

## **BILL ANALYSIS**

Senate Research Center  
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H.B. 3102  
By: Morrison et al. (Duncan)  
State Affairs  
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Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

H.B. 3102 increases the flexibility for political parties to govern their own party operations. In addition to clarifying the ambiguity surrounding the election of certain convention chairs, the bill updates other provisions relating to party conventions, such as allowing state parties to adopt their own convention rules, increasing flexibility for taking and administering an oath of affiliation, providing for precinct convention preregistration, and requiring that any items currently required to be posted in writing be posted on a party website.

H.B. 3102 amends current law relating to political parties' governance and conventions.

### **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 162.001(a), Election Code, to require a person to be affiliated with a political party to be eligible for certain positions or for any other purpose within the party as adopted by state party rules.

SECTION 2. Amends Section 162.008, Election Code, as follows:

Sec. 162.008. AFFILIATION PROCEDURE: TAKING OATH GENERALLY. (a) Authorizes a person to affiliate with a political party at any time by taking an oath of affiliation. Deletes existing text providing that this section applies only to a person desiring to affiliate with a political party during that part of a voting year in which the general election for state and county officers is held that follows the date of the precinct conventions held under this title, for a party nominating by convention or 7 p.m. on general primary election day, for a party holding a primary election.

(b) Requires a member of the county executive committee for the county in which the person resides or other person authorized by party rule, on request of a person desiring to affiliate with a political party, to administer the oath prescribed by Section 162.007(b) (relating to requiring a certain oath to be administered).

(c) Requires the committee member or authorized person, after administering the oath, to stamp the party's name on the person's registration certificate or issue the person an affiliation certificate as provided by Section 162.007(c) (relating to requesting the person's registration certificate and stamping the party's name in the space after administering the oath).

SECTION 3. Amends Section 162.010, Election Code, as follows:

Sec. 162.010. DURATION OF AFFILIATION. (a) Creates this subsection from existing text. Provides that, except as provided by Subsection (b), a party affiliation expires at the end of the voting year in which the person became affiliated.

(b) Provides that a party affiliation made in an odd-numbered year expires on the first day on which a person is authorized to file an application for a place on the general primary election ballot.

SECTION 4. Amends Section 162.011(a), Election Code, to provide that a person commits an offense if for the purpose of participating in a political party's convention or other party meeting or event the person presents to a party official certain information showing the person's noncompliance.

SECTION 5. Amends Chapter 162, Election Code, by adding Section 162.017, as follows:

Sec. 162.017. PREREGISTRATION. (a) Authorizes a political party holding a precinct convention to preregister attendees for the convention by electronic means or any other method the party is authorized to adopt by rule.

(b) Authorizes the party to, through the preregistration process, collect the following information from attendees:

(1) demographic data;

(2) information needed to organize and prepare records of the convention; and

(3) any additional information required by party rule.

(c) Authorizes the party, in a presidential election year, to collect through preregistration declarations of support for presidential candidates or a statement of uncommitted status. Authorizes the party to by rule use this information to aid in the selection of delegates to its county or senatorial district convention.

(d) Provides that, if a political party collects declarations of support for presidential candidates or a statement of uncommitted status through preregistration under Subsection (c), it is required to employ a process by which an attendee is authorized to change the attendee's stated preference before the precinct convention.

(e) Requires that the preregistration process include the statement described by Section 162.004(a) (relating to requiring the signature roster for a primary election to state certain language at the top of each page) and require a preregistering attendee to affiliate with the party by taking the oath described in Section 162.007(b).

(f) Authorizes the date and time at which preregistration opens and closes to be set by party rule.

(g) Authorizes a person who does not preregister to attend a precinct convention under this section to register in person at the convention and is required to have voting rights identical to those of a person who preregistered.

SECTION 6. Amends Section 163.004(a), Election Code, to authorize a political party's rules, including amendments to rules, governing or affecting its general or runoff primary elections, conventions held under this code, or nominees to be adopted only by the state executive committee as a temporary rule, if adoption before the next state convention is necessary, or a permanent rule, if the state executive committee is expressly required or authorized by statute to adopt a rule.

SECTION 7. Amends the heading to Section 163.005, Election Code, to read as follows:

Sec. 163.005. FILING AND POSTING RULES; EFFECTIVE DATE.

