

By: Anchia

H.B. No. 2873

A BILL TO BE ENTITLED

AN ACT

relating to nonpartisan primary elections; authorizing a fee.

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

SECTION 1. Sections 1.005(6) and (14), Election Code, are amended to read as follows:

(6) "General election" means an election, other than a primary election held by a political party under Chapter 172 or a presidential primary election, that regularly recurs at fixed dates.

(14) "Primary election" means, where the context indicates, a general ~~[an]~~ election held ~~[by a political party under Chapter 172]~~ to select candidates ~~[its nominees]~~ for public office, and, unless the context indicates otherwise, the term includes an election held by a political party under Chapter 172 to select party officers and a presidential primary election.

SECTION 2. Section 13.122(a), Election Code, is amended to read as follows:

(a) In addition to the other statements and spaces for entering information that appear on an officially prescribed registration application form, each official form must include:

(1) the statement: "I understand that giving false information to procure a voter registration is perjury and a crime under state and federal law.";

(2) a space for the applicant's registration number;

1 (3) a space for the applicant's Texas driver's license
2 number or number of a personal identification card issued by the
3 Department of Public Safety;

4 (4) a space for the applicant's telephone number;

5 (5) a space for the applicant's social security
6 number;

7 (6) a space for the applicant's sex;

8 (7) a statement indicating that the furnishing of the
9 applicant's telephone number and sex is optional;

10 (8) a space or box for indicating whether the
11 applicant or voter is submitting new registration information or a
12 change in current registration information;

13 (9) a statement instructing a voter who is using the
14 form to make a change in current registration information to enter
15 the voter's name and the changed information in the appropriate
16 spaces on the form;

17 (10) a statement that if the applicant declines to
18 register to vote, that fact will remain confidential and will be
19 used only for voter registration purposes;

20 (11) a statement that if the applicant does register
21 to vote, information regarding the agency or office to which the
22 application is submitted will remain confidential and will be used
23 only for voter registration purposes;

24 (12) a space or box for indicating whether the
25 applicant is interested in working as an election judge;

26 (13) a statement warning that a conviction for making
27 a false statement may result in imprisonment for up to the maximum

1 amount of time provided by law, a fine of up to the maximum amount
2 provided by law, or both the imprisonment and the fine;

3 (14) a space or box for indicating the applicant's
4 party affiliation or alignment, if any; and

5 (15) [~~14~~] any other voter registration information
6 required by federal law or considered appropriate and required by
7 the secretary of state.

8 SECTION 3. Section 31.032(a), Election Code, is amended to
9 read as follows:

10 (a) The position of county elections administrator is
11 filled by appointment of the county election commission, which
12 consists of:

- 13 (1) the county judge, as chair;
14 (2) the county clerk, as vice chair;
15 (3) the county tax assessor-collector, as secretary;

16 and

17 (4) the county chair of each political party that
18 holds a [~~made nominations by~~] primary election in the year [~~for the~~
19 ~~last general election for state and county officers~~] preceding the
20 date of the meeting at which the appointment is made.

21 SECTION 4. Section 31.124(b), Election Code, is amended to
22 read as follows:

23 (b) A county election officer of each county shall deliver
24 written notice of the time and place of the meeting required by
25 Subsection (a) not later than 72 hours before the meeting date to
26 the county chair of each political party that made nominations in
27 the most recent presidential [~~by~~] primary election [~~for the general~~

1 ~~election for state and county officers]~~ preceding the date of the
2 meeting.

3 SECTION 5. Section 31.153(a), Election Code, is amended to
4 read as follows:

5 (a) The joint elections commission consists of:

6 (1) from each county that has adopted an order to have
7 its elections conducted by the joint elections administrator, the
8 county judge, county clerk, and county tax assessor-collector;

9 (2) from each county described in Subdivision (1), the
10 county chair of each political party that made nominations in the
11 most recent presidential ~~[by]~~ primary election ~~[for the last~~
12 ~~general election for state and county officers]~~ preceding the date
13 of the meeting at which the appointment is made; and

14 (3) a representative from each participating entity
15 other than a county.

