

AN ACT

relating to the temporary replacement of a member of a political party's county executive committee who enters active military service.

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

SECTION 1. Subchapter B, Chapter 171, Election Code, is amended by adding Section 171.0251 to read as follows:

Sec. 171.0251. TEMPORARY REPLACEMENT OF COMMITTEE MEMBER IN MILITARY. (a) In this section, "armed forces of the United States" means the United States Army, the United States Navy, the United States Air Force, the United States Marine Corps, the United States Coast Guard, any reserve or auxiliary component of any of those services, or the National Guard.

(b) A member of the county executive committee who enters active duty in the armed forces of the United States as a result of being called to duty, drafted, or activated does not vacate the office held, but the committee member may appoint a replacement to serve as a temporary acting officer if the committee member will be unable to fulfill the member's duties, due to the member's obligations to the armed forces of the United States.

(c) The temporary acting officer appointed as provided by Subsection (b) must be:

(1) a member of the same political party as the committee member being temporarily replaced; and

1           (2) qualified for office under Section 161.005.

2           (d) The temporary acting officer appointed as provided by  
3 Subsection (b) has all the powers, privileges, and duties of the  
4 office and is entitled to the same compensation, payable in the same  
5 manner and from the same source, as the member of the county  
6 executive committee who is temporarily replaced.

7           (e) The temporary acting officer appointed as provided by  
8 Subsection (b) shall perform the duties of the committee member  
9 until the earlier of:

10           (1) the date the active military service of the  
11 committee member who is temporarily replaced ends; or

12           (2) the date the term of office of the committee member  
13 who is temporarily replaced expires.

14           SECTION 2. This Act takes effect immediately if it receives  
15 a vote of two-thirds of all the members elected to each house, as  
16 provided by Section 39, Article III, Texas Constitution. If this  
17 Act does not receive the vote necessary for immediate effect, this  
18 Act takes effect September 1, 2005.

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President of the Senate

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Speaker of the House

I certify that H.B. No. 3162 was passed by the House on May 9, 2005, by the following vote: Yeas 145, Nays 0, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 3162 on May 27, 2005, by the following vote: Yeas 141, Nays 0, 2 present, not voting.

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Chief Clerk of the House

I certify that H.B. No. 3162 was passed by the Senate, with amendments, on May 25, 2005, by the following vote: Yeas 31, Nays 0.

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Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

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Governor