

BILL ANALYSIS

C.S.H.B. 1678
By: Burkett
Elections
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Currently, the only independent action a county election commission or a joint elections commission is authorized to take under provisions of law is the employment of a county elections administrator or joint elections administrator. Interested parties contend that, despite their narrow mandate, many county election commissions and joint elections commissions meet regularly and for nonstatutory purposes and, because a county or joint election commission's proceedings are not subject to open meetings requirements, a commission may meet privately with no notice of its agenda and no report of its deliberations.

C.S.H.B. 1678 seeks to address this situation by making meetings of a county election commission and joint elections commission subject to the state's open meetings law.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 1678 sets out a legislative finding that the powers of a county election commission or a joint elections commission extend no further than to the appointment, acceptance of resignation, or recommendation for termination of a county elections administrator or joint elections administrator. The bill amends the Election Code to make meetings of a county election commission and a joint elections commission subject to the state's open meetings law. The bill requires a commission, in addition to posting notice as required by the open meetings law, to provide personal written notice of a commission meeting to the county elections administrator or joint elections administrator, as applicable, at least 72 hours before the scheduled time of the meeting as prescribed by the notice provisions of the open meetings law.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2011.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 1678 omits provisions included in the original relating to the appointment of a county election administrator and transferring the appointive authority from the county election commission to the county commissioners court.

C.S.H.B. 1678 contains a provision not included in the original setting out a legislative finding regarding the limited extent of the power of a county election commission or a joint elections commission.

C.S.H.B. 1678 differs from the original by amending provisions relating to meetings of a county election commission to establish that commission meetings are subject to the state's open meetings law and to add an additional notice requirement to notify the county elections

administrator of the meeting, whereas the original repeals the meeting provisions altogether.

C.S.H.B. 1678 contains a provision not included in the original making meetings of a joint elections commission subject to the state's open meetings law and requiring, in addition to the posting of public notice, that the joint elections administrator be given personal notice of the meeting.