16 SECTION 6. Section 32.002(c), Election Code, is amended to
17 read as follows:

18 (c) The presiding judge and alternate presiding judge must
19 be affiliated or aligned with different political parties, subject
20 to this subsection. Before July of each year in a county to which
21 Subsection (a)(1) applies or before August of each year in a county
22 to which Subsection (a)(2) applies, the county chair of a political
23 party whose candidate for president ~~[governor]~~ received the highest
24 or second highest number of votes in the county in the most recent
25 presidential ~~[gubernatorial]~~ general election shall submit in
26 writing to the commissioners court a list of names of persons in
27 order of preference for each precinct who are eligible for

1 appointment as an election judge. The county chair may supplement
2 the list of names of persons until the 20th day before a general
3 election or the 15th day before a special election in case an
4 appointed election judge becomes unable to serve. The
5 commissioners court shall appoint the first person meeting the
6 applicable eligibility requirements from the list submitted in
7 compliance with this subsection by the party with the highest
8 number of votes in the precinct in the most recent presidential
9 general election as the presiding judge and the first person
10 meeting the applicable eligibility requirements from the list
11 submitted in compliance with this subsection by the party with the
12 second highest number of votes in the precinct as the alternate
13 presiding judge. If the candidates for president [~~governor~~] of two
14 political parties received the same number of votes in the
15 precinct, the first person meeting the applicable eligibility
16 requirements from the list submitted by the party whose candidate
17 for president [~~governor~~] received the highest number of votes in
18 the county shall be appointed as the presiding judge and the first
19 person meeting the applicable eligibility requirements from the
20 list submitted by the party whose candidate for president
21 [~~governor~~] received the second highest number of votes in the
22 county shall be appointed as the alternate presiding judge. The
23 commissioners court may reject the list if the persons whose names
24 are submitted on the list are determined not to meet the applicable
25 eligibility requirements.

26 SECTION 7. Sections 32.034(b) and (e), Election Code, are
27 amended to read as follows:

1 (b) The county chair of a political party whose candidate
2 for president [~~governor~~] received the highest or second highest
3 number of votes in the county in the most recent presidential
4 [~~gubernatorial~~] general election may, not later than the 25th day
5 before a general election or the 10th day before a special election
6 to which Subsection (a) applies, submit to a presiding judge a list
7 containing the names of at least two persons who are eligible for
8 appointment as a clerk. If a timely list is submitted, the
9 presiding judge shall appoint at least one clerk from the list,
10 except as provided by Subsection (c).

11 (e) If a presiding judge has not been appointed at the time
12 the county chair of a political party is required to submit a list
13 of names for the appointment of a clerk under this section, the list
14 of names shall be submitted to the county chair of the political
15 party whose candidate for president [~~governor~~] received the most
16 votes in the precinct in the most recent presidential
17 [~~gubernatorial~~] election and to the commissioners court. The
18 county chair, or the commissioners court in a county without a
19 county chair, shall appoint clerks from the list in the same manner
20 provided for a presiding judge to appoint clerks by this section.

21 SECTION 8. Sections 41.007(a) and (b), Election Code, are
22 amended to read as follows:

23 (a) The date for the general primary election and for a
24 primary election held by a political party under Chapter 172 [~~date~~]
25 is the first Tuesday in March in each even-numbered year.

26 (b) The runoff [~~primary~~] election date for a primary
27 election held by a political party under Chapter 172 is the fourth

1 Tuesday in May following the general primary election.

2 SECTION 9. Section 51.002(b), Election Code, is amended to
3 read as follows:

4 (b) For the general election for state and county officers
5 and for a special election for an officer regularly elected at the
6 general election, the county election board consists of the county
7 judge, county clerk, voter registrar, sheriff, and county chair of
8 each political party that holds a ~~[required to nominate candidates~~
9 ~~by]~~ primary election. For other elections, the board consists of
10 the county judge, county clerk, voter registrar, and sheriff.

