

By: Anchia

H.B. No. 1996

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

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

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

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

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

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

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

and

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

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

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

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

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

(a) The joint elections commission consists of:

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

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

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

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

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

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

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

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

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

(b) The runoff ~~[primary]~~ election date for a primary 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 movable may be established only with  
27 the approval of the county clerk. If a movable temporary branch

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

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

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

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



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

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

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

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

- (1) be a United States citizen;
- (2) be 18 years of age or older on the first day of the term to be filled at the election or on the date of appointment, as

1 applicable;

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

4 (A) totally mentally incapacitated; or

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

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

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

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

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

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

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

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

27 (6) on the date described by Subdivision (5), be

1 registered to vote in the territory from which the office is  
2 elected; and

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

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

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

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

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

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

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

1 the United States Congress are the candidates for that election.

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

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

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

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

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

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

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

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

petition for a place on the primary ballot as a candidate for  
judicial office that complies with the requirements prescribed for  
the petition authorized by Subsection (b), except that the minimum  
number of signatures that must appear on the petition required by  
this subsection is 250. If the candidate chooses to file the  
petition authorized by Subsection (b) in lieu of the filing fee, the  
minimum number of signatures required for that petition is  
increased by 250. Signatures on a petition filed under this  
subsection or Subsection (b) by a candidate covered by this  
subsection may not be obtained on the grounds of a county courthouse  
or courthouse annex.

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

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

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

- (1) United States senator. . . . . \$5,000
- (2) office elected statewide, except United States

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

(A) county with a population of 200,000 or more . . . . .1,250

(B) county with a population of under 200,000 . . . . .750

(15) justice of the peace or constable:

(A) county with a population of 200,000 or more . . . . .1,000

(B) county with a population of under 200,000 . . . . .375

(16) county surveyor . . . . . 75

(17) office of the county government for which this schedule does not otherwise prescribe a fee . . . . .750

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

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

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

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

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

(A) 500; or

(B) two percent of the total vote received in the district, county, or precinct, as applicable, by all the candidates

1 for governor in the most recent gubernatorial general election,  
2 unless that number is under 50, in which case the required number of  
3 signatures is the lesser of:

4 (i) 50; or

5 (ii) 20 percent of that total vote.

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

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

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

15 (2) a space for the candidate's mailing address;

16 (3) spaces for the candidate's home and office  
17 telephone numbers and e-mail address; ~~and~~

18 (4) a statement informing candidates that the  
19 furnishing of the telephone numbers or e-mail address is optional;  
20 and

21 (5) in an election where nominating partisan  
22 candidates is authorized, space for the candidate to list a party  
23 affiliation.

24 SECTION 20. Section 141.070(a), Election Code, is amended  
25 to read as follows:

26 (a) If, since the most recent presidential ~~[gubernatorial]~~  
27 general election, a district or precinct from which an officer of



1 the federal, state, or county government is elected is created or  
2 has had its boundary changed, the number of votes received in the  
3 district or precinct by a political party's presidential  
4 ~~[gubernatorial]~~ candidate or by all the presidential  
5 ~~[gubernatorial]~~ candidates shall be estimated, as provided by this  
6 section, for the purpose of computing the number of signatures  
7 required on a candidate's petition.

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

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

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

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

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

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

25 (h) If a candidate is declared ineligible [~~after the~~  
26 ~~deadline for omitting an ineligible candidate's name from the~~  
27 ~~ballot]~~, the authority making the declaration shall promptly

certify in writing the declaration of ineligibility to the canvassing authority for the election.

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

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

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

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

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

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

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

Sec. 161.0035. PARTY PRIMARY ELECTIONS. In this title, any reference to a general primary election, primary election, or nominating convention means an election or convention restricted to the selection of:

(1) party officers; or

(2) a party's nominees for president or

1 vice-president.

