

## **BILL ANALYSIS**

C.S.H.B. 907  
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Elections  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Interested parties are concerned that the absence of a standardized format for petitions filed in connection with an election creates doubt as to how to petition a local government. C.S.H.B. 907 seeks to remove any doubt by requiring the secretary of state to adopt a standardized form for certain petitions and by providing requirements for the petition process in a home-rule municipality.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **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. 907 amends the Election Code to require the secretary of state to prescribe the form, content, and procedure for a petition authorized or required to be filed under a law outside the Election Code in connection with an election and requires the secretary of state to adopt the petition form not later than January 1, 2018. The bill limits the types of such petitions an appropriate authority may accept to a petition that follows the official form. The bill repeals a provision relating to the effectiveness of petition requirements prescribed by certain home-rule city charter provisions or city ordinances.

C.S.H.B. 907 amends the Local Government Code to require a petition regarding the repeal of a home-rule municipality order, ordinance, or resolution to be filed not later than the 90th day after the later of the date on which the order, ordinance, or resolution finally passed or was published. The bill requires the secretary of the municipality or other authority responsible for verifying such a petition to review the petition not later than the 30th day after the date of the receipt of the petition and, if the secretary or other responsible authority determines the petition is invalid, to return the petition to one of the petition's proponents with the written reasons for rejection. The bill requires the petition's proponents to return the petition to the secretary or other authority not later than the 30th day after the date of the receipt of the rejected petition if the petition's proponents seek to remedy the petition. The bill requires a home-rule municipality to make available on the municipality's official website, if any, a petition form that complies with state law and the municipality's ordinances, orders, and other resolutions that apply to the filing of a petition with the municipality.

C.S.H.B. 907 applies only to a petition submitted on or after January 1, 2018.

C.S.H.B. 907 repeals Section 277.004, Election Code.

**EFFECTIVE DATE**

September 1, 2017.

**COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 907 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Chapter 277, Election Code, is amended.

SECTION 1. Same as introduced version.

No equivalent provision.

SECTION 2. Subchapter E, Chapter 51, Local Government Code, is amended by adding Sections 51.080, 51.081, 51.082, and 51.083 to read as follows:

Sec. 51.080. TIME TO FILE PETITION. A petition regarding the repeal of an order, ordinance, or resolution must be filed not later than the 90th day after the later of the date on which the order, ordinance, or resolution:

(1) finally passed; or

(2) was published.

Sec. 51.081. TIME TO REVIEW PETITION. The secretary of the municipality or other authority responsible for verifying a petition regarding the repeal of an order, ordinance, or resolution must review the petition not later than the 30th day after the date of the receipt of the petition.

Sec. 51.082. OPPORTUNITY TO CURE PETITION. (a) If the secretary of the municipality or other authority responsible for verifying a petition regarding the repeal of an order, ordinance, or resolution determines the petition is invalid, the secretary or other authority shall return the petition to one of the petition's proponents with the written reasons for rejection.

(b) If the petition's proponents seek to remedy the petition, the petition's proponents shall return the petition to the secretary or other authority not later than the 30th day after the date of the receipt of the rejected petition.

Sec. 51.083. CONTENT OF PETITION. A municipality must make available on the official website, if any, of the municipality a

petition form that complies with state law and the municipality's ordinances, orders, and other resolutions that apply to the filing of a petition with the municipality.

No equivalent provision.

SECTION 3. Section 277.004, Election Code, is repealed.

SECTION 2. Not later than January 1, 2018, the secretary of state shall adopt a petition form as required by this Act.

SECTION 4. Same as introduced version.

SECTION 3. The changes in law made by this Act apply only to a petition submitted on or after January 1, 2018.

SECTION 5. Same as introduced version.

SECTION 4. This Act takes effect September 1, 2017.

SECTION 6. Same as introduced version.