11 SECTION 10. Section 52.091(b), Election Code, is amended to
12 read as follows:

13 (b) Columns of parties specified by Subsection (a)(1) shall
14 be arranged in descending order of the number of votes received
15 statewide by each party's candidate for president ~~[governor]~~ in the
16 most recent presidential ~~[gubernatorial]~~ general election,
17 beginning on the left with the party whose candidate received the
18 highest number of votes. Columns of parties that did not have a
19 candidate for president ~~[governor]~~ in the most recent presidential
20 ~~[gubernatorial]~~ general election shall appear after the columns of
21 parties that had a candidate, and the order of their columns shall
22 be determined by a drawing conducted by the secretary of state.

23 SECTION 11. Section 85.062(e), Election Code, is amended to
24 read as follows:

25 (e) In an election covered by Subsection (d), a temporary
26 branch polling place that is ~~[located in a]~~ movable ~~[structure]~~ may
27 be established only with the approval of the county clerk. If a

1 movable temporary branch polling place is established [~~in a movable~~
2 ~~structure~~] on the request of a political party, each other
3 political party whose nominee for president [~~governor~~] in the most
4 recent presidential [~~gubernatorial~~] general election received more
5 than 10 percent of the total number of votes received by all
6 candidates for president [~~governor~~] in the election is entitled to
7 establishment of such a polling place. The election officers
8 serving a polling place covered by this subsection must be
9 affiliated or aligned with different political parties to the
10 extent possible. The secretary of state, after consulting the
11 state chair of each affected political party, shall prescribe the
12 procedures necessary to implement this subsection.

13 SECTION 12. Sections 87.002(c) and (d), Election Code, are
14 amended to read as follows:

15 (c) In the general election for state and county officers,
16 each county chair of a political party with an affiliated candidate
17 [~~nominees~~] on the general election ballot shall submit to the
18 county election board a list of names of persons eligible to serve
19 on the early voting ballot board. The county election board shall
20 appoint at least one person from each list to serve as a member of
21 the early voting ballot board. The same number of members must be
22 appointed from each list.

23 (d) In addition to the members appointed under Subsection
24 (c), the county election board shall appoint the presiding judge
25 from the list provided under that subsection by the political party
26 whose nominee for president [~~governor~~] received the most votes in
27 the county in the most recent presidential [~~gubernatorial~~] general

1 election.

2 SECTION 13. Section 87.027(d), Election Code, is amended to
3 read as follows:

4 (d) The early voting clerk shall determine the number of
5 members who are to compose the signature verification committee and
6 shall state that number in the order calling for the committee's
7 appointment. A committee must consist of not fewer than five
8 members. In an election in which party alignment is indicated on
9 the ballot, each county chair of a political party with a nominee or
10 aligned candidate on the ballot shall submit to the appointing
11 authority a list of names of persons eligible to serve on the
12 signature verification committee. The authority shall appoint at
13 least two persons from each list to serve as members of the
14 committee. The same number of members must be appointed from each
15 list. The authority shall appoint the chair of the committee from
16 the list provided by the political party whose nominee for
17 president [~~governor~~] received the most votes in the county in the
18 most recent presidential [~~gubernatorial~~] general election. A
19 vacancy on the committee shall be filled by appointment from the
20 original list or from a new list submitted by the appropriate county
21 chair.

22 SECTION 14. Section 141.001(a), Election Code, is amended
23 to read as follows:

24 (a) To be eligible to be a candidate for, or elected or
25 appointed to, a public elective office in this state, a person must:

- 26 (1) be a United States citizen;
- 27 (2) be 18 years of age or older on the first day of the

1 term to be filled at the election or on the date of appointment, as
2 applicable;

3 (3) have not been determined by a final judgment of a
4 court exercising probate jurisdiction to be:

5 (A) totally mentally incapacitated; or

6 (B) partially mentally incapacitated without the
7 right to vote;

