

By: Middleton

S.B. No. 1705

A BILL TO BE ENTITLED

AN ACT

relating to nominations by primary election by all political parties.

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

SECTION 1. Section 161.005(b), Election Code, is amended to read as follows:

(b) For purposes of this section, a person becomes a candidate at the earliest time at which one of the following occurs:

(1) the person files:

(A) a declaration of intent to run as an independent candidate;

(B) an application for a place on a primary or general election ballot ~~[or for nomination by a convention]~~; or

(C) a declaration of write-in candidacy; or

(2) the person is nominated by an ~~[a convention or]~~ executive committee.

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

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

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

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

3 SECTION 3. Section 162.006, Election Code, is amended to
4 read as follows:

5 Sec. 162.006. AFFILIATION BY TAKING OATH. A person becomes
6 affiliated with a political party when the person takes an oath of
7 affiliation as provided by Section ~~[162.007 or]~~ 162.008.

8 SECTION 4. Section 162.017(e), Election Code, is amended to
9 read as follows:

10 (e) The preregistration process must include the statement
11 described by Section 162.004(a) and require a preregistering
12 attendee to affiliate with the party by taking the oath described in
13 Section 162.006 ~~[162.007(b)]~~.

14 SECTION 5. Section 172.001, Election Code, is amended to
15 read as follows:

16 Sec. 172.001. NOMINATING BY PRIMARY ELECTION REQUIRED.
17 Except as otherwise provided by this code, a political party's
18 nominees in the general election for offices of state and county
19 government and the United States Congress must be nominated by
20 primary election, held as provided by this code~~[, if the party's~~
21 ~~nominee for governor in the most recent gubernatorial general~~
22 ~~election received 20 percent or more of the total number of votes~~
23 ~~received by all candidates for governor in the election].~~

24 SECTION 6. Section 202.006(a), Election Code, is amended to
25 read as follows:

26 (a) A political party's state, district, county, or
27 precinct executive committee, as appropriate for the particular

office, may nominate a candidate for the unexpired term if[+]

~~[(1) in the case of a party holding a primary election,~~ the vacancy occurs after the fifth day before the date of the regular deadline for candidates to file applications for a place on the ballot for the general primary election[~~,-or~~

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

SECTION 7. Section 204.004, Election Code, is amended to read as follows:

Sec. 204.004. NOMINATION FOR VACANCY FILLED AT GENERAL ELECTION. A nomination by a political party for an unexpired term to be filled at the general election for state and county officers is made in the manner prescribed by Section 202.004 ~~[or 202.005, as applicable]~~.

SECTION 8. Section 251.001(1), Election Code, is amended to read as follows:

(1) "Candidate" means a person who knowingly and willingly takes affirmative action for the purpose of gaining nomination or election to public office or for the purpose of satisfying financial obligations incurred by the person in connection with the campaign for nomination or election. Examples of affirmative action include:

(A) the filing of a campaign treasurer appointment, except that the filing does not constitute candidacy or an announcement of candidacy for purposes of the automatic

1 resignation provisions of Article XVI, Section 65, or Article XI,
2 Section 11, of the Texas Constitution;

3 (B) the filing of an application for a place on a
4 ballot;

5 (C) ~~[the filing of an application for nomination~~
6 ~~by convention];~~

7 ~~[(D)]~~ the filing of a declaration of intent to
8 become an independent candidate or a declaration of write-in
9 candidacy;

10 (D) ~~[(E)]~~ the making of a public announcement of
11 a definite intent to run for public office in a particular election,
12 regardless of whether the specific office is mentioned in the
13 announcement;

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

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

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

22 SECTION 9. Sections 253.153(a) and (b), Election Code, are
23 amended to read as follows:

24 (a) A judicial candidate or officeholder, a
25 specific-purpose committee for supporting or opposing a judicial
26 candidate, or a specific-purpose committee for assisting a judicial
27 officeholder may not knowingly accept a political contribution

1 except during the period:

2 (1) beginning on:

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

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

12 (2) ending on the 120th day after the date of the
13 election in which the candidate or officeholder last appeared on
14 the ballot, regardless of whether the candidate or officeholder has
15 an opponent in that election.

16 (b) Subsection (a)(2) does not apply to a political
17 contribution that was made and accepted with the intent that it be
18 used to defray expenses incurred in connection with an election,
19 including the repayment of any debt that is:

20 (1) incurred directly by the making of a campaign
21 expenditure during the period beginning on the date the application
22 for a place on the ballot [~~or for nomination by convention~~] was
23 required to be filed for the election in which the candidate last
24 appeared on the ballot and ending on the date of that election; and

25 (2) subject to the restrictions prescribed by Sections
26 [253.162](#) and [253.1621](#).

27 SECTION 10. Section [571.079](#)(a), Government Code, is amended

to read as follows:

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

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

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

SECTION 11. The following provisions of the Election Code are repealed:

(1) Section 162.007;

(2) Section 162.016;

(3) Section 172.002;

(4) Section 202.005; and

(5) Subtitle C, Title 10.

SECTION 12. The changes in law made by this Act apply beginning with nominations made for an election held on or after January 1, 2024.

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