

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

1 provided by Section 171.029.

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

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

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

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

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

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

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

1 meeting.

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

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

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

8       Sec. 171.028. COUNTY CHAIR AUTHORITY AND TRANSITION.

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

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

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

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

19                       (A) precinct chair and county chair canvass  
20 results;

21                       (B) candidate applications;

22                       (C) paperwork related to the primary election;  
23 and

24                       (D) other documents concerning party affairs.

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

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