SECTION 8. Amends Section 163.005, Election Code, by adding Subsection (f), to require that all rules, temporary or permanent, be posted on the state party's Internet website.

SECTION 9. Amends Section 163.006(a), Election Code, to require a rule on electoral affairs that is to become effective in a year in which the party will hold precinct conventions under this title to be filed with the secretary of state (SOS) and posted on the party's Internet website not later than the 30th day before the date the party convenes its earliest precinct conventions, rather than be filed with SOS not later than the 30th day before the date of convening the precinct conventions.

SECTION 10. Amends Section 171.0221(b), Election Code, as follows:

(b) Requires the county chair to prepare a document that is required to be posted that states certain language, rather than requires the county chair to prepare a sign that states certain language. Requires the county chair or entity contracted to hold the election to distribute copies of the document, rather than sign, to the presiding judge or the election precinct with the other election supplies. Requires an election officer to post the document, rather than sign, in one or more locations in the polling place where it can be read by persons waiting to vote.

SECTION 11. Amends Sections 171.024(a), (b), and (e), Election Code, as follows:

(a) Authorizes the state executive committee by rule to adopt procedures for filling vacancies.

(b) Requires the state executive committee to adopt rules regarding how many members of the county executive committee constitute a quorum for the purpose of filling a vacancy. Deletes existing text requiring that a majority of the committee's membership, except as provided by Subsection (c) (relating to authorizing a vacancy in the office of precinct chair to be filled without participation of the majority of the committee membership if only one person is a candidate to fill the vacancy and the person fulfills certain criteria), participate in filling a vacancy.

(e) Requires the county chair, after a vacancy is filled, to promptly deliver written or electronic notice of the replacement member's name and address to the state chair and to the county clerk.

SECTION 12. Amends Section 174.021, Election Code, as follows:

Sec. 174.021. SELECTION OF DELEGATES TO COUNTY AND SENATORIAL DISTRICT CONVENTIONS. (a) Creates this subsection from existing text and makes no further change.

(b) Authorizes a political party by rule allow a county to hold precinct conventions before the county convention on the same day and at the same place as the county convention. Authorizes the rule to modify other provisions of this subchapter as necessary for the county to hold precinct conventions as provided by this subsection.

SECTION 13. Amends Sections 171.022(a), (c), and (d), Election Code, as follows:

(a) Authorizes the precinct conventions to be held at a time and place as determined by rules adopted by the state executive committee of a political party. Deletes existing text authorizing the precinct conventions to be held in the regular county election precincts on general primary election day and a date determined by the county executive committee that occurs not later than the fifth day after the date of the general primary election.

(c)-(d) Changes references to precinct conventions to conventions. Makes no further change to these subsections.

SECTION 14. Amends Sections 174.023(a) and (b), Election Code, as follows:

(a) Requires the county chair to post a notice of the date, hour, and place for convening each convention on the county or state party's Internet website or other Internet location easily found through a search engine, rather than to post a notice of the date, hour, and place for convening each precinct convention on the bulletin board used for posting notice of meetings of the commissioners court. Requires the chair, if the county party does not maintain an Internet website, to post the notice on the county commissioner's bulletin board.

(b) Requires the county chair, not later than the 10th day before the date of the precinct conventions, to deliver to the county clerk written notice either on paper or in electronic form of the date, hour, and place for convening each precinct convention.

SECTION 15. Amends Sections 174.025(a), (c), (d), and (e), Election Code, as follows:

(a) Authorizes the state executive committee of a political party to adopt a rule requiring the precinct chair to be the permanent chair of the precinct convention unless the precinct chair is absent or declines the position. Provides that, if a rule is not adopted under this subsection, the precinct chair is the temporary chair of the precinct convention held under this subchapter.

(c)-(d) Changes references to the temporary chair to the precinct chair and makes no further change to these subsections.

(e) Requires the convention to select a convention chair, if the precinct chair is not the permanent chair, and a convention secretary.

SECTION 16. Amends Section 174.026, Election Code, to require the convention, after the convention is organized, to select its delegates to the subsequent convention, rather than to the county or senatorial district convention, and conduct any other convention business.

SECTION 17. Amends Section 174.027, Election Code, by amending Subsection (d) and adding Subsection (g), as follows:

(d) Requires the county chair to retain the copies of the lists stored in paper or electronic files until the end of the voting year in which they are received.

