

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

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

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

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

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

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

1 the bill:

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

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

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

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

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

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

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

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

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

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

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

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

25 Sec. 171.014. RESIDENCE REQUIREMENT; DISTRICT BOUNDARIES.

26 (a) To be eligible to be a candidate for or to serve on the state
27 executive committee as a member representing a senatorial or

1 congressional district, a person must reside in the district in
2 addition to satisfying the other applicable eligibility
3 requirements.

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

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

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

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

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

25 (b) An application must, in addition to complying with
26 Section 141.031, be accompanied by the appropriate filing fee or a
27 petition in lieu of the filing fee that satisfies the requirements

1 prescribed by Section 141.062. A political party may not require
2 payment of a fee as a condition to applying for a place on the ballot
3 as a candidate for a party office [~~county chair or precinct chair~~].

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

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

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

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

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

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

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

27 Sec. 172.118. NOTICE OF PERSONS ELECTED AS PRECINCT AND

1 COUNTY PARTY OFFICERS.

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

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

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

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

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

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

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