

**SUBJECT:** Preventing obstruction of a county party chair during a primary election

**COMMITTEE:** Elections — favorable, without amendment

**VOTE:** 7 ayes — Denny, Bohac, Anchia, Anderson, Hughes, J. Jones, T. Smith  
0 nays

**WITNESSES:** For — George Hammerlein, Paul Bettencourt, Harris County Tax Assessor-Collector; Robert Pratt, Lubbock County Republican Party; Ross Aten; (*Registered, but did not testify:* Suzy Woodford, Common Cause Texas)  
  
Against — None  
  
On — Cliff Borofsky, Bexar County; Ann McGeehan, Office of the Secretary of State

**BACKGROUND:** Election Code, sec. 171.021 establishes a county executive committee for any political party required to hold a primary election. The executive committee, headed by the party's county chair, is responsible for the overall conduct of its primary election in each county.  
  
Ch. 172 describes the primary election duties of the county chair, including preparing an unofficial tabulation of precinct results, making periodic announcements on the current state of the tabulation, and preparing a report of the results for the secretary of state after the election.  
  
Under sec. 31.092, the party's county executive committee may contract with a county election officer to perform election services. The term "county election officer" varies by county and could refer to a county clerk, tax assessor-collector, or election administrator.

**DIGEST:** HB 1614 would specify that when an election services contract exists, the county election officer performing the contracted duties could not prevent the party's county chair or the chair's designee from supervising primary election activities, including tabulation of results.

The bill would take effect September 1, 2005.

SUPPORTERS  
SAY:

HB 1614 would affirm that a county election officer under contract may not prevent county party officials from doing their jobs. In some counties, the county election officer who has been hired to perform election services has denied complete access to the county party chair during election activities. Even if the county chair delegates election duties via contract, he or she still is responsible if something goes wrong and must be able to oversee the process whenever necessary. A county election officer should not be allowed to hijack a process for which that officer is not statutorily responsible.

Current law clearly delineates the role of the county chair in a primary election. These responsibilities are not relinquished when a contract is entered with a county election officer. HB 1614 simply would reaffirm the county chair's supervisory responsibilities as defined by statute.

OPPONENTS  
SAY:

County election officers who have agreed to perform election activities under contract should not be subjected to unnecessary interference and confusion about who is responsible for supervising the election process. The bill would make it even more unclear who would be in charge — the county elections officer or the party official. Even the official's designee could stake a claim, which would make for a potentially messy and confusing process. The presence of party officials in the tabulation room could be very distracting to county officers who sought to carry out their duties accurately and efficiently. HB 1614 would muddy the waters. The language specifically should delineate the exact role that each party would perform in a contract for election services. At the very least, the bill should allow the party chair to "observe" rather than "supervise" the conduct of the election.

While the bill might give authority to the party official to supervise the tabulation process, this would be impossible as a practical matter in larger counties that use sophisticated electronic tabulation equipment. Party chairs simply do not have the training or expertise to supervise the tabulation in such elections.

NOTES:

SB 1566 by Duncan, The companion bill, SB 1566 by Duncan, was referred to the Senate State Affairs Committee.