

BILL ANALYSIS

Senate Research Center
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S.B. 1448
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Under current law, a county must have a chairman of a political party in order for a primary ballot to be created. In the event a county does not have a county party chair current law makes it optional for a state party chair to contract with a local county that does not have a chair of that political party. However, many counties still do not have a primary because counties do not take advantage of the option to contract with the state party chair. According to the Secretary of State in 2014, 21 counties did not have a Democratic primary and seven counties did not have a Republican primary. This creates a disenfranchisement for voters who wish to participate in a statewide or presidential primary because there is no party chair and the local county did not take advantage of the option to contract with the state party chair.

S.B. 1448 would amend current law to mandate the local county election official to contract with the state party chair of a political party to hold a primary election for a political party in a county without party leadership for a statewide or presidential primary, upon the request of the state party.

As proposed, S.B. 1448 amends current law relating to holding a primary election for a political party in a county without party leadership.

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 172.128, Election Code, as follows:

Sec. 172.128. ALTERNATIVE PRIMARY PROCEDURE FOR COUNTIES WITHOUT COUNTY PARTY LEADERSHIP. (a) Requires that a primary election that is required for the nomination of a political party to a statewide office or a presidential primary election, notwithstanding a conflicting provision of this code, be held in accordance with this section in a county in which:

(1) the office of county chair is vacant and there is an insufficient number of members serving on the county executive committee to fill a vacancy on the committee; and

(2) the party is unable to establish a temporary executive committee under Section 171.027 (Temporary Committee).

(b) Requires a county clerk, county tax assessor-collector, or county elections administrator, on the request of the state chair of a political party, as appropriate, to contract with the state chair to hold a primary election under this section.

Deletes existing text authorizing the state chair of a political party to contract with a county clerk, county tax assessor-collector, or county elections administrator, as appropriate, to hold a primary election in a county in which the office of county

chair is vacant and there is an insufficient number of members serving on the county executive committee to fill a vacancy on the committee and the party is unable to establish a temporary executive committee under Section 171.027.

(c) Requires that a contract for election services entered into under this section to provide that the county is required to be eligible to be reimbursed for primary election expenses in the same manner a county chair would be reimbursed under Subchapter D (State Financing), Chapter 173.

SECTION 2. Effective date: September 1, 2015.