

SUBJECT: Temporary replacement of elected official called to active military service

COMMITTEE: Defense Affairs and State-Federal Relations —favorable, without amendment

VOTE: 9 ayes — Corte, Campbell, Berman, Herrero, Hodge, Leibowitz, Merritt, P. Moreno, Noriega
0 nays

WITNESSES: None

BACKGROUND: The Election Code provides that for each county in which a primary election is held, a county executive committee must be established for the political party holding the primary. A county executive committee is composed of an elected county chair and elected precinct chairs. It oversees the conduct of the primary elections, establishes general policy, conducts fund-raising activities, fills precinct chair vacancies, promotes the party's nominees in the general election, coordinates precinct activities and mobilizes voter turnout on behalf of the party's candidates. Each committee member serves for a term of two years.

DIGEST: HB 3162 would provide that a member of a county executive committee who was called to duty, drafted, or activated into active duty in the armed forces would not vacate his or her office. If called to active duty for longer than 30 days, the committee member would be allowed to appoint a replacement to serve as a temporary acting officer.

The appointed temporary acting officer would have to be a member of the same political party as the committee member being replaced and be eligible to hold party office. The temporary acting officer would have all the powers, privileges, and duties of the office and be entitled to the same compensation as the temporarily replaced committee member. The duties of the committee member would be performed by the temporary acting officer until either the committee member returned from active duty, or the term of the office expired, whichever occurred first.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2005.

**SUPPORTERS
SAY:**

HB 3162 would ensure that elected executive committee members would not have to resign their offices if they were called to active duty for more than 30 days. The continuation of military efforts in the Middle East means that a significant number of military personnel are being called to active duty. With the strong military presence in the state, calls to active duty increasingly affect Texans in all walks of life, including those who serve in a party office. Military personnel who serve on county executive committees should not be punished for being called to active duty.

The bill would ensure that the temporary replacement would serve in a way that represented the will of the people. It would require that the replacement be qualified for office and belong to the same political party as the committee member. Within these sensible parameters, the committee member naturally would select someone who shared the member's ideals and who would serve the public in the same manner as the elected member.

**OPPONENTS
SAY:**

An unelected individual should not be allowed to serve as a party committee member because he or she would not be the choice of the qualified voters of the county or precinct. There is no way of telling when a particular committee member's active military service might end, and it is quite possible that the service could last for the remainder of the member's two-year term. As a result, it is likely that an unelected replacement might serve in the office not temporarily but for the majority of the member's term.