

BILL ANALYSIS

Senate Research Center
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S.B. 1705
By: Middleton
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

There are concerns that the use of conventions by third parties to pick their nominees robs voters of the important campaigns necessary to thoroughly vet political candidates.

S.B. 1705 seeks to address this issue by requiring all candidates for office to participate in a primary election to decide their party's nominees.

As proposed, S.B. 1705 amends current law relating to nominations by primary election by all political parties.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the secretary of state is rescinded in SECTION 11 (Section 181.0311, Election Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 161.005(b), Election Code, as follows:

(b) Deletes existing text providing that a person, for purposes of Section 161.005 (Eligibility for Party Offices Generally), becomes a candidate at the earliest time at which certain events occur, including when the person files an application for nomination by a convention or when the person is nominated by a convention.

SECTION 2. Amends Section 162.001(b), Election Code, as follows:

(b) Deletes existing text providing that the affiliation requirement prescribed by Subsections (a)(2) (relating to requiring a person to be affiliated with a political party to be eligible to be elected as a member of or be appointed to fill a vacancy on a state executive committee) and (3) (relating to requiring a person to be affiliated with a political party to be eligible to be appointed to fill a vacancy on a county executive committee) applies only during a voting year in which the general election for state and county officers is held and does not apply until general primary election day, for a party holding a primary election, or the date of the precinct conventions held under Title 10 (Political Parties), for a party nominating by convention.

SECTION 3. Amends Section 162.006, Election Code, as follows:

Sec. 162.006. AFFILIATION BY TAKING OATH. Deletes existing text providing that a person becomes affiliated with a political party when the person takes an oath of affiliation as provided by Section 162.007 (Affiliation Procedure: Taking Oath at Precinct Convention).

SECTION 4. Amends Section 162.017(e), Election Code, as follows:

(e) Requires that the preregistration process include the statement described by Section 162.004(a) (relating to setting forth the language required for the signature roster for a primary election) and require a preregistering attendee to affiliate with the party by taking

the oath described in Section 162.006, rather than Section 162.007(b) (relating to setting forth the language required for administering an oath to a person for participation in a convention).

SECTION 5. Amends Section 172.001, Election Code, as follows:

Sec. 172.001. NOMINATING BY PRIMARY ELECTION REQUIRED. Deletes existing text specifying that the requirements that a political party's nominees in the general election for offices of state and county government and the United States Congress, except as otherwise provided by this code, to be nominated by primary election, held as provided by this code, applies only to a party whose 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 6. Amends Section 202.006(a), Election Code, as follows:

(a) Deletes existing text authorizing a political party's state, district, county, or precinct executive committee, as appropriate for the particular office, to nominate a candidate for the unexpired term if 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. Makes conforming changes

SECTION 7. Amends Section 204.004, Election Code, as follows:

Sec. 204.004. NOMINATION FOR VACANCY FILLED AT GENERAL ELECTION. Deletes existing text providing that 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 202.005 (Nomination by Convention). Makes a conforming change.

SECTION 8. Amends Section 251.001(1), Election Code, to redefine "candidate."

SECTION 9. Amends Sections 253.153(a) and (b), Election Code, as follows:

(a) Deletes existing text prohibiting a judicial candidate or officeholder, a specific-purpose committee for supporting or opposing a judicial candidate, or a specific-purpose committee for assisting a judicial officeholder from knowingly accepting a political contribution except during the period:

(1) beginning on:

(A) the 210th day before the date an application for nomination by convention for the office is required to be filed, if the election is for a full term; or

(B) makes a conforming change to this paragraph; and

(2) makes no changes to this subdivision.

(b) Makes a conforming change to this subsection.

SECTION 10. Amends Section 571.079(a), Government Code, as follows;

(a) Deletes existing text requiring the Texas Ethics Commission, not later than the 15th day after the date on which an application for nomination by convention is required to be filed, to post certain information on its Internet website.

SECTION 11. Repealers: Sections 162.007 (Affiliation Procedure: Taking Oath at Precinct Convention) and 162.016 (Withdraw Convention Nominee Ineligible for Another Nomination), Election Code.

Repealers: Sections 172.002 (Nominating by Primary Election Authorized) and 202.005 (Nomination by Convention), Election Code.

Repealer: Subtitle C (Parties Nominating by Convention), Title 10, Election Code.

SECTION 12. Makes application of this Act prospective to January 1, 2024.

SECTION 13. Effective date: upon passage or September 1, 2023.