(g) Provides that an electronic submission to the county chair through a system created by party rule constitutes a complete delivery under Subsection (c) (relating to requiring the convention chair to deliver the originals and copies of the lists of precinct convention participants to the county chair).

SECTION 18. Amends Section 174.062, Election Code, as follows:

Sec. 174.062. TYPE OF CONVENTION HELD. (a) Authorizes a party to adopt rules for holding conventions at any level before and including the state convention. Requires conventions, if a state executive committee has not adopted other rules, to be held in certain areas, including:

(1) except as provided by Subdivision (3), rather than Subsection (c), a county convention is required to be held in a county if the county is not situated in more than one state senatorial district; or

(2)-(3) Makes nonsubstantive changes.

(b) Creates this subsection from existing text. Requires that an order under Subsection (a)(3), rather than under this subsection, be entered in the minutes of the state executive committee not later than the 30th day before the date the county convention is to be held.

SECTION 19. Amends Section 174.063(a), Election Code, as follows:

(a) Requires conventions to be held on a day set by the state executive committee by rule. Requires that these rules allow the committees at each level of convention to set the hour and place for convening their conventions. Deletes existing text requiring the county and senatorial district conventions to be held on the third Saturday after general primary election day. Deletes existing text requiring the conventions, however, if that date occurs during Passover or on the day following Good Friday, to be held on the next Saturday that does not occur during Passover or on the day following Good Friday.

SECTION 20. Amends Sections 174.064(a) and (b), Election Code, as follows:

(a) Requires that a notice of the hour and place for convening each county and senatorial district convention be posted electronically on the county or state party's Internet website or on the bulletin board used for posting notice of meetings of the commissioners court.

(b) Requires that written notice either on paper or in electronic form of the hour and place for convening each convention, not later than the 10th day before the date of the county and senatorial district conventions, be delivered to the county clerk.

SECTION 21. Amends Section 174.065, Election Code, as follows:

Sec. 174.065. ORGANIZING THE CONVENTION. (a) Authorizes the state executive committee of a political party to adopt a rule requiring the county chair to be the permanent chair of the county convention or requiring the senatorial district executive committee member or chair of the district executive committee, as applicable, to be the permanent chair of the senatorial district convention, unless the person is absent or declines the position. Provides that, if a rule is not adopted under this subsection, the county chair is the temporary chair of a county convention held under this subchapter. Provides that, if a senatorial district is situated in more than one county, the senatorial district executive committee member from each county is the temporary chair of the senatorial district convention held in the territory that the committee member represents unless the state executive committee has adopted a rule under this subsection. Provides that, if a senatorial district is not situated in more than one county, the chair of the district executive committee is the temporary chair of the senatorial district convention unless the state executive committee has adopted a rule under this subsection.

(b) Authorizes a delegate to the convention, if the person designated as chair, rather than temporary chair, by Subsection (a) is absent or declines the position, to act as temporary chair.

(c) Requires the chair, rather than the temporary chair, to call the convention to order and deliver the lists of delegates prepared under Section 174.027 (Records of Convention) to the convention.

(d) Requires the convention to select a convention chair, if the person listed in Subsection (a) is not the permanent chair, is not present, or has declined the position, and a convention secretary from among the delegates present.

SECTION 22. Amends Section 174.067, Election Code, as follows:

Sec. 174.067. New heading: STATE CONVENTION DELEGATES SERVE UNTIL NEXT PRIMARY ELECTION. Provides that state convention delegates selected under this subchapter serve as the delegates for all state conventions held until the next general primary election date, rather than held during the remainder of the year in which they are selected.

SECTION 23. Amends Section 174.068, Election Code, as follows:

Sec. 174.068. VOTING AT CONVENTION. Authorizes the state executive committee to adopt rules concerning voting procedures for any party convention. Provides that, if the state executive committee fails to adopt rules, certain voting entitlements and restrictions will apply. Makes nonsubstantive changes.

SECTION 24. Amends Section 174.069, Election Code, by adding Subsection (c), to provide that an electronic submission to the county chair through a system created by party rule constitutes a complete delivery under Subsection (b) (relating to requiring the convention chair to deliver the list to the state chair not later than the fifth day after the date the convention adjourns).

