

# The State of Texas



Elections Division  
P.O. Box 12060  
Austin, Texas 78711-2060  
www.sos.state.tx.us

Phone: 512-463-5650  
Fax: 512-475-2811  
Dial 7-1-1 For Relay Services  
(800) 252-VOTE (8683)

Rolando B. Pablos  
Secretary of State

## **ELECTION ADVISORY**

### **NO. 2018-15**

**TO:** County Clerks/Election Administrators and County Chairs  
**FROM:** Keith Ingram, Director of Elections  
**DATE:** March 13, 2018  
**RE:** Party Affiliation Questions and Answers



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This advisory provides answers to some commonly asked questions related to party affiliation, voting in the primary election, and candidacy in the primary elections. If you have additional questions related to affiliation, please contact the Secretary of State at 1-800-252-VOTE (8683).

All references are to the Texas Election Code (unless otherwise cited).

### **General Affiliation Questions**

#### **1. How does party affiliation work in Texas?**

In Texas, there are two main ways for a voter to affiliate with a party: by being accepted to vote in a party's primary election or by taking an oath of affiliation with a party. (§§162.003, 162.006). A voter's affiliation with a party automatically expires at the end of each calendar year, which is December 31. (§162.010). A voter who has affiliated themselves with a party is unable to participate in the party affairs of a party other than the party that they have affiliated themselves with. (§§162.012, 162.013)

If a voter has not voted in a party primary or taken an oath of affiliation with a party this calendar year, they have not yet affiliated with any party. If a voter has not yet affiliated with a party, they are able to vote in either party's primary election. However, if a voter votes in the primary of one party, they will only be able to vote in that party's primary runoff election. (§§162.012, 162.013) After being affiliated with a party, a voter is not able to change or end your party affiliation until the end of the calendar year. (§162.010)

#### **2. Do I have to register or affiliate with a party before I vote in the primary?**

No. A registered voter is not required to pre-register or take any steps towards affiliating themselves with a party before voting in a party's primary election. (§162.003) Additionally, when a person registers to vote in Texas, they do not register with any kind of party affiliation.

**3. Does a voter have to vote in the main election in order to vote in a runoff election?**

No. Section 11.001 of the Texas Election Code prescribes the specific qualifications necessary in order to vote in a Texas election. There is no requirement to have previously voted in the main election in order to participate in the subsequent run-off election.

**4. If I have voted for one party in the past, do I have vote in the same party's primary this year?**

No. A voter's party affiliation ends at the end of each calendar year. Affiliation with a party in a prior year does not affect what primary an unaffiliated voter can vote in this year. (§162.010)

**5. How can I change my party affiliation?**

After affiliating with a party by voting in a party's primary or by taking an oath of affiliation with a party, a voter cannot change their party affiliation during the calendar year. (§162.010)

**6. What if I signed a petition for a candidate for a place on the primary ballot?**

If a voter signed a candidate's petition for a place on the primary ballot, that voter is only able to vote in the primary of that candidate's party. For example, if a voter signed a Democratic candidate's petition, that voter is unable to vote in the Republican primary, and vice versa. (§172.026)

**7. If I am not going to be 18 in time for the primary or primary runoff, but will be 18 by the time of the general election, can I vote in the primary?**

No. A voter must have an effective registration on or before election day in order to vote in that election. (§11.001). In Texas, the earliest a voter can submit a voter registration application is when they are 17 years and 10 months old. (§13.001). However, this application is not effective until a voter's 18th birthday. If a voter is not 18 on or before election day, their voter registration will not be effective prior to election day and they will not be able to vote in that election. However, a voter who turns 18 between primary election day, March 6, 2018, and primary runoff election day, May 22, 2018, can register to vote and vote in the May 22, 2018 primary runoff election.

**8. I voted in the Primary Election on March 6, 2018. Why did they ask if I wanted a Republican or Democratic ballot? Why did I have to indicate party preference on my Application for a Ballot by Mail (ABBM)?**

The primary elections are two separate elections that occur on the same day. Both the Republican and Democratic parties are selecting their nominees for the general election in November. When a voter votes in a primary election or primary runoff election, they are affiliating with the party whose primary they are voting in. (§162.003). A voter who is affiliated with a political party is ineligible to become affiliated with another party during the same voting year. (§162.012). This means a voter cannot vote in both primary elections, or

the primary election of one party and the runoff election of another party. Some counties will have joint primaries and/or the parties will share polling places. In a county where the Republican and Democratic parties are sharing polling places, the vote must identify what primary they would like to vote in in order to ensure they receive the correct ballot and are marked as voting in the correct primary election.

Since a voter cannot participate in both party primary elections, when voting by mail, a voter must indicate their party preference to ensure they receive the correct ballot style.

**9. Can I vote in one party's primary election and another party's primary runoff election?**

No. By voting in a party's primary election, a voter has affiliated themselves with that party and is unable to participate in the convention or runoff election of another party during that calendar year. (§§162.012, 162.013)

**10. If I vote in a party's primary, am I required to vote for that party's candidates in the November 6, 2018 general election?**

No. A voter who votes in the primary is not required to vote for a particular party's candidates in the succeeding general election.

**11. What if I consider myself an independent, but wish to vote in a primary election?**

The act of voting in a primary election affiliates a voter with a political party. (§162.003). However, if a voter has not otherwise affiliated themselves with a political party, they are able to vote in the primary of either party.

**Candidacy Affiliation Questions**

**12. I was a candidate in the primary election and I lost my race. Can I run as an Independent Candidate in November?**

No. A person that was a candidate for nomination in a primary election is ineligible for a place on the ballot for the next general election for state and county officers as an independent candidate for any office that had candidates in the primary election. (§162.015(a)).

**13. I was a candidate in the primary election and I lost my race. Can I run as a write-in candidate in November?**

A person that was a candidate for nomination for the primary election cannot run as a write-in candidate for the **same** office in the general election in November. However, the candidate could run as a write-in candidate for a **different** office. (§ 162.015(b)).