

By: Hughes

S.B. No. 2531

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 145.003, Election Code, is amended by amending Subsection (f) and adding Subsection (f-1) to read as follows:

(f) A candidate may be declared ineligible only if:

(1) the information on the candidate's application for a place on the ballot indicates that the candidate is ineligible for the office; ~~or~~

(2) facts indicating that the candidate is ineligible are conclusively established by another public record; or

(3) the candidate has not been nominated by primary election.

(f-1) For purposes of Subsection (f)(3), a candidate is considered nominated by primary election if the candidate was unopposed in the primary election.

SECTION 2. 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

1 independent candidate;

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

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

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

7 SECTION 3. Section 162.001(b), Election Code, is amended to
8 read as follows:

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

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

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

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

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

22 SECTION 5. Section 162.017(e), Election Code, is amended to
23 read as follows:

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

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

Sec. 172.001. NOMINATING BY PRIMARY ELECTION REQUIRED. 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 governor in the most recent gubernatorial general election received 20 percent or more of the total number of votes received by all candidates for governor in the election]~~.

SECTION 7. Section 202.006(a), Election Code, is amended to read as follows:

(a) A political party's state, district, county, or 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 8. 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

1 to be filled at the general election for state and county officers
2 is made in the manner prescribed by Section 202.004 [~~or 202.005, as~~
3 ~~applicable~~].

4 SECTION 9. Section 251.001(1), Election Code, is amended to
5 read as follows:

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

12 (A) the filing of a campaign treasurer
13 appointment, except that the filing does not constitute candidacy
14 or an announcement of candidacy for purposes of the automatic
15 resignation provisions of Article XVI, Section 65, or Article XI,
16 Section 11, of the Texas Constitution;

17 (B) the filing of an application for a place on a
18 ballot;

19 (C) [~~the filing of an application for nomination~~
20 ~~by convention,~~

21 [~~(D)~~] the filing of a declaration of intent to
22 become an independent candidate or a declaration of write-in
23 candidacy;

24 (D) [~~(E)~~] the making of a public announcement of
25 a definite intent to run for public office in a particular election,
26 regardless of whether the specific office is mentioned in the
27 announcement;

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

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

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

9 SECTION 10. Sections 253.153(a) and (b), Election Code, are
10 amended to read as follows:

11 (a) A judicial candidate or officeholder, a
12 specific-purpose committee for supporting or opposing a judicial
13 candidate, or a specific-purpose committee for assisting a judicial
14 officeholder may not knowingly accept a political contribution
15 except during the period:

16 (1) beginning on:

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

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

26 (2) ending on the 120th day after the date of the
27 election in which the candidate or officeholder last appeared on

1 the ballot, regardless of whether the candidate or officeholder has
2 an opponent in that election.

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

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

12 (2) subject to the restrictions prescribed by Sections
13 253.162 and 253.1621.

14 SECTION 11. Section 571.079(a), Government Code, is amended
15 to read as follows:

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

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

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

27 SECTION 12. The following provisions of the Election Code

1 are repealed:

- 2 (1) Section 162.007;
- 3 (2) Section 162.016;
- 4 (3) Section 172.002;
- 5 (4) Section 202.005; and
- 6 (5) Subtitle C, Title 10.

7 SECTION 13. The changes in law made by this Act apply
8 beginning with nominations made for an election held on or after
9 January 1, 2024.

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