SECTION 25. Amends Section 174.092(a), Election Code, to require the biennial state convention to be convened on a date selected by the state executive committee, rather than to be convened on any day in June or July.

SECTION 26. Amends Section 174.093, Election Code, to require the state chair, before the date of the party's precinct conventions held under this chapter, to post on the party's Internet website the date, hour, and place for convening the biennial state convention, rather than requiring the state chair, before the date of the party's precinct conventions held under this chapter, to deliver written notice of the date, hour, and place for convening the biennial state convention to SOS, each county chair, and each temporary chair of a senatorial district convention.

SECTION 27. Amends Section 174.094, Election Code, as follows:

Sec. 174.094. ORGANIZING THE CONVENTION. (a) Authorizes the state executive committee to adopt a rule requiring the state chair to be the permanent chair of the convention unless the state chair is absent or declines the position. Provides that, if a rule is not adopted under this subsection, the state chair is the temporary chair of the biennial state convention.

(b)-(c) Changes references to the temporary chair to the chair and makes no further change to these subsections.

(d) Requires the convention to select a convention chair, if the state chair is not the permanent chair, and a convention secretary. Authorizes the convention to select any other officers considered necessary to conduct the convention's business.

SECTION 28. Amends Section 174.096, Election Code, as follows:

Sec. 174.096. VOTING AT CONVENTION. Requires the state executive committee to adopt rules concerning the voting procedures for the convention. Provides that, if the state executive committee fails to adopt rules, certain voting entitlements and restrictions will apply. Makes nonsubstantive changes.

SECTION 29. Amends Section 181.063, Election Code, to require that the hours and places for convening the county convention and precinct conventions held under this chapter be set as provided by Section 174.022 (Time and Place of Convention), rather than Section 174.022(b) (relating to requiring the county executive committee to set the hour and place for convening each precinct convention for the precincts served by the committee), for setting the hours and places of precinct conventions of a party holding a primary election.

SECTION 30. Amends Section 181.066, Election Code, as follows:

Sec. 181.066. ORGANIZING PRECINCT CONVENTION. (a) Provides that, unless the state executive committee has adopted rules providing that the precinct chair is the permanent chair, the precinct chair is the temporary chair of a precinct convention held under this chapter. Authorizes a participant, if the precinct chair is absent or declines the position, to act as a temporary chair.

(b) Requires the precinct chair or temporary chair, before conducting business, to prepare a list containing the name and residence address of each person who is admitted to participate in the convention. Requires the chair, in preparing the list, to use information from preregistration if the party has adopted a preregistration process under Section 162.017.

(c) Requires the precinct chair or temporary chair to call the convention to order.

(d) Requires the convention to select a convention chair if a temporary chair is acting as chair.

SECTION 31. Amends Section 181.067, Election Code, by adding Subsection (d), to provide that an electronic submission to the county chair through a system created by party rule constitutes a complete delivery under Subsection (b) (relating to requiring the convention chair to deliver the originals and copies of precinct convention participants to the county chair not later than a certain time).

SECTION 32. Amends Sections 191.031(a) and (c), Election Code, as follows:

(a) Requires a political party, if the party holding a primary election in a presidential election year desires to send delegates to a national presidential nominating convention of the party, to select the delegates at a state convention convened on a date adopted by the state executive committee occurring in the presidential election year, rather than convened on any day in June of the presidential election year.

(c) Requires the party's state chair, before the date of the party's precinct conventions, to post on the party's Internet website notice of the date, hour, and place for the state convention. Deletes existing text requiring the party's state chair, before the date of the party's precinct conventions, to deliver written notice of the date, hour, and place for the state convention to SOS; each county chair of the party; and the temporary chair of each senatorial district convention of the party.

SECTION 33. Repealer: Section 174.022(b) (relating to requiring the county executive committee to set the hour and place for convening each precinct convention for the precincts served by the committee), Election Code.

Repealers: Sections 174.063(b) (relating to requiring that the hour and place for the convening of a county convention be set in the same manner as for the precinct conventions held) and (c) (relating to requiring that the hour and place for the convening of a county convention be set in the same manner as for the precinct conventions held, and authorizing only certain persons to participate), Election Code.

SECTION 34. Effective date: upon passage or September 1, 2013.