87R30485 ADM-D

Suspending limitations on conference committee

jurisdiction, H.B. No. 1987 (Vasut/Taylor)

By:  Taylor S.R. No. 549

R E S O L U T I O N

BE IT RESOLVED by the Senate of the State of Texas, 87th Legislature, Regular Session 2021, That Senate Rule 12.03 be suspended in part as provided by Senate Rule 12.08 to enable the conference committee appointed to resolve the differences on House Bill 1987 (eligibility requirements to hold a political party office and the election of certain state officers of certain political parties at a primary election) to consider and take action on the following matters:

(1)  Senate Rule 12.03(4) is suspended to permit the committee to add text on a matter not included in either the house or senate version of the bill in proposed SECTION 1 of the bill by adding Section 161.005(d), Election Code, to read as follows:

(d)  If an officer of a political party described by Subsection (a-1) announces the officer's candidacy or becomes a candidate for an elective office of the federal, state, or county government, the announcement or candidacy constitutes an automatic resignation from the office currently held by the officer. A vacancy arising under this subsection must be filled in the same manner as other vacancies for that office are filled.

Explanation: This change is necessary to clarify the resignation requirements imposed by this bill.

(2)  Senate Rule 12.03(4) is suspended to permit the committee to add text on a matter not included in either the house or senate version of the bill by adding the following SECTIONS to the bill:

SECTION 2.  Chapter 171, Election Code, is amended by adding Subchapter A-1 to read as follows:

SUBCHAPTER A-1. STATE EXECUTIVE COMMITTEE FOR CERTAIN POLITICAL PARTIES NOMINATING BY PRIMARY ELECTION

Sec. 171.011.  APPLICABILITY OF SUBCHAPTER. (a) This subchapter applies to a political party holding a primary election in this state if the party's candidate for governor has received the greatest number of votes in at least six of the ten most recent gubernatorial elections.

(b)  A provision of Subchapter A applies to a political party described by Subsection (a) except as provided by Subsection (c).

(c)  To the extent of any conflict, a provision of this subchapter prevails over a provision in Subchapter A.

Sec. 171.012.  ELECTION OF STATE PARTY OFFICERS AT GENERAL PRIMARY ELECTION. (a) The chair of a political party to which this subchapter applies is elected to a regular term at the general primary election by the majority of qualified voters of the state who vote in the primary for that office.

(b)  Members representing the senatorial or congressional districts are elected to a regular term at the general primary election by the majority of qualified voters of the state who reside in the district and who vote in the primary for that office. It is not required that the two members from each district be of the opposite sex. Section 171.002(d) does not apply to a member elected to represent a senatorial or congressional district under this subchapter.

(c)  If no candidate receives a majority of the votes, a runoff to determine the office is conducted in the same manner as a runoff primary election to determine a nomination for public office. The candidates to be in a runoff are determined in the same manner as candidates in a runoff for a nomination.

(d)  The chair and members representing the senatorial or congressional districts each serve for a term of four years beginning the 20th day after runoff primary election day at the primary election held in gubernatorial election years.

Sec. 171.013.  ELECTIONS NOT HELD. (a) If only one candidate's name is to be placed on the ballot for an office under this subchapter, the election for that office is not held, and the unopposed candidate, if otherwise eligible, shall be declared elected to the office at the time of the canvass.

(b)  The state chair shall prepare a document that shall be posted that states: "Pursuant to Section 171.013, Election Code, (insert name of unopposed candidate), if otherwise eligible, shall be declared elected to the office of (insert name of office) at the time of the local canvass."

(c)  The county chair or entity contracted to hold the election shall distribute copies of the document to the presiding judge of the election precinct with the other election supplies. An election officer shall post the document in one or more locations in the polling place where it can be read by persons waiting to vote.

Sec. 171.014.  RESIDENCE REQUIREMENT; DISTRICT BOUNDARIES. (a) To be eligible to be a candidate for or to serve on the state executive committee as a member representing a senatorial or congressional district, a person must reside in the district in addition to satisfying the other applicable eligibility requirements.

(b)  If a change in a district boundary results in either more than one member residing in the district subject to the boundary change or no member residing in the district subject to the boundary change, a vacancy in the office representing that senatorial or congressional district is created and shall be filled in accordance with Section 171.003.

(c)  For the purpose of determining whether a member representing a senatorial or congressional district is a resident of a particular county election precinct, a change in a district boundary is not effective until February 1 following the adoption of the order making the change, except as provided by Subsection (d).

(d)  If a change in a district boundary made by an order adopted on or after February 1 of a primary election year is scheduled to become effective before general primary election day, the change is effective on the date the order is adopted for the purpose specified by Subsection (c).

Sec. 171.015.  WRITE-IN CANDIDATES. Write-in candidates are not permitted for an office described by this subchapter.

SECTION 3.   Section 172.021(b), Election Code, is amended to read as follows:

(b)  An application must, in addition to complying with Section 141.031, be accompanied by the appropriate filing fee or a petition in lieu of the filing fee that satisfies the requirements prescribed by Section 141.062. A political party may not require payment of a fee as a condition to applying for a place on the ballot as a candidate for a party office [~~county chair or precinct chair~~].

SECTION 4.   Section 172.061, Election Code, is amended to read as follows:

Sec. 172.061.  CANDIDATE FOR PARTY OFFICE. (a) Except for Sections 172.058(b), 172.059(c), and 172.060(b), this subchapter applies to a candidate for a party office [~~county chair or precinct chair~~].

(b)  If a runoff candidate for a party office [~~county chair or precinct chair~~] withdraws, the remaining candidate is considered to be elected and the runoff election for that office is not held.

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

Sec. 172.089.  ORDER OF PARTY OFFICES ON BALLOT. (a) For a party to which Subchapter A-1, Chapter 171, does not apply, the [~~The~~] party offices of county chair and precinct chair shall be listed on the primary election ballot after the public offices with the office of county chair listed first.

(b)  For a party to which Subchapter A-1, Chapter 171, applies, the party offices of state chair, state executive committee member, county chair, and precinct chair shall be listed in that order on the primary election ballot after the public offices.

SECTION 6.  The heading to Section 172.118, Election Code, is amended to read as follows:

Sec. 172.118.  NOTICE OF PERSONS ELECTED AS PRECINCT AND COUNTY PARTY OFFICERS.

SECTION 7.  Section 257.005(a), Election Code, is amended to read as follows:

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

(1)  a candidate for state chair or state executive committee member of a political party with a nominee on the ballot in the most recent gubernatorial general election; and

(2)  a candidate for election to the office of county chair of a political party with a nominee on the ballot in the most recent gubernatorial general election if the county has a population of 350,000 or more.

SECTION 8.  The term of a state chair or state executive committee member of a political party to which Subchapter A-1, Chapter 171, Election Code, as added by this Act, applies, serving on the effective date of this Act ends on the 20th day after runoff primary election day, 2022.

SECTION 9.  Except as provided by Section 8 of this Act, this Act applies only to a candidate for nomination or election to an office the term of which begins on or after the effective date of this Act.

Explanation: These changes are necessary to provide for the election at a primary election of certain political party officers.