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

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

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

12 SUBTITLE B. PARTIES SELECTING PARTY OFFICERS [~~NOMINATING~~] BY  
13 PRIMARY ELECTION

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

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

21 SECTION 30. Section 172.061(a), Election Code, is amended  
22 to read as follows:

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

26 SECTION 31. Section 172.088(e), Election Code, is amended  
27 to read as follows:

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

5           SECTION 32. Section 172.089, Election Code, is amended to  
6 read as follows:

7           Sec. 172.089. ORDER OF PARTY OFFICES ON BALLOT. The party  
8 offices of county chair and precinct chair shall be listed on the  
9 primary election ballot after the candidates for the presidential  
10 and vice-presidential nomination ~~[public offices]~~ with the office  
11 of county chair listed first.

12          SECTION 33. Section 172.112, Election Code, is amended to  
13 read as follows:

14          Sec. 172.112. WRITE-IN VOTING. Write-in voting in a  
15 primary election is ~~[not]~~ permitted only ~~[except in the general~~  
16 ~~primary election]~~ for the offices of county chair and precinct  
17 chair.

18          SECTION 34. Section 172.126(b), Election Code, is amended  
19 to read as follows:

20          (b) The county clerk shall determine whether to consolidate  
21 election precincts under Section 42.009 and shall designate the  
22 location of the polling place in a consolidated precinct. To the  
23 extent possible, a polling place shall be designated that will  
24 accommodate the precinct conventions of each political party. ~~[If a~~  
25 ~~polling place, whether for a regular or consolidated precinct, is~~  
26 ~~not suitable for more than one precinct convention, the polling~~  
27 ~~place may be used by the party whose candidate for governor received~~

1 ~~the most votes in the county in the most recent gubernatorial~~  
2 ~~general election.]~~

3 SECTION 35. Section 173.083(d), Election Code, is amended  
4 to read as follows:

5 (d) The final installment may not be paid until a report is  
6 filed in compliance with Section 173.084 ~~[and, in the case of a~~  
7 ~~county chair, a report is also filed in compliance with Section~~  
8 ~~172.124]~~. On the filing of the report, the secretary of state shall  
9 calculate the amount of the final installment and prepare and  
10 deliver to the comptroller of public accounts a certified statement  
11 indicating that amount and the appropriate county or state chair's  
12 name.

13 SECTION 36. Section 191.001, Election Code, is amended to  
14 read as follows:

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

20 (1) ~~[in the presidential election year, the party is~~  
21 ~~required by this code to nominate its candidates for state and~~  
22 ~~county offices by primary election,~~

23 ~~[(2)]~~ a presidential primary election is authorized  
24 under national party rules; and

25 (2) ~~[(3)]~~ before January 1 of the presidential  
26 election year, the national party has determined that it will hold a  
27 national presidential nominating convention that year.

SECTION 37. The heading to Section 191.031, Election Code, is amended to read as follows:

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

SECTION 38. Sections 191.031(a) and (b), Election Code, are amended to read as follows:

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

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

SECTION 39. Section 202.004(a), Election Code, is amended to read as follows:

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

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

~~[(2)]~~ the vacancy occurs on or before the fifth day before the date of the regular deadline for candidates to file

1 applications for a place on the general primary ballot.

2 SECTION 40. Section 203.005(b), Election Code, is amended  
3 to read as follows:

4 (b) An application must, in addition to complying with  
5 Section 141.031:

6 (1) state the political party with which the candidate  
7 is aligned or, if the candidate is not aligned with a party, state  
8 that fact; and

9 (2) be accompanied by:

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

13 (B) a petition that satisfies the requirements  
14 prescribed by Section 141.062.

15 SECTION 41. Section 257.005(a), Election Code, is amended  
16 to read as follows:

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

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

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

27 SECTION 42. The following provisions of the Election Code

1 are repealed:

2 (1) Subtitle C, Title 10;

3 (2) Chapter 142;

4 (3) Subchapters B and C, Chapter 145;

5 (4) Sections 161.008, 162.015, 162.016, 172.001,  
6 172.117, 172.119, 172.121, 172.122, 172.123, 172.124, 191.032,  
7 202.005, 202.006, 202.007, 204.004, and 232.046; and

8 (5) Sections 172.002(a), 172.058(b), 172.060(b), and  
9 172.084(c), (d), and (e).

10 SECTION 43. This Act takes effect September 1, 2017.