

By: Berman

H.B. No. 1892

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to nominations by primary election by all political  
3 parties.

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

5 SECTION 1. Section 172.001, Election Code, is amended to  
6 read as follows:

7 Sec. 172.001. NOMINATING BY PRIMARY ELECTION REQUIRED. A  
8 [~~Except as otherwise provided by this code, a~~] political party's  
9 nominees in the general election for offices of state and county  
10 government and the United States Congress must be nominated by  
11 primary election, held as provided by this code [~~, if the party's~~  
12 ~~nominee for governor in the most recent gubernatorial general~~  
13 ~~election received 20 percent or more of the total number of votes~~  
14 ~~received by all candidates for governor in the election)].~~

15 SECTION 2. Section 162.001(b), Election Code, is amended to  
16 read as follows:

17 (b) The affiliation requirement prescribed by Subsections  
18 (a)(2) and (3) applies only during a voting year in which the  
19 general election for state and county officers is held and does not  
20 apply until[+]

21 [~~(1)~~] general primary election day[~~, for a party~~  
22 ~~holding a primary election, or~~

23 [~~(2) the date of the precinct conventions held under~~  
24 ~~this title, for a party nominating by convention)].~~

1 SECTION 3. Section 162.008(a), Election Code, is amended to  
2 read as follows:

3 (a) This section applies only to a person desiring to  
4 affiliate with a political party during that part of a voting year  
5 in which the general election for state and county officers is held  
6 that follows[+]

7 [~~(1) the date of the precinct conventions held under~~  
8 ~~this title, for a party nominating by convention; or~~

9 [~~(2)~~] 7 p.m. on general primary election day[~~, for a~~  
10 ~~party holding a primary election~~].

11 SECTION 4. Section 202.006(a), Election Code, is amended to  
12 read as follows:

13 (a) A political party's state, district, county, or  
14 precinct executive committee, as appropriate for the particular  
15 office, may nominate a candidate for the unexpired term if[+]

16 [~~(1) in the case of a party holding a primary~~  
17 ~~election,~~] the vacancy occurs after the 62nd day before general  
18 primary election day[~~, or~~

19 [~~(2) in the case of a party nominating by convention,~~  
20 ~~the vacancy occurs after the fourth day before the date the~~  
21 ~~convention having the power to make a nomination for the office~~  
22 ~~convenes~~].

23 SECTION 5. Section 251.001(1), Election Code, is amended to  
24 read as follows:

25 (1) "Candidate" means a person who knowingly and  
26 willingly takes affirmative action for the purpose of gaining  
27 nomination or election to public office or for the purpose of

1 satisfying financial obligations incurred by the person in  
2 connection with the campaign for nomination or election. Examples  
3 of affirmative action include:

4 (A) the filing of a campaign treasurer  
5 appointment, except that the filing does not constitute candidacy  
6 or an announcement of candidacy for purposes of the automatic  
7 resignation provisions of Article XVI, Section 65, or Article XI,  
8 Section 11, of the Texas Constitution;

9 (B) the filing of an application for a place on a  
10 ballot;

11 (C) [~~the filing of an application for nomination~~  
12 ~~by convention,~~

13 [~~(D)~~] the filing of a declaration of intent to  
14 become an independent candidate or a declaration of write-in  
15 candidacy;

16 (D) [~~(E)~~] the making of a public announcement of  
17 a definite intent to run for public office in a particular election,  
18 regardless of whether the specific office is mentioned in the  
19 announcement;

20 (E) [~~(F)~~] before a public announcement of  
21 intent, the making of a statement of definite intent to run for  
22 public office and the soliciting of support by letter or other mode  
23 of communication;

24 (F) [~~(G)~~] the soliciting or accepting of a  
25 campaign contribution or the making of a campaign expenditure; and

26 (G) [~~(H)~~] the seeking of the nomination of an  
27 executive committee of a political party to fill a vacancy.

1 SECTION 6. Section 253.153(a), Election Code, is amended to  
2 read as follows:

3 (a) A judicial candidate or officeholder, a  
4 specific-purpose committee for supporting or opposing a judicial  
5 candidate, or a specific-purpose committee for assisting a judicial  
6 officeholder may not knowingly accept a political contribution  
7 except during the period:

8 (1) beginning on:

9 (A) the 210th day before the date an application  
10 for a place on the ballot [~~or for nomination by convention~~] for the  
11 office is required to be filed, if the election is for a full term;  
12 or

13 (B) the later of the 210th day before the date an  
14 application for a place on the ballot [~~or for nomination by~~  
15 ~~convention~~] for the office is required to be filed or the date a  
16 vacancy in the office occurs, if the election is for an unexpired  
17 term; and

18 (2) ending on the 120th day after the date of:

19 (A) the general election for state and county  
20 officers, if the candidate or officeholder has an opponent in the  
21 general election;

22 (B) except as provided by Subsection (c), the  
23 runoff primary election, if the candidate or officeholder is a  
24 candidate in the runoff primary election and does not have an  
25 opponent in the general election; or

26 (C) except as provided by Subsection (c), the  
27 general primary election, if the candidate or officeholder is not a

1 candidate in the runoff primary election and does not have an  
2 opponent in the general election.

3 SECTION 7. Section 571.079(a), Government Code, is amended  
4 to read as follows:

5 (a) Not later than the 15th day after the date on which an  
6 application for a place on the general primary election ballot [~~or~~  
7 ~~for nomination by convention~~] is required to be filed, the  
8 commission shall post on its Internet website:

9 (1) the name and address of each candidate for an  
10 office specified by Section 252.005(1), Election Code, who has  
11 failed to pay a civil penalty imposed by the commission for failure  
12 to file with the commission a required report or statement under  
13 Chapter 254, Election Code, or Chapter 572; and

14 (2) for each candidate listed under Subdivision (1),  
15 the amount of the penalty imposed and the amount paid, if any.

16 SECTION 8. (a) Subtitle C, Title 10, Election Code, is  
17 repealed.

18 (b) Sections 162.007, 172.002, and 202.005, Election Code,  
19 are repealed.

20 SECTION 9. The changes in law made by this Act apply  
21 beginning with nominations made for an election held on or after  
22 January 1, 2010.

23 SECTION 10. This Act takes effect immediately if it  
24 receives a vote of two-thirds of all the members elected to each  
25 house, as provided by Section 39, Article III, Texas Constitution.  
26 If this Act does not receive the vote necessary for immediate  
27 effect, this Act takes effect September 1, 2009.