

- SUBJECT:** Procedures for political parties for filling precinct chair vacancies
- COMMITTEE:** Elections — committee substitute recommended
- VOTE:** 6 ayes — Morrison, Johnson, Klick, R. Miller, Simmons, Wu
0 nays
1 absent — Miles
- WITNESSES:** For — Jim McSpadden, Harris County Republican Party; B R “Skipper” Wallace, Republican County Chair’s Association
Against — None
On — Glen Maxey, Texas Democratic Party; (*Registered, but did not testify*: Keith Ingram, Texas Secretary of State Elections Division)
- BACKGROUND:** Election Code, ch. 171 subch. B describes the structure and organization of county executive committees for political parties that hold primaries. The committee consists of a county chair and a precinct chair from each county election precinct.

A vacancy on a committee is filled by a vote of the committee membership. A majority of the membership must participate in the vote, and the person elected must receive a favorable vote of the majority of the members voting. Vacancies may not be filled before the beginning of the term of office in which the vacancy occurs.

Additionally, a precinct chair vacancy may be filled without the participation of the majority of the membership if:
- only one person is a candidate;
 - the person is eligible to serve in the office; and
 - the person was elected as precinct chair in the county’s most recent primary election.
- DIGEST:** CSHB 630 would require parties to adopt rules to determine what

percentage of county executive committee membership constituted a quorum for purposes of filling a vacancy in the office of precinct chair. The person elected would have to receive a favorable vote of the majority of the members voting.

A county chair still would have to be elected by a majority vote of a majority of the committee's membership. The requirement preventing a vacant seat from being filled before the beginning of the term of office in which the vacancy occurred would apply only to a vacancy in the county chair's office.

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, 2013.

**SUPPORTERS
SAY:**

CSHB 630 would help county executive committees to fill vacancies for county and precinct chairs.

When there are vacancies for precinct chairs, parties have trouble providing support to candidates, finding election judges to conduct elections, and performing other essential party activities for which precinct chairs are needed.

County committees have trouble filling precinct chair vacancies with the current requirement for a majority quorum. Large counties often have hundreds of precincts, so requiring a majority quorum means coordinating the schedules and ensuring the participation of hundreds of volunteer precinct chairs. In practice, this is nearly impossible in many counties, so precinct chair positions often remain vacant for long stretches of time because the county executive committee is unable to establish a quorum. In Harris County, there are 1,064 precincts, and the Harris County Republican Party currently has 584 vacancies and only 480 filled precinct chair positions.

At the same time, county executive committees may conduct regular business with a 25 percent quorum. The Harris County Republican Party's executive committee has averaged attendance of 40 percent of members at meetings during the past 18 months. The committee has been able to change bylaws and rules but not fill vacant precinct chairs. By making it easier for committees to reach a quorum for the purpose of filling precinct chair vacancies, CSHB 630 would fix this discrepancy and help

committees function at full capacity and efficiency.

The problem is compounded by the current prohibition against filling vacancies of precinct chairs between the election and the beginning of the precinct chair term. Precinct chairs are elected in March to two-year terms that begin in May. This two-month period could be a crucial time for filling positions in precincts in which chairs remained vacant because no one ran for office. County executive committees need to be able to fill empty positions as quickly as possible so they can start terms with maximum efficiency and participation.

The Legislature already is involved in regulating political parties. To the extent that CSHB 630 affected internal party affairs, it would serve to deregulate the procedure for filling precinct chair vacancies and return the authority to political parties to determine their own rules and procedures.

OPPONENTS
SAY:

By allowing political parties to determine what constitutes a quorum with no mandated minimum, CSHB 630 would increase the influence of corrupting forces in the selection of precinct chairs. Quorum requirements help to preserve the democratic process for filling vacant positions, and weakening the quorum requirements would threaten this process. Under the bill, parties would be able to set low percentages to constitute quorums in these situations and would be incentivized to do so in order to fill the chairs they historically have had trouble filling. This could place the power to elect precinct chairs in the hands of very few people, particularly in small counties where a low percentage could be met by a mere handful of the membership.

OTHER
OPPONENTS
SAY:

The Legislature should not be involved in regulating the internal affairs of political parties. CSHB 630 would constitute unnecessary government interference in the logistical concerns of parties, which are capable of deciding these issues among their own membership and adopting their own rules for these types of issues.

NOTES:

The committee substitute differs from the bill as filed in that it would specify that rules adopted by parties for filling vacancies in precinct chairs required them to determine a percentage of committee membership constituting a quorum and that the chair would need to receive majority approval of the members voting.

