

By: Morrison, Rodriguez of Travis, Simmons

H.B. No. 3102

A BILL TO BE ENTITLED

AN ACT

relating to political parties' governance and conventions.

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

SECTION 1. Section 162.001(a), Election Code, is amended to read as follows:

(a) A person must be affiliated with a political party to be eligible ~~[to]~~:

(1) to serve as a delegate to or otherwise participate in a convention held by the party under this code;

(2) to be elected as a member of or be appointed to fill a vacancy on a state executive committee; ~~[or]~~

(3) to be appointed to fill a vacancy on a county executive committee; or

(4) for any other purpose within the party as adopted by state party rules.

SECTION 2. Section 162.008, Election Code, is amended to read as follows:

Sec. 162.008. AFFILIATION PROCEDURE: TAKING OATH GENERALLY. (a) A ~~[This section applies only to a]~~ person may ~~[desiring to]~~ affiliate with a political party at any time by taking an oath of affiliation ~~[during that part of a voting year in which the general election for state and county officers is held that follows:~~

~~[(1) the date of the precinct conventions held under~~

1 ~~this title, for a party nominating by convention, or~~  
2 ~~[(2) 7 p.m. on general primary election day, for a~~  
3 ~~party holding a primary election].~~

4 (b) On request of a person desiring to affiliate with a  
5 political party, a member of the county executive committee for the  
6 county in which the person resides or other person authorized by  
7 party rule shall administer the oath prescribed by Section  
8 162.007(b).

9 (c) After administering the oath, the committee member or  
10 authorized person shall stamp the party's name on the person's  
11 registration certificate or issue the person an affiliation  
12 certificate as provided by Section 162.007(c).

13 SECTION 3. Section 162.010, Election Code, is amended to  
14 read as follows:

15 Sec. 162.010. DURATION OF AFFILIATION. (a) Except as  
16 provided by Subsection (b), a [A] party affiliation expires at the  
17 end of the voting year in which the person became affiliated.

18 (b) A party affiliation made in an odd-numbered year expires  
19 on the first day on which a person may file an application for a  
20 place on the general primary election ballot.

21 SECTION 4. Section 162.011(a), Election Code, is amended to  
22 read as follows:

23 (a) A person commits an offense if for the purpose of  
24 participating in a political party's convention or other party  
25 meeting or event the person presents to a party official:

26 (1) an affiliation certificate that the person knows  
27 was not issued in compliance with this chapter; or

1           (2) a voter registration certificate with a party  
2 affiliation stamp that the person knows was not obtained in  
3 compliance with this chapter.

4           SECTION 5. Chapter 162, Election Code, is amended by adding  
5 Section 162.017 to read as follows:

6           Sec. 162.017. PREREGISTRATION. (a) A political party  
7 holding a precinct convention may preregister attendees for the  
8 convention by electronic means or any other method the party may  
9 adopt by rule.

10           (b) The party may, through the preregistration process,  
11 collect the following information from attendees:

12                   (1) demographic data;

13                   (2) information needed to organize and prepare records  
14 of the convention; and

15                   (3) any additional information required by party rule.

16           (c) In a presidential election year, the party may collect  
17 through preregistration declarations of support for presidential  
18 candidates or a statement of uncommitted status. The party may by  
19 rule use this information to aid in the selection of delegates to  
20 its county or senatorial district convention.

21           (d) If a political party collects declarations of support  
22 for presidential candidates or a statement of uncommitted status  
23 through preregistration under Subsection (c), it must employ a  
24 process by which an attendee may change the attendee's stated  
25 preference before the precinct convention.

26           (e) The preregistration process must include the statement  
27 described by Section 162.004(a) and require a preregistering

1 attendee to affiliate with the party by taking the oath described in  
2 Section 162.007(b).

3 (f) The date and time at which preregistration opens and  
4 closes may be set by party rule.

5 (g) A person who does not preregister to attend a precinct  
6 convention under this section may register in person at the  
7 convention and must have voting rights identical to those of a  
8 person who preregistered.

9 SECTION 6. Section 163.004(a), Election Code, is amended to  
10 read as follows:

11 (a) A political party's rules, including amendments to  
12 rules, governing or affecting its general or runoff primary  
13 elections, conventions held under this code, or nominees may be  
14 adopted only by:

15 (1) a state convention; or

16 (2) the state executive committee as:

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

19 (B) a permanent rule, if the state executive  
20 committee is expressly required or authorized by statute to adopt a  
21 rule.

