

# CONFERENCE COMMITTEE REPORT FORM

Austin, Texas

5-24-13

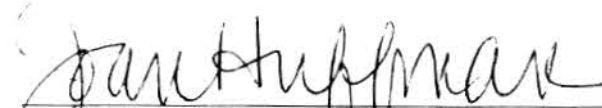
Date

Honorable David Dewhurst  
President of the Senate

Honorable Joe Straus  
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on HB 630 have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

  
Huffman

  
Dewell

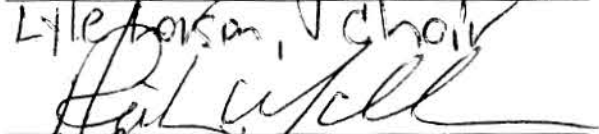
Fraser


  
Vande Putte





Whitmire On the part of the Senate



  
Rick Miller

  
Stephanie Klick

  
Chris Padden

  
Drew Springer On the part of the House

## Note to Conference Committee Clerk:

Please type the names of the members of the Conference Committee under the lines provided for signature. Those members desiring to sign the report should sign each of the six copies. Attach a copy of the Conference Committee Report and a Section by Section side by side comparison to each of the six reporting forms. The original and two copies are filed in house of origin of the bill, and three copies in the other house.

# CONFERENCE COMMITTEE REPORT

3<sup>rd</sup> Printing

H B No 63C

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the filling of vacancies on a political party's county  
3 executive committee and the conduct of certain primary elections in  
4 the absence of a county executive committee

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

6 SECTION 1. Sections 171.024 b and c, Election Code, are  
7 amended to read as follows

8 b A ~~Except as provided by Subsection c, a~~ majority of  
9 the committee's membership must participate in filling a vacancy in  
10 the office of county chair. To be elected, a person must receive a  
11 favorable vote of a majority of the members voting

12 c Each party shall adopt rules to determine a percentage  
13 of committee membership that constitutes a quorum for purposes of  
14 filling a A vacancy in the office of precinct chair To be  
15 elected, a person must receive a favorable vote of a majority of the  
16 members voting ~~may be filled without participation of the majority~~  
17 ~~of the committee membership if only one person is a candidate to~~  
18 ~~fill the vacancy and the person~~

19 ~~1. was elected as a precinct chair in the most recent~~  
20 ~~primary election in the county and~~

21 ~~2. is eligible to serve in the vacant office.~~

22 SECTION 2. Section 171.025, Election Code, is amended by  
23 adding Subsection e, to read as follows

24 e. In a county with a population of less than 5,000, a

1 vacancy in the office of county chair may be filled by appointment  
2 by the state chair of a person who is not a resident of the county  
3 if

4 1. the person resides in a county in this state with a  
5 population of less than 5,000 that is adjacent to the county in  
6 which the vacancy occurs and

7 2. the secretary of state approves the appointment of  
8 the person under procedures prescribed by the secretary of state.

9 SECTION 3 Subchapter E Chapter 172, Election Code, is  
10 amended by adding Section 172.128 to read as follows:

11 Sec. 172.128. ALTERNATIVE PRIMARY PROCEDURE FOR COUNTIES  
12 WITHOUT COUNTY PARTY LEADERSHIP. a. This section applies only to  
13 a primary election that is required for the nomination of a  
14 political party to a statewide office.

15 b. The state chair of a political party may contract with a  
16 county clerk, county tax assessor-collector, or county elections  
17 administrator, as appropriate, to hold a primary election in a  
18 county in which

19 1. the office of county chair is vacant and there is  
20 an insufficient number of members serving on the county executive  
21 committee to fill a vacancy on the committee and

22 2. the party is unable to establish a temporary  
23 executive committee under Section 171.027.

24 SECTION 4 This Act takes effect immediately if it receives  
25 a vote of two-thirds of all the members elected to each house, as  
26 provided by Section 39, Article III, Texas Constitution. If this  
27 Act does not receive the vote necessary for immediate effect, this

H B No 630

1 Act takes effect September 1, 2013

**House Bill 630**  
Conference Committee Report  
Section-by-Section Analysis

HOUSE VERSION

SECTION 1. Sections 171.024(b) and (c), Election Code, are amended to read as follows:

(b) ~~A [Except as provided by Subsection (e), a] majority of the committee's membership must participate in filling a vacancy in the office of county chair.~~ To be elected, a person must receive a favorable vote of a majority of the members voting.

(c) Each party shall adopt rules to determine a percentage of committee membership that constitutes a quorum for purposes of filling a [A] vacancy in the office of precinct chair. To be elected, a person must receive a favorable vote of a majority of the members voting ~~[may be filled without participation of the majority of the committee membership if only one person is a candidate to fill the vacancy and the person:~~

~~[(1) was elected as a precinct chair in the most recent primary election in the county; and~~

~~[(2) is eligible to serve in the vacant office].~~

SECTION 2. Section 171.025, Election Code, is amended by adding Subsection (e) to read as follows:

(e) In a county with a population of less than 5,000, a vacancy in the office of county chair may be filled by *appointment of a person who is not a resident of the county* if:

(1) the person resides in a county in this state with a population of less than 5,000 that is adjacent to the county in which the vacancy occurs; and

(2) the secretary of state approves the appointment of the person under procedures prescribed by the secretary of state.

