

BILL ANALYSIS

C.S.H.B. 4636
By: Orr
Elections
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The lack of clarity in the law regarding county executive committees and county party chairs has led to disputes in multiple counties. Some disputes have left county chairs unable to pay primary election workers and the party unable to conduct business; others regarding election results have led some committees to take the position they can unilaterally overturn the primary election result and either remove or replace the elected county chair. Additionally, the current eligibility requirements for party office do not align with those for public office with regard to prior felony convictions. County chairs administer large amounts of public funds to conduct the primary election, and it is important the administrators of these funds are trustworthy. C.S.H.B. 4636 seeks to address these issues by clarifying existing law regarding the conduct of county executive committees and by requiring county party officers to have not been finally convicted of a felony offense.

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

C.S.H.B. 4636 amends the Election Code to include as a condition of eligibility for candidacy or service as an officer of a political party that a person has not been finally convicted of a felony from which the person has not been pardoned or otherwise released from the resulting disabilities. The bill establishes that a county chair and a precinct chair automatically vacate the respective office on the county chair's failure to meet the eligibility requirements and the precinct chair's failure to meet the residence eligibility requirements. The bill establishes that a county or precinct chair must be removed from office in accordance with statutory provisions providing for the removal of such an officer for abandonment of office.

C.S.H.B. 4636 authorizes the county chair of a political party to appoint ex officio, nonvoting members, as necessary, to assist the party's county executive committee in conducting business, to serve at the pleasure of the chair. With respect to vacancies in the office of party precinct chair, the bill does the following:

- specifies that procedures for filling vacancies the state executive committee may adopt by rule are procedures that are not inconsistent with statutory provisions regarding the organization of political parties;
- requires the county chair to appoint a replacement precinct chair who meets the qualifications for eligibility for party offices to serve for the remainder of the term;

- subjects the appointment of the county chair to confirmation by the county executive committee;
- requires a person to receive a favorable vote of a majority of the members voting to be confirmed; and
- authorizes the county chair to form a vacancy committee to assist in filling such vacancies.

C.S.H.B. 4636 requires the county chair to set the schedule for county executive committee meetings and the agenda for each meeting. The meetings may be in person or by videoconference.

C.S.H.B. 4636 removes the requirement for a former county chair to transfer to the new county chair local party bank accounts over which the former chair had authority not later than the 30th day after the date the new county chair's term of office begins. The bill requires the former chair instead to transfer all local party accounts to the new county chair. The county chair has authority over and is the administrator of all party accounts and contracts.

EFFECTIVE DATE

September 1, 2023.

COMPARISON OF INTRODUCED AND SUBSTITUTE

While C.S.H.B. 4636 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

Whereas the introduced removed a requirement for each party to adopt rules to determine a percentage of committee membership that constitutes a quorum for purpose of filling a vacancy, the substitute does not remove that requirement.

The substitute includes the following provisions, which did not appear in the introduced:

- a specification that the procedures for filling vacancies that the state executive committee may adopt by rule are procedures that are not inconsistent with statutory provisions regarding the organization of political parties; and
- provisions subjecting the appointment made by the county chair to confirmation by the county executive committee and requiring a favorable majority vote of committee members for that confirmation.

While both the introduced and substitute establish provisions regarding the eligibility of a precinct chair and a county chair, the introduced authorized the removal of a precinct or county chair from office if the precinct or county chair no longer meets the eligibility requirements, whereas the substitute establishes that a county chair and a precinct chair automatically vacate the respective office on the respective chair's failure to meet the eligibility requirements and the precinct chair's failure to meet the residence eligibility requirements. With respect to removal from office, the introduced clarified that such removal except due to ineligibility or abandonment of office is prohibited, while the substitute establishes that removal is prohibited except in accordance with provisions relating to the removal of such an officer for abandonment of office.

The substitute omits the introduced version's provision specifying that the authorization for a county executive committee meeting to be in person or by videoconference is as provided by state open meetings law.