22 SECTION 7. The heading to Section 163.005, Election Code,  
23 is amended to read as follows:

24 Sec. 163.005. FILING AND POSTING RULES [~~WITH SECRETARY OF~~  
25 ~~STATE~~]; EFFECTIVE DATE.

26 SECTION 8. Section 163.005, Election Code, is amended by  
27 adding Subsection (f) to read as follows:

1        (f) All rules, temporary or permanent, shall be posted on  
2 the state party's Internet website.

3        SECTION 9. Section 163.006(a), Election Code, is amended to  
4 read as follows:

5        (a) A rule on electoral affairs that is to become effective  
6 in a year in which the party will hold precinct conventions under  
7 this title must be filed with the secretary of state and posted on  
8 the party's Internet website not later than the 30th day before the  
9 date the party convenes its earliest [~~of convening the~~] precinct  
10 conventions. The secretary of state may extend this deadline for  
11 good cause.

12        SECTION 10. Section 171.0221(b), Election Code, is amended  
13 to read as follows:

14        (b) The county chair shall prepare a document that shall be  
15 posted [~~sign~~] that states: "Pursuant to Section 171.0221, Election  
16 Code, (insert name of unopposed candidate for precinct chair), if  
17 otherwise eligible, shall be declared elected to the office of  
18 precinct chair at the time of the local canvass." The county chair  
19 or entity contracted to hold the election shall distribute copies  
20 of the document [~~sign~~] to the presiding judge of the election  
21 precinct with the other election supplies. An election officer  
22 shall post the document [~~sign~~] in one or more locations in the  
23 polling place where it can be read by persons waiting to vote.

24        SECTION 11. Sections 171.024(a), (b), and (e), Election  
25 Code, are amended to read as follows:

26        (a) The county executive committee shall fill by  
27 appointment any vacancy on the committee. The state executive

1 committee may by rule adopt procedures for filling vacancies.

2 (b) The state executive committee shall adopt rules  
3 regarding how many members of the county executive committee  
4 constitute a quorum for the purpose of [~~Except as provided by~~  
5 ~~Subsection (c), a majority of the committee's membership must~~  
6 ~~participate in~~] filling a vacancy. To be elected, a person must  
7 receive a favorable vote of a majority of the members voting.

8 (e) After a vacancy is filled, the county chair shall  
9 promptly deliver written or electronic notice of the replacement  
10 member's name and address to the state chair and to the county  
11 clerk.

12 SECTION 12. Section 174.021, Election Code, is amended to  
13 read as follows:

14 Sec. 174.021. SELECTION OF DELEGATES TO COUNTY AND  
15 SENATORIAL DISTRICT CONVENTIONS. (a) The delegates to a political  
16 party's county and senatorial district conventions held under this  
17 chapter shall be selected in accordance with party rules at  
18 precinct conventions held as provided by this subchapter.

19 (b) A political party may by rule allow a county to hold  
20 precinct conventions before the county convention on the same day  
21 and at the same place as the county convention. The rule may modify  
22 other provisions of this subchapter as necessary for the county to  
23 hold precinct conventions as provided by this subsection.

24 SECTION 13. Sections 174.022(a), (c), and (d), Election  
25 Code, are amended to read as follows:

26 (a) The precinct conventions may be held at a time and place  
27 as determined by rules adopted by the state executive committee of a

1 political party [~~in the regular county election precincts on:~~  
2           ~~(1) general primary election day, and~~  
3           ~~(2) a date determined by the county executive~~  
4 ~~committee that occurs not later than the fifth day after the date of~~  
5 ~~the general primary election]~~.

6           (c) If [~~precinct~~] conventions are held on general primary  
7 election day, the hour set for convening the conventions may not be  
8 earlier than 7 p.m. or later than 9 p.m., but a convention may not  
9 convene until the last voter has voted at the precinct polling  
10 place. If [~~precinct~~] conventions are held on a day other than  
11 general primary election day, the county executive committee shall  
12 set the hour for convening or a time frame in which the conventions  
13 must convene.

14           (d) The place selected for a [~~precinct~~] convention must meet  
15 the same requirements for access by the elderly and persons with  
16 physical disabilities as a polling place under Section 43.034(a).