SENATE VERSION (CS)

SECTION 1. Sections 171.024(b), (c), and (d), Election Code, are amended to read as follows:

(b) ~~A [Except as provided by Subsection (e), a] majority of the committee's membership must participate in filling a vacancy in the office of county chair.~~ To be elected, a person must receive a favorable vote of a majority of the members voting.

(c) Each party shall adopt rules to determine a percentage of committee membership that constitutes a quorum for purposes of filling a [A] vacancy in the office of precinct chair. To be elected, a person must receive a favorable vote of a majority of the members voting ~~[may be filled without participation of the majority of the committee membership if only one person is a candidate to fill the vacancy and the person:~~

~~[(1) was elected as a precinct chair in the most recent primary election in the county; and~~

~~[(2) is eligible to serve in the vacant office].~~

*(d) A vacancy in the office of county chair may not be filled before the beginning of the term of office in which the vacancy occurs.*

No equivalent provision.

CONFERENCE

SECTION 1. Same as House version.

SECTION 2. Same as House version, except specifies that such a vacancy may be filled *by appointment by the state chair of a person who is not a resident of the county* under those conditions.

**House Bill 630**  
Conference Committee Report  
Section-by-Section Analysis

HOUSE VERSION

No equivalent provision.

SECTION 3. Effective date.

SENATE VERSION (CS)

SECTION 2. Subchapter E, Chapter 172, Election Code, is amended by adding Section 172.128 to read as follows:  
Sec. 172.128. ALTERNATIVE PRIMARY PROCEDURE FOR COUNTIES WITHOUT COUNTY PARTY LEADERSHIP. (a) This section applies only to a primary election:  
(1) that is required for the nomination of a political party to a *state or county office; or*  
(2) *for which a measure appears on the ballot.*  
(b) The state chair of a political party may contract with a county clerk, county tax assessor-collector, or county elections administrator, as appropriate, to hold a primary election in a county in which:  
(1) the office of county chair is vacant and there is an insufficient number of members serving on the county executive committee to fill a vacancy on the committee; and  
(2) the party is unable to establish a temporary executive committee under Section 171.027.

SECTION 3. Same as House version.

CONFERENCE

SECTION 3. Same as Senate version, except in added Subsection (a) limits the section's applicability to a primary election that is required for the nomination of a political party to *a statewide office.*

SECTION 4. Same as House version.

**LEGISLATIVE BUDGET BOARD  
Austin, Texas**

**FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION**

**May 25, 2013**

**TO:** Honorable David Dewhurst, Lieutenant Governor, Senate  
Honorable Joe Straus, Speaker of the House, House of Representatives

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB630** by Larson (Relating to the filling of vacancies on a political party's county executive committee and the conduct of certain primary elections in the absence of a county executive committee.), **Conference Committee Report**

<b>No fiscal implication to the State is anticipated.</b>
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**Local Government Impact**

No fiscal implication to units of local government is anticipated.

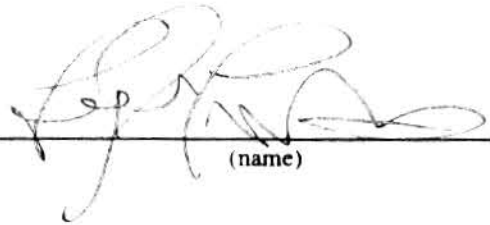
**Source Agencies:**

**LBB Staff:** UP, SD, AG, JI, AHE

## Certification of Compliance with Rule 13, Section 6(b), House Rules of Procedure

Rule 13, Section 6(b), House Rules of Procedure, requires that a copy of a conference committee report signed by a majority of each committee of the conference must be furnished to each member of the committee in person or if unable to deliver in person by placing a copy in the member's newspaper mailbox at least one hour before the report is furnished to each member of the house under Section 10(a) of this rule. The paper copies of the report submitted to the chief clerk under Section 10(b) of this rule must contain a certificate that the requirement of this subsection has been satisfied, and that certificate must be attached to the printed copy of the report furnished to each member under Section 10(d) of this rule. Failure to comply with this subsection is not a sustainable point of order under this rule.

I certify that a copy of the conference committee report on H. B. 630 was furnished to each member of the conference committee in compliance with Rule 13, Section 6(b), House Rules of Procedure, before submission of the paper copies of the report to the chief clerk under Section 10(b), Rule 13, House Rules of Procedure.

  
\_\_\_\_\_  
(name)

5/24/13  
\_\_\_\_\_  
(date)