

BILL ANALYSIS

C.S.H.B. 3902
By: Vo
Elections
Committee Report (Substituted)

BACKGROUND AND PURPOSE

According to interested observers, it is natural to assume that each political party would want to tell the voters who participate in its primary about the party's convention and other party information and that allowing such a political party to provide those voters with a single-page informational document distributed during early voting and on election day would effectively serve that function. Such observers further note that doing so would also allow the clerk to use the document in verifying a voter's primary voting and party affiliation for convention participation purposes for someone who does not present a voter registration card for stamping to indicate the voter's party affiliation. C.S.H.B. 3902 seeks to allow a political party to distribute such an informational document.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the secretary of state in SECTION 2 of this bill.

ANALYSIS

C.S.H.B. 3902 amends the Election Code to authorize a political party to prepare a notice not larger than letter-sized for distribution to each voter participating in the party's primary election at the time the voter is accepted for voting. The bill authorizes the notice to include the following: information describing the party's convention process, information detailing the time and place of the party's first level convention process, contact information for the county and state political parties, and website links for information and registration for party conventions. The bill requires the state chair of a political party to prescribe a form for a notice that may be used in any county and authorizes the county chair of a political party to prescribe a specific notice for the county chair's county. The bill requires the same notice to be used in all precincts within a county.

C.S.H.B. 3902 requires such a notice to be approved by the secretary of state and, if a county chair of a political party uses the form of notice prescribed by the state chair, authorizes only the convention location and time to be added without the secretary of state's approval. The bill requires a county chair of a political party to supply the prepared notice to the authority conducting the election not later than the 30th day before the date early voting by personal appearance begins. The bill requires the secretary of state to prescribe procedures and adopt rules as necessary to implement the bill's provisions relating to the distribution of notice of conventions.

C.S.H.B. 3902 authorizes the affiliation certificate issued to a voter who is accepted to vote without presenting a registration certificate to be combined with the notice and, if the combined form is used, exempts an election officer from the requirement to stamp the party's name in the party affiliation space of the registration certificate of each voter who presents the voter's registration certificate and is accepted to vote if the party name has not already been stamped in the space.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2015.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 3902 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Section 162.004(c), Election Code, is amended.

SECTION 2. Subchapter E, Chapter 172, Election Code, is amended by adding Section 172.1114 to read as follows:

Sec. 172.1114. DISTRIBUTION OF NOTICE OF CONVENTIONS. A political party may prepare a letter-sized notice for distribution to each voter participating in the party's primary election at the time the voter is accepted for voting.

The notice must contain information detailing the time and place of the party's conventions and may include contact information for the county and state political parties and website links for information and registration for party conventions.

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Same as introduced version.

SECTION 2. Subchapter E, Chapter 172, Election Code, is amended by adding Section 172.1114 to read as follows:

Sec. 172.1114. DISTRIBUTION OF NOTICE OF CONVENTIONS. (a) A political party may prepare a notice not larger than letter-sized for distribution to each voter participating in the party's primary election at the time the voter is accepted for voting.

(b) The notice may include:

(1) information describing the party's convention process;

(2) information detailing the time and place of the party's first level convention process;

(3) contact information for the county and state political parties; and

(4) website links for information and registration for party conventions.

(c) The state chair of a political party shall prescribe a form for a notice that may be used in any county. A county chair of a political party may prescribe a specific notice for the county chair's county. The same notice must be used in all precincts within a county.

(d) A notice must be approved by the secretary of state. If a county chair of a political party uses the form of notice prescribed by the state chair, only the convention location and time may be added without the secretary of state's approval.

(e) A county chair of a political party shall

supply a notice prepared according to this section to the authority conducting the election not later than the 30th day before the date early voting by personal appearance begins.

(f) The secretary of state shall prescribe procedures and adopt rules as necessary to implement this section.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2015.

SECTION 3. Same as introduced version.