17           SECTION 14. Sections 174.023(a) and (b), Election Code, are  
18 amended to read as follows:

19           (a) The county chair shall post a notice of the date, hour,  
20 and place for convening each [~~precinct~~] convention on the county or  
21 state party's Internet website or other Internet location easily  
22 found through a search engine. If the county party does not  
23 maintain an Internet website, the chair shall post the notice on the  
24 county commissioner's bulletin board [~~used for posting notice of~~  
25 ~~meetings of the commissioners court~~]. The notice must remain  
26 posted continuously for the 10 days immediately preceding the date  
27 of the convention.

1 (b) Not later than the 10th day before the date of the  
2 precinct conventions, the county chair shall deliver to the county  
3 clerk written notice either on paper or in electronic form of the  
4 date, hour, and place for convening each precinct convention.

5 SECTION 15. Sections 174.025(a), (c), (d), and (e),  
6 Election Code, are amended to read as follows:

7 (a) The state executive committee of a political party may  
8 adopt a rule requiring the precinct chair to be the permanent chair  
9 of the precinct convention unless the precinct chair is absent or  
10 declines the position. If a rule is not adopted under this  
11 subsection, the precinct chair is the temporary chair of the  
12 precinct convention held under this subchapter.

13 (c) Before conducting business, the precinct [~~temporary~~]  
14 chair shall prepare a list containing the name and residence  
15 address of each person who is admitted to participate in the  
16 convention.

17 (d) The precinct [~~temporary~~] chair shall call the  
18 convention to order.

19 (e) The convention shall select a convention chair, if the  
20 precinct chair is not the permanent chair, and a convention  
21 secretary. The convention may select any other officers considered  
22 necessary to conduct the convention's business.

23 SECTION 16. Section 174.026, Election Code, is amended to  
24 read as follows:

25 Sec. 174.026. CONVENTION BUSINESS. After the convention is  
26 organized, the convention shall select its delegates to the  
27 subsequent [~~county or senatorial district~~] convention and conduct



1 any other convention business.

2 SECTION 17. Section 174.027, Election Code, is amended by  
3 amending Subsection (d) and adding Subsection (g) to read as  
4 follows:

5 (d) The county chair shall retain the copies of the lists  
6 stored in paper or electronic files until the end of the voting year  
7 in which they are received.

8 (g) An electronic submission to the county chair through a  
9 system created by party rule constitutes a complete delivery under  
10 Subsection (c).

11 SECTION 18. Section 174.062, Election Code, is amended to  
12 read as follows:

13 Sec. 174.062. TYPE OF CONVENTION HELD. (a) A party may  
14 adopt rules for holding conventions at any level before and  
15 including the state convention. If a state executive committee has  
16 not adopted other rules, conventions shall be held as follows:

17 (1) except [~~Except~~] as provided by Subdivision (3)  
18 [~~Subsection (c)~~], a county convention shall be held in a county if  
19 the county is not situated in more than one state senatorial  
20 district; [~~-~~]

21 (2) if [~~(b) If~~] a county is situated in more than one  
22 state senatorial district, instead of a county convention a  
23 senatorial district convention shall be held in each part of the  
24 county that is situated in a different senatorial district, unless  
25 otherwise provided by party rule; or [~~-~~]

26 (3) if [~~(c) If~~] the county executive committee for a  
27 political party determines that no suitable location for the county

1 convention is available in the county, the county executive  
2 committee may apply to the state executive committee of that  
3 political party to issue an order permitting the county convention  
4 to be held at a location outside the county.

5 (b) An order under Subsection (a)(3) [~~this subsection~~] must  
6 be entered in the minutes of the state executive committee not later  
7 than the 30th day before the date the county convention is to be  
8 held.

9 SECTION 19. Section 174.063(a), Election Code, is amended  
10 to read as follows:

11 (a) Conventions [~~The county and senatorial district~~  
12 ~~conventions~~] shall be held on a day set by the state executive  
13 committee by rule. These rules shall allow the committees at each  
14 level of convention to set the hour and place for convening their  
15 conventions [~~the third Saturday after general primary election day.~~  
16 ~~However, if that date occurs during Passover or on the day following~~  
17 ~~Good Friday, the conventions shall be held on the next Saturday that~~  
18 ~~does not occur during Passover or on the day following Good Friday].~~

19 SECTION 20. Sections 174.064(a) and (b), Election Code, are  
20 amended to read as follows:

21 (a) A notice of the hour and place for convening each county  
22 and senatorial district convention shall be posted electronically  
23 on the county or state party's Internet website or on the bulletin  
24 board used for posting notice of meetings of the commissioners  
25 court. The notice must remain posted continuously for the 10 days  
26 immediately preceding the date of the convention.