8 (4) have not been finally convicted of a felony from
9 which the person has not been pardoned or otherwise released from
10 the resulting disabilities;

11 (5) have resided continuously in the state for 12
12 months and in the territory from which the office is elected for six
13 months immediately preceding the following date:

14 (A) for a candidate whose name is to appear on a
15 general primary election ballot, the date of the regular filing
16 deadline for a candidate's application for a place on the ballot;

17 (B) for a [an-independent] candidate for office
18 in an election where candidates are not nominated by primary
19 election, the date of the regular filing deadline for a candidate's
20 application for a place on the ballot;

21 (C) for a write-in candidate, the date of the
22 election at which the candidate's name is written in;

23 (D) for a party nominee who is nominated by any
24 method other than by primary election, the date the nomination is
25 made; and

26 (E) for an appointee to an office, the date the
27 appointment is made;

1 (6) on the date described by Subdivision (5), be
2 registered to vote in the territory from which the office is
3 elected; and

4 (7) satisfy any other eligibility requirements
5 prescribed by law for the office.

6 SECTION 15. Subchapter A, Chapter 141, Election Code, is
7 amended by adding Sections 141.005 and 141.006 to read as follows:

8 Sec. 141.005. PRIMARY ELECTION REQUIRED. (a) Except as
9 otherwise provided by this code, candidates in the general election
10 for offices of state and county government and the United States
11 Congress must be chosen by primary election as provided by this
12 code.

13 (b) All eligible voters may vote in a primary election
14 described by this section without regard to political party
15 alignment.

16 (c) A political party or state executive committee may not
17 nominate candidates in the general election for offices of state
18 and county government and the United States Congress. This
19 subsection may not be interpreted to prohibit a political party or
20 state executive committee from endorsing, supporting, or opposing
21 those candidates.

22 (d) The secretary of state shall adopt rules to implement
23 this section.

24 Sec. 141.006. DETERMINATION OF CANDIDATES FOR GENERAL
25 ELECTION. (a) Notwithstanding any other provision of this code,
26 the two candidates who receive the highest and second highest
27 number of votes in a primary election held to choose candidates for

1 the general election for offices of state and county government and
2 the United States Congress are the candidates for that election.

3 (b) The secretary of state shall adopt rules to implement
4 this section.

5 SECTION 16. Subchapter B, Chapter 141, Election Code, is
6 amended by adding Section 141.030 to read as follows:

7 Sec. 141.030. APPLICATION REQUIRED. (a) To be entitled to
8 a place on the general primary election ballot under Section
9 141.005, a candidate must make an application for a place on the
10 ballot.

11 (b) An application must, in addition to complying with
12 Section 141.031, be accompanied by the appropriate filing fee or a
13 petition in lieu of the filing fee that satisfies the requirements
14 prescribed by Section 141.062.

15 (c) A candidate may indicate the candidate's party
16 affiliation or alignment, if any, on the application.

17 (d) An application filed by mail is considered to be filed
18 at the time of its receipt by the appropriate authority.

19 (e) The circulation of a petition to be filed under this
20 subchapter in connection with a candidate's application for a place
21 on the ballot does not constitute candidacy or an announcement of
22 candidacy for purposes of the automatic resignation provisions of
23 Section 65, Article XVI, or Section 11, Article XI, Texas
24 Constitution.

25 (f) A candidate for an office specified by Section
26 141.0315(a)(8), (10), or (12), or for justice of the peace in a
27 county with a population of more than 1.5 million, who chooses to

1 pay the filing fee must also accompany the application with a
2 petition for a place on the primary ballot as a candidate for
3 judicial office that complies with the requirements prescribed for
4 the petition authorized by Subsection (b), except that the minimum
5 number of signatures that must appear on the petition required by
6 this subsection is 250. If the candidate chooses to file the
7 petition authorized by Subsection (b) in lieu of the filing fee, the
8 minimum number of signatures required for that petition is
9 increased by 250. Signatures on a petition filed under this
10 subsection or Subsection (b) by a candidate covered by this
11 subsection may not be obtained on the grounds of a county courthouse
12 or courthouse annex.

