

BILL ANALYSIS

C.S.H.B. 2752
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Elections
Committee Report (Substituted)

BACKGROUND AND PURPOSE

According to certain sources, county chairs historically have been essential officers of political parties, serving as catalysts for political change, leaders of their local party, and models for civic engagement. These sources assert that the overwhelming majority of county chairs are a positive force for their parties and constituencies, but that some county chairs have become a liability to their party by being involved in schemes to abscond with party funds, inadequately performing their duties, and even making public statements that are detrimental to the cause of their party. C.S.H.B. 2752 seeks to provide a means for removing a county chair of a political party for official misconduct or incompetence.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 2752 amends the Election Code to authorize the state executive committee of a political party that nominates by primary election to call a hearing on the issue of removing the county chair of the party for incompetency or official misconduct in response to a complaint from a member of the party in the county from which the chair was elected. The bill requires the committee, not later than the 14th day before the date of the hearing, to give notice to the county chair stating the allegations of incompetency or official misconduct. The bill requires evidence to be presented at the hearing of the chair's incompetency or official misconduct and requires the county chair to have the opportunity to examine or question the evidence against the chair. The bill requires the committee, after conducting a hearing and reviewing the evidence, to vote on the question of the removal of the county chair. The bill requires the committee, if at least three-fifths of its membership finds that the county chair has demonstrated incompetency or committed official misconduct, to suspend any party rules to the extent necessary to remove the county chair and enact a transition plan that includes provisions to fill the vacancy created by the removal.

C.S.H.B. 2752 makes provisions of law relating to filling a vacancy in a county executive committee and the procedure for filling a vacancy in the office of a county chair of a county executive committee inapplicable to the filling of a vacancy created by the removal of a county chair of a political party under the bill's provisions. The bill defines "incompetency" and "official misconduct" for purposes of the bill's provisions.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2011.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 2752 differs from the original by authorizing the state executive committee of a political party that nominates by primary election to call a hearing on the issue of removing the county chair for incompetency or official misconduct in response to a complaint from a member of the political party in the county from which the chair was elected, whereas the original authorizes such a committee to remove a county chair for incompetency or official misconduct after notice and hearing.

C.S.H.B. 2752 differs from the original by requiring the state executive committee, not later than the 14th day before the date of the hearing, to give notice to the county chair stating the allegations of incompetency or official misconduct, whereas the original requires the committee, before removing a county chair, to provide notice of the reason for removal to the county chair. The substitute contains a provision not included in the original requiring evidence to be presented at the hearing of the chair's incompetency or official misconduct and requiring the county chair to have the opportunity to examine or question the evidence against the chair.

C.S.H.B. 2752 contains a provision not included in the original requiring the state executive committee, after conducting a hearing and reviewing the evidence, to vote on the question of the removal of the county chair. The substitute differs from the original by requiring the committee, if at least three-fifths of its membership finds that the county chair has demonstrated incompetency or committed official misconduct, to suspend any party rules to the extent necessary to remove the county chair and enact a transition plan that includes provisions to fill the vacancy created by the removal, whereas the original requires a majority of the committee to vote to remove the county chair from office before the committee is authorized to suspend party rules to the extent necessary to remove the county chair and either fill the vacancy created by the removal or appoint a committee of local officials to oversee the operations of the county executive committee until the election of a new county chair.