

SUBJECT: Duties of a county chair of a political party upon a change of leadership

COMMITTEE: Elections — committee substitute recommended

VOTE: 6 ayes — Berman, Bohac, England, Burnam, Farias, C. Howard

0 nays

1 absent — Anchia

WITNESSES: For — Andrew D. Thomas, Bexar County Democratic Party; Carla Vela, Bexar County Democratic Party; Skipper Wallace, Texas Republican County Chairmans Association; (*Registered, but did not testify*: Ken Bailey, Texas Democratic Party; Johnnie Rogers)

Against — Dennis Boerner, Senate District 1; Mark Graves, Bowie County Republican Party

On — (*Registered, but did not testify*: Elizabeth Hanshaw Winn, Office of the Secretary of State)

BACKGROUND: Election Code, ch. 171 governs political party organization in Texas. The county chair is elected at the primary election and serves a two-year term starting 20 days after the primary runoff election. The county executive committee fills any vacancy in the county chair until the next election.

DIGEST: CSHB 1071 would amend Election Code, ch. 171 to add a new section on county chair transition. Within 30 days after a new county chair's term began, the former chair would have to transfer to the new county chair local party bank accounts over which the former county chair had authority and the following original records:

- precinct chair and county chair canvass results;
- candidate applications;
- paperwork related to the primary elections; and
- other documents concerning party affairs.

Before transferring these records to a new county chair, the former chair could copy them.

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, 2007.

**SUPPORTERS
SAY:**

CSHB 1071 would create a process to require the timely transfer of important party documents between an outgoing county chair and a new chair. In a few, limited situations, problems have risen within both major political parties regarding transition of county chairs. Two or three county chairs have refused to turn over bank accounts, filing documents of candidates, and other election-related paperwork to their successors. The bill would help prevent a few bad actors from sullyng the reputation of the county party and thwarting the honest efforts of dedicated local party officials.

Creating a criminal or civil penalty for violating the provisions of CSHB 1071 would go too far. This might hurt the parties by discouraging qualified individuals from serving as county chairs.

**OPPONENTS
SAY:**

The Legislature should place tougher requirements for transition of county chairs in statute, including a civil or criminal penalty for non-compliance. If the new law did not contain an enforcement mechanism, political parties would be better off allowing the state parties or county executive committees to fashion their own transition rules for county chairs.

NOTES:

The committee substitute differs from the introduced version by deleting a provision that would have changed the start of the term for county executive members to August 1 of a primary election year. While both versions would allow a former county chair to copy specified party records, the original version would have *required* a former county chair to make copies of specified records and retain those copies for two years after the person's term ended.