13 (g) A candidate for the office of chief justice or justice,
14 supreme court, or presiding judge or judge, court of criminal
15 appeals, who chooses to pay the filing fee must also accompany the
16 application with a petition that complies with the requirements
17 prescribed for a petition authorized by Subsection (b), except that
18 the minimum number of signatures that must appear on the petition
19 required by this subsection is 50 from each court of appeals
20 district.

21 SECTION 17. Section 172.024, Election Code, is transferred
22 to Subchapter B, Chapter 141, Election Code, and redesignated as
23 Section 141.0315, Election Code, to read as follows:

24 Sec. 141.0315 [~~172.024~~]. FILING FEE. (a) The filing fee
25 for a candidate for nomination in the general primary election is as
26 follows:

- 27 (1) United States senator \$5,000

1	(2) office elected statewide, except United States	
2	senator	3,750
3	(3) United States representative	3,125
4	(4) state senator	1,250
5	(5) state representative	750
6	(6) member, State Board of Education	300
7	(7) chief justice or justice, court of appeals, other	
8	than a justice specified by Subdivision (8)	1,875
9	(8) chief justice or justice of a court of appeals that	
10	serves a court of appeals district in which a county with a	
11	population of more than one million is wholly or partly	
12	situated	2,500
13	(9) district judge or judge specified by Section	
14	52.092(d) for which this schedule does not otherwise prescribe a	
15	fee	1,500
16	(10) district or criminal district judge of a court in	
17	a judicial district wholly contained in a county with a population	
18	of more than 1.5 million	2,500
19	(11) judge, statutory county court, other than a judge	
20	specified by Subdivision (12)	1,500
21	(12) judge of a statutory county court in a county with	
22	a population of more than 1.5 million	2,500
23	(13) district attorney, criminal district attorney,	
24	or county attorney performing the duties of a district	
25	attorney	1,250
26	(14) county commissioner, district clerk, county	
27	clerk, sheriff, county tax assessor-collector, county treasurer,	

1 or judge, constitutional county court:

2 (A) county with a population of 200,000 or
3 more1,250

4 (B) county with a population of under
5 200,000750

6 (15) justice of the peace or constable:

7 (A) county with a population of 200,000 or
8 more1,000

9 (B) county with a population of under
10 200,000375

11 (16) county surveyor75

12 (17) office of the county government for which this
13 schedule does not otherwise prescribe a fee750

14 (b) If a fee prescribed by Subsection (a) is declared
15 invalid by a final judgment of a court, the secretary of state shall
16 prescribe a filing fee consistent with the judgment to replace the
17 invalidated fee.

18 SECTION 18. Subchapter B, Chapter 141, Election Code, is
19 amended by adding Section 141.0316 to read as follows:

20 Sec. 141.0316. NUMBER OF PETITION SIGNATURES REQUIRED. The
21 minimum number of signatures that must appear on the petition
22 authorized by Section 141.030(b) is:

23 (1) 5,000, for a statewide office; or

24 (2) for a district, county, or precinct office, the
25 lesser of:

26 (A) 500; or

27 (B) two percent of the total vote received in the

1 district, county, or precinct, as applicable, by all the candidates
2 for governor in the most recent gubernatorial general election,
3 unless that number is under 50, in which case the required number of
4 signatures is the lesser of:

5 (i) 50; or

6 (ii) 20 percent of that total vote.

7 SECTION 19. Section 141.039, Election Code, is amended to
8 read as follows:

9 Sec. 141.039. OFFICIAL APPLICATION FORM. In addition to
10 the other statements and spaces for entering information that
11 appear on an officially prescribed form for an application for a
12 place on the ballot, each official form for an application that a
13 candidate is required to file under this code must include:

14 (1) a space for indicating the form in which the
15 candidate's name is to appear on the ballot;

16 (2) a space for the candidate's public mailing
17 address;

18 (3) spaces for the candidate's home and office
19 telephone numbers and e-mail address at which the candidate
20 receives correspondence relating to the candidate's campaign;

21 [~~and~~]

22 (4) a statement informing candidates that the
23 furnishing of the telephone numbers is optional; and

24 (5) in an election where nominating partisan
25 candidates is authorized, space for the candidate to list a party
26 affiliation.