27 (b) Not later than the 10th day before the date of the county

1 and senatorial district conventions, written notice either on paper  
2 or in electronic form of the hour and place for convening each  
3 convention shall be delivered to the county clerk.

4 SECTION 21. Section 174.065, Election Code, is amended to  
5 read as follows:

6 Sec. 174.065. ORGANIZING THE CONVENTION. (a) The state  
7 executive committee of a political party may adopt a rule requiring  
8 the county chair to be the permanent chair of the county convention  
9 or requiring the senatorial district executive committee member or  
10 chair of the district executive committee, as applicable, to be the  
11 permanent chair of the senatorial district convention, unless the  
12 person is absent or declines the position. If a rule is not adopted  
13 under this subsection, the county chair is the temporary chair of a  
14 county convention held under this subchapter. If a senatorial  
15 district is situated in more than one county, the senatorial  
16 district executive committee member from each county is the  
17 temporary chair of the senatorial district convention held in the  
18 territory that the committee member represents unless the state  
19 executive committee has adopted a rule under this subsection. If a  
20 senatorial district is not situated in more than one county, the  
21 chair of the district executive committee is the temporary chair of  
22 the senatorial district convention unless the state executive  
23 committee has adopted a rule under this subsection.

24 (b) If the person designated as [~~temporary~~] chair by  
25 Subsection (a) is absent or declines the position, a delegate to the  
26 convention may act as temporary chair.

27 (c) The [~~temporary~~] chair shall call the convention to order

1 and deliver the lists of delegates prepared under Section 174.027  
2 to the convention.

3 (d) The convention shall select a convention chair, if the  
4 person listed in Subsection (a) is not the permanent chair, is not  
5 present, or has declined the position, and a convention secretary  
6 from among the delegates present. The convention may select any  
7 other officers considered necessary to conduct the convention's  
8 business.

9 SECTION 22. Section 174.067, Election Code, is amended to  
10 read as follows:

11 Sec. 174.067. STATE CONVENTION DELEGATES SERVE UNTIL NEXT  
12 PRIMARY ELECTION [~~FOR REMAINDER OF YEAR~~]. State convention  
13 delegates selected under this subchapter serve as the delegates for  
14 all state conventions held until the next general primary election  
15 date [~~during the remainder of the year in which they are selected~~].

16 SECTION 23. Section 174.068, Election Code, is amended to  
17 read as follows:

18 Sec. 174.068. VOTING AT CONVENTION. The state executive  
19 committee may adopt rules concerning voting procedures for any  
20 party convention. If the state executive committee fails to adopt  
21 rules:

22 (1) the [~~(a) The~~] delegates selected by a particular  
23 precinct convention who attend the county or senatorial district  
24 convention are entitled to cast a number of votes equal to as many  
25 delegates as that precinct convention was entitled to select; and  
26 [-]

27 (2) a [~~(b) A~~] person may not vote a proxy at a county

1 or senatorial district convention.

2 SECTION 24. Section 174.069, Election Code, is amended by  
3 adding Subsection (c) to read as follows:

4 (c) An electronic submission to the county chair through a  
5 system created by party rule constitutes a complete delivery under  
6 Subsection (b).

7 SECTION 25. Section 174.092(a), Election Code, is amended  
8 to read as follows:

9 (a) The biennial state convention shall be convened on a  
10 date selected by the state executive committee [~~any day in June or~~  
11 ~~July~~].

12 SECTION 26. Section 174.093, Election Code, is amended to  
13 read as follows:

14 Sec. 174.093. NOTICE OF TIME AND PLACE. Before the date of  
15 the party's precinct conventions held under this chapter, the state  
16 chair shall post on the party's Internet website [~~deliver written~~  
17 ~~notice of~~] the date, hour, and place for convening the biennial  
18 state convention [~~to the secretary of state, each county chair, and~~  
19 ~~each temporary chair of a senatorial district convention~~].

20 SECTION 27. Section 174.094, Election Code, is amended to  
21 read as follows:

22 Sec. 174.094. ORGANIZING THE CONVENTION. (a) The state  
23 executive committee may adopt a rule requiring the state chair to be  
24 the permanent chair of the convention unless the state chair is  
25 absent or declines the position. If a rule is not adopted under  
26 this subsection, the state chair is the temporary chair of the  
27 biennial state convention.

