BILL ANALYSIS

Senate Research Center
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H.B. 1193
By: Hancock et al. (Duncan)
State Affairs
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

In Texas, each political party is required to certify the names of its nominees for president and vice-president and to provide the names and addresses of the party's presidential elector candidates. Under current law, this requirement must be met no later than 70 days before the November general election. Nominees for president and vice-president usually are known after each state has held its primary election, but the nomination process is not complete until the candidates are confirmed at their party's national nomination convention.

In most presidential election years, the national nominating conventions are held before the 70-day deadline, but a national convention may occur after the deadline. In 2008, for example, the Republican National Convention was held later in the year than is customary, and the chairman of the Republican Party of Texas could not certify the nominees' names before the deadline. The certification was sent immediately after the ratification of the candidates by the convention body, but the Libertarian Party filed a lawsuit, claiming that the Republican Party had not met the deadline for filing the required information and asking the secretary of state to remove the names of the Republican Party's nominees from the ballot.

H.B. 1193 allows a political party to file its certification letters after the 70-day deadline if the party's convention is held after the deadline.

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 Section 192.031, Election Code, as follows:

> Sec. 192.031. PARTY CANDIDATE'S ENTITLEMENT TO PLACE ON BALLOT. (a) Creates this subsection from existing text. Entitles a political party to have the names of its nominees for president and vice-president of the United States placed on the ballot in a presidential general election if:
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>> (1) the nominees possess the qualifications for those offices prescribed by federal law;
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>> (2) the party's state chair signs a written certification of, rather than before 5 p.m. of the 70th day before presidential election day, the party's state chair signs and delivers to the secretary of state a written certification of, the names of the party's nominees for president and vice-president and the names and residence addresses of presidential elector candidates nominated by the party, in a number equal to the number of presidential electors that federal law allocates to this state;
>>
>> (3) the party's state chair delivers the written certification to the secretary of state before the later of 5 p.m. of the 70th day before presidential election day or 5 p.m. of the first business day after the date of final adjournment of the party's national presidential nominating convention; and

(4) the party is required or authorized by Subchapter A (Nominating by Primary Election Generally) of Chapter 172 (Primary Elections) to make its nominations by primary election or entitled to have the names of its nominees placed on the general election ballot under Chapter 181 (Party With State Organization).

Makes nonsubstantive changes.

(b) Provides that if the state chair's certification of the party's nominees is delivered by mail, it is considered to be delivered at the time of its receipt by the secretary of state.

SECTION 2. Amends Section 192.033(b), Election Code, to require the secretary of state to deliver, rather than requires the secretary of state, not later than the 62nd day before presidential election day to deliver, the certification to the authority responsible for having the official ballot prepared in each county before the later of the 62nd day before presidential election day or the second business day after the date of final adjournment of the party's national presidential nominating convention.

SECTION 3. Effective date: September 1, 2009.