27 SECTION 20. Section 141.070(a), Election Code, is amended

1 to read as follows:

2 (a) If, since the most recent presidential [~~gubernatorial~~]
3 general election, a district or precinct from which an officer of
4 the federal, state, or county government is elected is created or
5 has had its boundary changed, the number of votes received in the
6 district or precinct by a political party's presidential
7 [~~gubernatorial~~] candidate or by all the presidential
8 [~~gubernatorial~~] candidates shall be estimated, as provided by this
9 section, for the purpose of computing the number of signatures
10 required on a candidate's petition.

11 SECTION 21. Section 145.001(e), Election Code, is amended
12 to read as follows:

13 (e) This section does not apply to a candidate:
14 (1) for president or vice-president of the United
15 States; or
16 (2) chosen by general primary election.

17 SECTION 22. Sections 145.003(b) and (h), Election Code, are
18 amended to read as follows:

19 (b) A candidate in the general election for state and county
20 officers may be declared ineligible before the 30th day preceding
21 election day by[+]

22 [~~(1) the party officer responsible for certifying the~~
23 ~~candidate's name for placement on the general election ballot, in~~
24 ~~the case of a candidate who is a political party's nominee, or~~

25 [(2)] the authority with whom the candidate's
26 application for a place on the ballot is required to be filed[~~, in~~
27 ~~the case of an independent candidate].~~

1 (h) If a candidate is declared ineligible [~~after the~~
2 ~~deadline for omitting an ineligible candidate's name from the~~
3 ~~ballet~~], the authority making the declaration shall promptly
4 certify in writing the declaration of ineligibility to the
5 canvassing authority for the election.

6 SECTION 23. The heading to Subchapter D, Chapter 145,
7 Election Code, is amended to read as follows:

8 SUBCHAPTER D. CANDIDATE IN ELECTION IN WHICH CANDIDATES ARE NOT
9 CHOSEN BY [OTHER THAN] GENERAL PRIMARY ELECTION [FOR STATE AND
10 COUNTY OFFICERS]

11 SECTION 24. Section 146.0231(a), Election Code, is amended
12 to read as follows:

13 (a) The filing fee for a write-in candidate is the amount
14 prescribed by Section 141.0315 [~~172.024~~] for a candidate [~~for~~
15 ~~nomination~~] for the same office in a general primary election.

16 SECTION 25. Section 146.0232, Election Code, is amended to
17 read as follows:

18 Sec. 146.0232. NUMBER OF PETITION SIGNATURES REQUIRED. The
19 minimum number of signatures that must appear on the petition
20 authorized by Section 146.023(b) is the number prescribed by
21 Section 141.0316 [~~172.025~~] to appear on a petition of a candidate
22 [~~for nomination~~] for the same office in a general primary election.

23 SECTION 26. Chapter 161, Election Code, is amended by
24 adding Section 161.0035 to read as follows:

25 Sec. 161.0035. PARTY PRIMARY ELECTIONS. In this title, any
26 reference to a general primary election, primary election, or
27 nominating convention means an election or convention restricted to

1 the selection of:

2 (1) party officers; or

3 (2) a party's nominees for president or
4 vice-president.

5 SECTION 27. Section 163.006(d), Election Code, is amended
6 to read as follows:

7 (d) Before January 15 of each year in which political
8 parties hold precinct conventions under this title, the secretary
9 of state shall deliver written notice of the requirements of this
10 section to the state chair of each party that had a nominee for
11 president or vice-president [~~a statewide or district office~~] on the
12 most recent general election ballot.

