

By: Middleton, Schwertner

S.B. No. 1705

A BILL TO BE ENTITLED

AN ACT

relating to nominations by primary election by certain political parties.

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

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

Sec. 172.001. NOMINATING BY PRIMARY ELECTION REQUIRED.

(a) Except as otherwise provided by this code, a political party's nominees in the general election for offices of state and county government and the United States Congress must be nominated by primary election, held as provided by this code, if the party's nominee for a statewide office ~~[governor]~~ in any of the five preceding ~~[the most recent gubernatorial]~~ general elections for that office ~~[election]~~ received two ~~[20]~~ percent or more of the total number of votes received by all candidates for that office ~~[governor]~~ in the election.

(b) If a party required to make nominations by primary election under this section makes nominations by any other method, except as permitted by Section 145.036, 145.038, 202.006, or 232.046, a candidate nominated by that party for a state or county officer or a member of Congress shall be ineligible for a place on the ballot in the general election following the nomination made by another method.

SECTION 2. Section 181.003, Election Code, is amended to

1 read as follows:

2 Sec. 181.003. NOMINATING BY CONVENTION REQUIRED. A
3 political party must make nominations for the general election for
4 state and county officers by convention, as provided by this
5 chapter, if the party is not required [~~or authorized~~] to nominate by
6 primary election.

7 SECTION 3. Sections 172.002 and 181.002, Election Code, are
8 repealed.

9 SECTION 4. The changes in law made by this Act apply
10 beginning with nominations made for an election held on or after
11 January 1, 2024.

12 SECTION 5. This Act takes effect immediately if it receives
13 a vote of two-thirds of all the members elected to each house, as
14 provided by Section 39, Article III, Texas Constitution. If this
15 Act does not receive the vote necessary for immediate effect, this
16 Act takes effect September 1, 2023.