

By: Burrows

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. Chapter 163, Election Code, is amended by adding Section 163.0015 to read as follows:

Sec. 163.0015. RULES FOR PUBLIC OFFICES OTHER THAN PRESIDENT OR VICE PRESIDENT. Notwithstanding any other provision of this title, a political party may only adopt a rule governing or affecting presidential or vice-presidential nominees. The secretary of state shall adopt any rule governing or affecting general or runoff primary elections or nominees for all other public offices.

SECTION 3. Section 163.004(a), Election Code, is amended to read as follows:

(a) A political party's rules, including amendments to rules, governing or affecting its [~~general or runoff primary elections,~~] conventions held under this code[~~7~~] or presidential or vice-presidential nominees may be adopted only by:

- (1) a state convention; or

1 (2) the state executive committee as:

2 (A) a temporary rule, if adoption before the next
3 state convention is necessary; or

4 (B) a permanent rule, if the state executive
5 committee is expressly required or authorized by statute to adopt a
6 rule.

7 SECTION 4. Sections 172.0222(g) and (h), Election Code, are
8 amended to read as follows:

9 (g) If an application does not comply with the applicable
10 requirements, the authority shall reject the application and
11 immediately deliver to the candidate written notice of the reason
12 for the rejection. The authority may not reject an application for
13 any reason not specified under this code.

14 (h) This section does not apply to a determination of a
15 candidate's eligibility. A candidate in a general or runoff primary
16 election may not be declared ineligible for any reason not
17 specified under this code.

18 SECTION 5. Section 172.053, Election Code, is amended to
19 read as follows:

20 Sec. 172.053. ADMINISTRATIVE DECLARATION OF INELIGIBILITY
21 AFTER POLLS CLOSE. Except for a judicial action in which a
22 candidate's eligibility is in issue, after the polls close on
23 primary election day and before the final canvass for the office
24 sought by the candidate is completed, a candidate for nomination
25 may be declared ineligible only by the presiding officer of the
26 primary's final canvassing authority for that office. A candidate
27 in a general or runoff primary election may not be declared

1 ineligible for any reason not specified under this code.

2 SECTION 6. Section 172.082(b), Election Code, is amended to
3 read as follows:

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

8 SECTION 7. Section 172.111(b), Election Code, is amended to
9 read as follows:

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

12 SECTION 8. Section 191.008(b), Election Code, is amended to
13 read as follows:

14 (b) The rules may not be inconsistent with national party
15 rules, this subchapter, or with rules adopted by the secretary of
16 state under this subchapter.

17 SECTION 9. Sections 172.081 and 172.083, Election Code, are
18 repealed.

19 SECTION 10. This Act takes effect September 1, 2023.