13 SECTION 28. The heading to Subtitle B, Title 10, Election
14 Code, is amended to read as follows:

15 SUBTITLE B. PARTIES SELECTING PARTY OFFICERS [~~NOMINATING~~] BY
16 PRIMARY ELECTION

17 SECTION 29. Section 172.002(c), Election Code, is amended
18 to read as follows:

19 (c) For a political party to be entitled to hold a primary
20 election [~~under this section~~], the state chair, not later than one
21 year before general election day, must deliver written notice to
22 the secretary of state that the party will hold a primary election
23 in the general election year.

24 SECTION 30. Section 172.021(e), Election Code, is amended
25 to read as follows:

26 (e) A candidate for an office specified by Section
27 141.0315(a)(8) [~~172.024(a)(8)~~], (10), or (12), or for justice of

1 the peace in a county with a population of more than 1.5 million,
2 who chooses to pay the filing fee must also accompany the
3 application with a petition for a place on the primary ballot as a
4 candidate for judicial office that complies with the requirements
5 prescribed for the petition authorized by Subsection (b), except
6 that the minimum number of signatures that must appear on the
7 petition required by this subsection is 250. If the candidate
8 chooses to file the petition authorized by Subsection (b) in lieu of
9 the filing fee, the minimum number of signatures required for that
10 petition is increased by 250. Signatures on a petition filed under
11 this subsection or Subsection (b) by a candidate covered by this
12 subsection may not be obtained on the grounds of a county courthouse
13 or courthouse annex.

14 SECTION 31. Section 172.061(a), Election Code, is amended
15 to read as follows:

16 (a) Except for Section [~~Sections 172.058(b),~~] 172.059(c),
17 [~~and 172.060(b),~~] this subchapter applies to a candidate for county
18 chair or precinct chair.

19 SECTION 32. Section 172.088(e), Election Code, is amended
20 to read as follows:

21 (e) The minimum number of signatures that must appear on the
22 petition is five percent of the total vote received by all
23 candidates for president [~~governor~~] in the party's most recent
24 presidential [~~gubernatorial~~] general primary election.

25 SECTION 33. Section 172.089, Election Code, is amended to
26 read as follows:

27 Sec. 172.089. ORDER OF PARTY OFFICES ON BALLOT. The party

1 offices of county chair and precinct chair shall be listed on the
2 primary election ballot after the candidates for the presidential
3 and vice-presidential nomination [~~public offices~~] with the office
4 of county chair listed first.

5 SECTION 34. Section 172.112, Election Code, is amended to
6 read as follows:

7 Sec. 172.112. WRITE-IN VOTING. Write-in voting in a
8 primary election is [~~not~~] permitted only for the offices of county
9 chair and precinct chair.

10 SECTION 35. Section 172.126(b), Election Code, is amended
11 to read as follows:

12 (b) The county clerk shall determine whether to consolidate
13 election precincts under Section 42.009 and shall designate the
14 location of the polling place in a consolidated precinct. To the
15 extent possible, a polling place shall be designated that will
16 accommodate the precinct conventions of each political party. [~~If a~~
17 ~~polling place, whether for a regular or consolidated precinct, is~~
18 ~~not suitable for more than one precinct convention, the polling~~
19 ~~place may be used by the party whose candidate for governor received~~
20 ~~the most votes in the county in the most recent gubernatorial~~
21 ~~general election.~~]

22 SECTION 36. Section 173.083(d), Election Code, is amended
23 to read as follows:

24 (d) The final installment may not be paid until a report is
25 filed in compliance with Section 173.084 [~~and, in the case of a~~
26 ~~county chair, a report is also filed in compliance with Section~~
27 ~~172.124~~]. On the filing of the report, the secretary of state shall

1 calculate the amount of the final installment and prepare and
2 deliver to the comptroller of public accounts a certified statement
3 indicating that amount and the appropriate county or state chair's
4 name.

