

## **BILL ANALYSIS**

H.B. 3117  
By: Rodriguez, Eddie  
Elections  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Concerned parties report that there is no process in state law to replace a county or precinct chair of a political party who becomes incapacitated or who simply disappears without submitting a letter of resignation. The parties cite a recent example in which a chair became permanently incapacitated medically and, because of that incapacitation, could neither perform the duties of the position nor resign from the position. In particular, because the chair was the sole name on the party's primary fund, the party's bills could not be paid. The concerned parties believe that there should be a process for removing a precinct or county chair for abandonment of office. H.B. 3117 seeks to provide for this process.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **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**

H.B. 3117 amends the Election Code to authorize the removal of a precinct or county chair who has failed to perform statutory duties provided by the Election Code or failed to attend four or more consecutive meetings of the county executive committee for abandonment of office as provided by the bill's provisions. The bill authorizes a county chair, under authorization of a resolution passed by the county executive committee, to send a notice to a precinct chair that states that the precinct chair is considered to have abandoned the office of precinct chair and the duties of the office and sets out the requirements of the notice relating to the content, method of delivery, and request for a response. The bill authorizes a state chair, under authorization of a resolution passed by the state executive committee, to send a notice to a county chair that states that the county chair is considered to have abandoned the office of county chair and the duties of the office and sets out the requirements of the notice relating to the content, method of delivery, and request for a response. The bill requires a precinct or county chair to respond to a notice from the county chair or state chair, respectively, on or before the seventh day after the date the chair receives the notice and to state whether the chair wishes to continue in office. The bill establishes that a chair's failure to respond and affirmatively state that the chair wishes to remain in office results in a vacancy in the office of precinct or county chair, as applicable. The bill requires the vacancy to be filled as provided by statutory provisions relating to the county executive committee.

**EFFECTIVE DATE**

September 1, 2015.