

BILL ANALYSIS

C.S.H.B. 2485
By: Elkins
Elections
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties contend that there is too much confusion regarding certain uniform election dates and the types of elections held on those dates. C.S.H.B. 2485 seeks to reduce this confusion by specifying that the type of election held on the uniform election date falling on the first Saturday in May in even-numbered years is an election held by a district created under provisions of the Texas Constitution relating to counties, cities, or other political corporations or subdivisions and relating to conservation and reclamation districts.

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. 2485 amends the Election Code to revise the provision specifying that the type of election held on the uniform election date falling on the first Saturday in May in an even-numbered year is an election held by a political subdivision other than a county to instead specify that an election held on that date is an election held by a district created under provisions of the Texas Constitution relating to counties, cities, or other political corporations or subdivisions and relating to conservation and reclamation districts. The bill removes an exception from a prohibition against an election being held within 30 days before or after the date of certain elections for a runoff election following an election held on such uniform date. The bill changes the date by which the governing body of a political subdivision, other than a county or municipal utility district, that holds its general election for officers on a date other than the November uniform election date may change the date on which it holds such an election to the November uniform election date from not later than December 31, 2016, to not later than January 1, 2018.

C.S.H.B. 2485 repeals Section 41.001(d), Election Code.

EFFECTIVE DATE

September 1, 2017.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 2485 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

SECTION 1. Sections 41.001(a) and (c), Election Code, are amended to read as follows:

(a) Except as otherwise provided by this subchapter, each general or special election in this state shall be held on one of the following dates:

(1) the first Saturday in May in an odd-numbered year; or

(2) ~~[the first Saturday in May in an even-numbered year, for an election held by a political subdivision other than a county; or~~

~~[(3)]~~ the first Tuesday after the first Monday in November.

(c) Except for an election under Subsection (a) or Section 41.0011 ~~[or a runoff election following an election held under Subsection (a)(2)]~~, an election may not be held within 30 days before or after the date of the general election for state and county officers, general primary election, or runoff primary election.

SECTION 2. Section 41.0052(a), Election Code, is amended to read as follows:

(a) The governing body of a political subdivision, other than a county or municipal utility district, that holds its general election for officers on a date other than the November uniform election date may, not later than January 1, 2018 ~~[December 31, 2016]~~, change the date on which it holds its general election for officers to the November uniform election date.

SECTION 3. Section 41.001(d), Election Code, is repealed.

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

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Sections 41.001(a) and (c), Election Code, are amended to read as follows:

(a) Except as otherwise provided by this subchapter, each general or special election in this state shall be held on one of the following dates:

(1) the first Saturday in May in an odd-numbered year;

(2) the first Saturday in May in an even-numbered year, for an election held by a district created under Section 52, Article III, or Section 59, Article XVI, Texas Constitution ~~[political subdivision other than a county]~~; or

(3) the first Tuesday after the first Monday in November.

(c) Except for an election under Subsection (a) or Section 41.0011 ~~[or a runoff election following an election held under Subsection (a)(2)]~~, an election may not be held within 30 days before or after the date of the general election for state and county officers, general primary election, or runoff primary election.

SECTION 2. Same as introduced version.

SECTION 3. Same as introduced version.

SECTION 4. Same as introduced version.