

## **BILL ANALYSIS**

Senate Research Center  
84R483 ATP-F

S.B. 1072  
By: Zaffirini  
State Affairs  
4/16/2015  
As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

The purpose of this legislation is to provide a process whereby a member of a political party's county executive committee who has failed to perform statutory duties or failed to attend four or more consecutive meetings of the county executive committee may be removed for abandonment of office.

For each political party in each county that holds a primary election in this state, the Election Code provides for the establishment of a "county executive committee" that consists of a county chair and a precinct chair from each county election precinct. Although current law provides that the county executive committee may fill vacancies on the committee by appointment, a problem can occur when a county or precinct chair simply abandons the chair's office, leaving it unclear whether a vacancy in fact exists.

This bill would provide that a precinct or county chair who has failed to perform statutory duties provided by this code, or failed to attend four or more consecutive meetings of the county executive committee, may be removed for abandonment of office by resolution of either the county or state executive committee.

As proposed, S.B. 1072 amends current law relating to the removal of a precinct or county chair for abandonment of office.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Subchapter B, Chapter 171, Election Code, by adding Section 171.029, as follows:

Sec. 171.029. REMOVAL OF PRECINCT CHAIR OR COUNTY CHAIR FOR ABANDONMENT OF OFFICE. (a) Provides that a precinct or county chair who has failed to perform statutory duties provided by this code or failed to attend four or more consecutive meetings of the county executive committee may be removed for abandonment of office as provided by this section.

(b) Authorizes a county chair, if authorized by a resolution passed by the county executive committee, to send a notice to a precinct chair that states that the precinct chair is considered to have abandoned the office of precinct chair and the duties of the office. Requires that the notice:

- (1) state the reasons the county executive committee believes the precinct chair has abandoned the office;
- (2) be sent by certified mail; and

(3) request a response from the precinct chair not later than the seventh day after the date the precinct chair receives the notice.

(c) Authorizes a state chair, if authorized by a resolution passed by the state executive committee, to send a notice to a county chair that states that the county chair is considered to have abandoned the office of county chair and the duties of the office. Requires that the notice:

(1) state the reasons the state executive committee believes the county chair has abandoned the office;

(2) be sent by certified mail; and

(3) request a response from the county chair not later than the seventh day after the date the county chair receives the notice.

(d) Requires a precinct or county chair to respond to a notice under Subsection (b) or (c) on or before the seventh day after the date the chair receives the notice and state whether the chair wishes to continue in office. Provides that the chair's failure to respond and affirmatively state that the chair wishes to remain in office results in a vacancy in the office of precinct or county chair, as applicable. Requires that the vacancy be filled as provided by this subchapter.

SECTION 2. Effective date: September 1, 2015.