1 (b) The [~~temporary~~] chair shall call the convention to  
2 order.

3 (c) The [~~temporary~~] chair shall prepare a list of the names  
4 and residence addresses of the delegates and any alternate  
5 delegates to the convention and shall deliver the list to the  
6 convention.

7 (d) The convention shall select a convention chair, if the  
8 state chair is not the permanent chair, and a convention secretary.  
9 The convention may select any other officers considered necessary  
10 to conduct the convention's business.

11 SECTION 28. Section 174.096, Election Code, is amended to  
12 read as follows:

13 Sec. 174.096. VOTING AT CONVENTION. The state executive  
14 committee shall adopt rules concerning the voting procedures for  
15 the convention. If the state executive committee fails to adopt  
16 rules:

17 (1) the [~~(a) The~~] delegates selected by a particular  
18 county or senatorial district convention who attend the biennial  
19 state convention are entitled to cast a number of votes equal to as  
20 many delegates as that county or senatorial district convention was  
21 entitled to select; ~~[-]~~

22 (2) a [~~(b) A~~] person may not vote a proxy for  
23 delegates from more than one county or senatorial district; and

24 (3) a [~~(c) A~~] person who votes a proxy for a delegate  
25 from a county may not do so for a delegate from a senatorial  
26 district and vice versa.

27 SECTION 29. Section 181.063, Election Code, is amended to

1 read as follows:

2           Sec. 181.063. HOUR AND PLACE OF PRECINCT AND COUNTY  
3 CONVENTIONS. The hours and places for convening the county  
4 convention and precinct conventions held under this chapter shall  
5 be set as provided by Section 174.022 [~~174.022(b)~~] for setting the  
6 hours and places of precinct conventions of a party holding a  
7 primary election.

8           SECTION 30. Section 181.066, Election Code, is amended to  
9 read as follows:

10           Sec. 181.066. ORGANIZING PRECINCT CONVENTION. (a) Unless  
11 the state executive committee has adopted rules providing that the  
12 precinct chair is the permanent chair, the [~~The~~] precinct chair is  
13 the temporary chair of a precinct convention held under this  
14 chapter. If the precinct chair is absent or declines the position,  
15 a participant may act as a temporary chair.

16           (b) Before conducting business, the precinct chair or  
17 temporary chair shall prepare a list containing the name and  
18 residence address of each person who is admitted to participate in  
19 the convention. In preparing the list, the chair shall use  
20 information from preregistration if the party has adopted a  
21 preregistration process under Section 162.017.

22           (c) The precinct chair or temporary chair shall call the  
23 convention to order.

24           (d) The convention shall select a convention chair if a  
25 temporary chair is acting as chair. The convention may select any  
26 other officers considered necessary to conduct the convention's  
27 business.

1 SECTION 31. Section 181.067, Election Code, is amended by  
2 adding Subsection (d) to read as follows:

3 (d) An electronic submission to the county chair through a  
4 system created by party rule constitutes a complete delivery under  
5 Subsection (b).

6 SECTION 32. Sections 191.031(a) and (c), Election Code, are  
7 amended to read as follows:

8 (a) If a political party holding a primary election in a  
9 presidential election year desires to send delegates to a national  
10 presidential nominating convention of the party, the party shall  
11 select the delegates at a state convention convened on a date  
12 adopted by the state executive committee occurring in ~~[any day in~~  
13 ~~June of]~~ the presidential election year. Before the date of the  
14 party's precinct conventions held under Chapter 174, the party's  
15 state executive committee shall choose the date, hour, and place  
16 for the state convention.

17 (c) Before the date of the party's precinct conventions, the  
18 party's state chair shall post on the party's Internet website  
19 ~~[deliver written]~~ notice of the date, hour, and place for the state  
20 convention ~~[to:~~

21 ~~[(1) the secretary of state,~~  
22 ~~[(2) each county chair of the party, and~~  
23 ~~[(3) the temporary chair of each senatorial district~~  
24 ~~convention of the party].~~

25 SECTION 33. Sections 174.022(b) and 174.063(b) and (c),  
26 Election Code, are repealed.

27 SECTION 34. This Act takes effect immediately if it



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1 receives a vote of two-thirds of all the members elected to each  
2 house, as provided by Section 39, Article III, Texas Constitution.  
3 If this Act does not receive the vote necessary for immediate  
4 effect, this Act takes effect September 1, 2013.