

By: Burrows

H.B. No. 1635

Substitute the following for H.B. No. 1635:

By: Smith

C.S.H.B. No. 1635

A BILL TO BE ENTITLED

AN ACT

relating to the operation of political parties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 162.001, Election Code, is amended by adding Subsection (c) to read as follows:

(c) A party official may not deny a person eligible to affiliate with a political party under Section 162.002 the ability to affiliate with the political party.

SECTION 2. Section 163.007, Election Code, is amended to read as follows:

Sec. 163.007. RULES ENFORCEABLE BY MANDAMUS. A rule on electoral affairs is enforceable by writ of mandamus in the same manner as if the rule were a statute. A rule on electoral affairs that conflicts with state or federal law is void and unenforceable.

SECTION 3. Sections 172.0222(b) and (g), Election Code, are amended to read as follows:

(b) On the filing of an application for a place on the general primary election ballot, the authority with whom the application is filed shall review the application to determine whether it complies with state or federal law or with the requirements as to form, content, and procedure that it must satisfy for the candidate's name to be placed on the general primary election ballot.

(g) If an application does not comply with the ~~[applicable]~~

1 requirements described by Subsection (b), the authority shall  
2 reject the application and immediately deliver to the candidate  
3 written notice of the reason for the rejection.

4 SECTION 4. Section 172.082(b), Election Code, is amended to  
5 read as follows:

6 (b) The county chair or the county chair's designee shall  
7 conduct the drawing [~~unless the county executive committee provides~~  
8 ~~by resolution that the drawing be conducted by the primary~~  
9 ~~committee~~].

10 SECTION 5. Section 172.111(b), Election Code, is amended to  
11 read as follows:

12 (b) The county chair [~~executive committee~~] shall supervise  
13 the overall conduct of a primary election in each county.

14 SECTION 6. Section 173.033, Election Code, is amended by  
15 adding Subsection (d) to read as follows:

16 (d) Notwithstanding any other provision of this chapter:

17 (1) a primary fund may not be used to pay expenses  
18 incurred by a political party in connection with a primary election  
19 conducted by a political party that has authorized a party official  
20 to reject an application for a place on the primary election ballot  
21 or declare a candidate ineligible for any reason not specified  
22 under the laws of this state or federal law; and

23 (2) any funds disbursed to the primary fund of a  
24 political party specified in Subdivision (1) shall be remitted to  
25 the secretary of state immediately on request and deposited in the  
26 state treasury for the financing of primary elections.

27 SECTION 7. Section 191.008(b), Election Code, is amended to

1 read as follows:

2 (b) The rules may not be inconsistent with national party  
3 rules, this subchapter, or [~~with~~] rules adopted by the secretary of  
4 state under this subchapter.

5 SECTION 8. Sections 172.081 and 172.083, Election Code, are  
6 repealed.

7 SECTION 9. This Act takes effect September 1, 2023.