88R25030 MPF-F

By:  Orr, et al. H.B. No. 4636

Substitute the following for H.B. No. 4636:

By:  Capriglione C.S.H.B. No. 4636

A BILL TO BE ENTITLED

AN ACT

relating to the eligibility of political party candidates or officers and certain procedures of the county executive committee.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1.  Section 161.005, Election Code, is amended by amending Subsection (a) and adding Subsections (d), (e), and (f) to read as follows:

(a)  To be eligible to be a candidate for or to serve as an officer of a political party, a person must:

(1)  except as provided by Subsection (c), not be a candidate for nomination or election to, or be the holder of, an elective office of the federal, state, or county government; [~~and~~]

(2)  if the office is a county or precinct chair of a political party, be a qualified voter of the county; and

(3)  have not been finally convicted of a felony from which the person has not been pardoned or otherwise released from the resulting disabilities.

(d)  A county chair automatically vacates the office on the chair's failure to meet the eligibility requirements under this section.

(e)  A precinct chair automatically vacates the office on the chair's failure to meet the eligibility requirements under this section or Section 171.023.

(f)  A county or precinct chair may not be removed except as provided by Section 171.029.

SECTION 2.  Section 171.022, Election Code, is amended by adding Subsection (e) to read as follows:

(e)  The county chair may appoint ex officio, nonvoting members, as necessary, to assist the county executive committee in conducting business, to serve at the pleasure of the chair.

SECTION 3.  Sections 171.024(a) and (c), Election Code, are amended to read as follows:

(a)  The county executive committee, or the county chair under Subsection (c), shall fill by appointment any vacancy on the committee.  The state executive committee may by rule adopt procedures for filling vacancies that are not inconsistent with this chapter.

(c)  If a vacancy occurs in the office of precinct chair, the county chair shall appoint a replacement who meets the qualifications for office under Section 161.005(a) to serve for the remainder of the term, subject to confirmation by the county executive committee. The county chair may form a vacancy committee to assist in filling vacancies under this subsection. Each party shall adopt rules to determine a percentage of committee membership that constitutes a quorum for purposes of filling a vacancy in the office of precinct chair. To be confirmed [~~elected~~], a person must receive a favorable vote of a majority of the members voting.

SECTION 4.  Section 171.026, Election Code, is amended to read as follows:

Sec. 171.026.  MEETINGS; PROXY NOT ALLOWED. (a) The county chair shall set the schedule for meetings and the agenda for each meeting.

(b)  A person may not participate in a county executive committee meeting as a proxy.

(c)  A county executive committee meeting may be in person or by videoconference.

SECTION 5.  The heading to Section 171.028, Election Code, is amended to read as follows:

Sec. 171.028.  COUNTY CHAIR AUTHORITY AND TRANSITION.

SECTION 6.  Section 171.028, Election Code, is amended by amending Subsection (a) and adding Subsection (e) to read as follows:

(a)  Not later than the 30th day after the date the term of office of a new county chair begins, the person formerly serving as the county chair shall transfer to the new county chair:

(1)  all local party [~~bank~~] accounts [~~over which the former county chair has authority~~]; and

(2)  the following original records that are in the possession of the former county chair:

(A)  precinct chair and county chair canvass results;

(B)  candidate applications;

(C)  paperwork related to the primary election; and

(D)  other documents concerning party affairs.

(e)  The county chair has authority over and is the administrator of all party accounts and contracts.

SECTION 7.  This Act takes effect September 1, 2023.