certain conditions. Requires the county chair to prepare a sign that states certain information regarding the election of the office of precinct chair. Requires the county chair to distribute copies of the sign to the presiding judge of the election precinct with the other election supplies. Requires an election officer to post the sign in certain locations at the polling place. Requires the county chair to post the name of a candidate declared elected under Subsection (a) at a public place in the election precinct.

SECTION 3. Amends Chapter 171B, Election Code, by adding Section 171.0231, as follows:

Sec. 171.0231. WRITE-IN CANDIDATE FOR PRECINCT CHAIR. Prohibits a write-in vote for the office of precinct chair from being counted unless the name written in appears on the list of write-in candidates, except as provided by Subsection (f). Requires a candidate to make a declaration of write-in candidacy to be entitled to a place on the list of write-in candidates. Requires a declaration of write-in candidacy to be filed with the authority with whom an application for a place on the ballot is required to be filed for the office. Provides that a declaration of write-in candidacy is subject to the filing deadline and any extension of that deadline applicable to an application for a place on the ballot for the office. Requires a

declaration of write-in candidacy to be filed not later than a certain date and time and provides exceptions from this requirement on the ground of death or ineligibility. Provides that Chapter 146B, Election Code, applies to write-in voting for the office of precinct chair. Authorizes write-in votes to be cast and counted for the office in the regular manner under certain conditions. Requires the secretary of state to prescribe any procedures necessary to implement this section.

SECTION 4. Effective date: September 1, 1997.

SECTION 5. Emergency clause.

SUMMARY OF COMMITTEE CHANGES

SECTION 1.

Amends Section 171.022(a), Election Code, to make an inclusive language change from "chairman" to "chair."

SECTION 2.

Amends Chapter 171B, by adding Section 171.0221 to delete proposed Subsection (a) which required a vacancy in the office to be filled in a regular manner under certain conditions. Redesignates proposed Subsection (b) as new Subsection (a). Adds new Subsection (b) to require the county chair to prepare a sign that states certain information regarding the election for the office of precinct chair. Requires the county chair to distribute copies of the sign to the presiding judge of the election precinct with the other election supplies. Requires an election officer to post the sign in certain locations at the polling place.

SECTION 3.

Amends Chapter 171B, Election Code, by adding Section 171.0231 to require a declaration of write-in candidacy to be filed by a certain date and time and provides exceptions from this requirement on the grounds of death and declared ineligibility. Authorizes write-in votes to be cast and counted for the office in the regular manner under certain conditions.