5 SECTION 37. Section 191.001, Election Code, is amended to
6 read as follows:

7 Sec. 191.001. PARTIES REQUIRED TO HOLD PRESIDENTIAL PRIMARY
8 ELECTION. To be entitled to have its nominees for president and
9 vice-president of the United States placed on the general election
10 ballot in a particular presidential election year, a political
11 party must hold a presidential primary election in this state if:

12 (1) ~~[in the presidential election year, the party is~~
13 ~~required by this code to nominate its candidates for state and~~
14 ~~county offices by primary election;~~

15 [~~2~~] a presidential primary election is authorized
16 under national party rules; and

17 (2) [~~3~~] before January 1 of the presidential
18 election year, the national party has determined that it will hold a
19 national presidential nominating convention that year.

20 SECTION 38. The heading to Section 191.031, Election Code,
21 is amended to read as follows:

22 Sec. 191.031. NATIONAL PRESIDENTIAL NOMINATING CONVENTION
23 ~~[PARTY HOLDING PRIMARY ELECTION]~~.

24 SECTION 39. Sections 191.031(a) and (b), Election Code, are
25 amended to read as follows:

26 (a) If a political party [~~holding a primary election in a~~
27 ~~presidential election year]~~ desires to send delegates to a national

1 presidential nominating convention of the party, the party shall
2 select the delegates at a state convention convened on a date
3 adopted by the state executive committee occurring in the
4 presidential election year. [~~Before the date of the party's~~
5 ~~precinct conventions held under Chapter 174, the party's state~~
6 ~~executive committee shall choose the date, hour, and place for the~~
7 ~~state convention.~~]

8 (b) The state convention shall consist of delegates
9 selected at the party's county and senatorial district conventions
10 [~~held under Chapter 174~~].

11 SECTION 40. Section 202.004(a), Election Code, is amended
12 to read as follows:

13 (a) A candidate [~~political party's nominee~~] for an
14 unexpired term must be chosen [~~nominated~~] by primary election if[+]

15 [~~(1) the political party is making nominations by~~
16 ~~primary election for the general election in which the vacancy is to~~
17 ~~be filled, and~~

18 [~~(2)~~] the vacancy occurs on or before the fifth day
19 before the date of the regular deadline for candidates to file
20 applications for a place on the general primary ballot.

21 SECTION 41. Section 203.005(b), Election Code, is amended
22 to read as follows:

23 (b) An application must, in addition to complying with
24 Section 141.031:

25 (1) state the political party with which the candidate
26 is aligned or, if the candidate is not aligned with a party, state
27 that fact; and

1 (2) be accompanied by:

2 (A) a filing fee in the amount prescribed by
3 Section 141.0315 [~~172.024~~] for a candidate for [~~nomination for~~] the
4 same office in a general primary election; or

5 (B) a petition that satisfies the requirements
6 prescribed by Section 141.062.

7 SECTION 42. Section 257.005(a), Election Code, is amended
8 to read as follows:

9 (a) Except as provided by this section, the following are
10 subject to the requirements of this title that apply to a candidate
11 for public office:

12 (1) a candidate for state chair of a political party
13 with an affiliated candidate [~~a nominee~~] on the ballot in the most
14 recent gubernatorial general election; and

15 (2) a candidate for election to the office of county
16 chair of a political party with an affiliated candidate [~~a nominee~~]
17 on the ballot in the most recent gubernatorial general election if
18 the county has a population of 350,000 or more.

19 SECTION 43. The following provisions are repealed:

20 (1) Subtitle C, Title 10, Election Code;

21 (2) Chapter 142, Election Code;

22 (3) Subchapters B and C, Chapter 145, Election Code;

23 (4) Sections 161.008, 162.015, 162.016, 172.001,
24 172.117, 172.121, 172.122, 172.123, 172.124, 191.032, 202.005,
25 202.006, 202.007, 204.004, and 232.046, Election Code;

26 (5) Sections 171.054(e), 172.002(a), 172.058(b),
27 172.060(b), 181.068(c), and 182.007(c), Election Code; and

1 (6) Section 572.027(d), Government Code.

2 SECTION 44. This Act takes effect September 1, 2021.