

## **BILL ANALYSIS**

S.B. 1448  
By: Ellis  
Elections  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Interested parties believe that a county must have a chairman of a political party in order for a primary ballot to be created and that, if there is no county chairman, there can be no local candidates for a county or for districts within the county. Moreover, the parties claim that if no county party exists, no statewide or presidential primary occurs in the county, which disenfranchises voters who wish to participate in statewide races and presidential primaries in that county. S.B. 1448 seeks to address this problem.

### **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 1 of this bill.

### **ANALYSIS**

S.B. 1448 amends the Election Code to replace the authority of a state chair of a political party to contract with certain county officers in a county without party leadership in the form of a county chair or a county executive committee to hold a primary election required for the nomination of a political party to a statewide office with a requirement for those county officers, which include a county clerk, county tax assessor-collector, or county elections administrator, as appropriate, to contract with the state chair on the chair's request to hold such a primary election. The bill makes that requirement applicable also to a presidential primary election held in such a county. The bill authorizes an applicable county to designate the location of the polling place for a primary election at the main early voting polling place or to designate a location to serve as a polling place in the county seat of the county if the polling place is located so that it will adequately serve the voters. The bill requires voting to be conducted at least during the hours that the county clerk's main business office is regularly open for business and requires the election returns to be delivered to the state chair of the applicable political party. The bill expressly does not require a precinct convention to be held following such a primary election. The bill requires a contract for election services to provide that the county must be eligible for reimbursement for primary election expenses in the same manner a county chair would be reimbursed under statutory provisions relating to primary election financing. The bill authorizes election officers appointed to serve a polling place for such a primary election to be affiliated or aligned with any political party. The bill requires the secretary of state to adopt rules to implement the bill's provisions in accordance with the conduct of elections and with party rule.

**EFFECTIVE DATE**

September 1, 2015.