

BILL ANALYSIS

Senate Research Center
88R16521 MPF-F

H.B. 1583
By: Burrows (Perry)
Local Government
5/15/2023
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

In 1997, Terry County Hospital District (district) entered into a settlement of a case filed under the Voting Rights Act regarding the way directors of the district are elected. Under the terms of that settlement agreement, directors are elected through a cumulative voting process. The district has been using this process for its directors elections since May 1997, but the district's enabling legislation was never amended to reflect that.

H.B. 1583 will revise the enabling legislation to reflect the cumulative voting process that the district has been using since May 1997 pursuant to the settlement agreement and a related federal district court order. The main reason for making the change is to avoid confusion in the future.

Additionally, H.B. 1583 revises the enabling legislation provisions regarding notice of elections and applications to be on the ballot so that the district will follow the standard process in the Election Code for these items.

H.B. 1583 amends current law relating to the election of the board of directors of the Terry Memorial Hospital District.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the secretary of state is rescinded in SECTION 4 (Section 1105.053, Special District Local Laws Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 1105.051(a), Special District Local Laws Code, to provide that the Terry Memorial Hospital District (district) is governed by a board of seven directors elected from the district at large in the manner provided by Section 1105.0515.

SECTION 2. Amends Subchapter B, Chapter 1105, Special District Local Laws Code, by adding Section 1105.0515, as follows:

Sec. 1105.0515. ELECTION OF DIRECTORS BY CUMULATIVE VOTING. (a) Requires all directors to be elected at large using the cumulative voting procedure prescribed by this section.

(b) Requires all director positions to be filled at the election to be voted on as one race by all qualified voters of the district.

(c) Provides that each voter is entitled to cast a number of votes equal to the number of positions to be filled at the election, except that the total number of votes cast by a voter is prohibited from exceeding four. Authorizes a voter to cast one or more of the specified number of votes for any one or more candidates in any combination. Authorizes only whole votes to be cast and counted.

(d) Provides that if a voter casts more than the number of votes to which the voter is entitled in the election, none of the voter's votes are authorized to be counted in

that election. Provides that if a voter casts fewer votes than entitled, all of the voter's votes are counted in that election.

(e) Provides that the candidates who are elected are those, in the number to be elected, receiving the highest numbers of votes.

(f) Requires the secretary of state to prescribe any additional procedures necessary for the orderly and proper administration of an election held in accordance with this section.

SECTION 3. Amends Section 1105.052, Special District Local Laws Code, as follows:

Sec. 1105.052. NOTICE OF ELECTION. Requires that notice of a directors' election be published one time in a newspaper of general circulation in Terry County in accordance with Section 4.003 (Method of Giving Notice), Election Code. Deletes existing text requiring that notice of the election be published one time in a newspaper of general circulation in Terry County at least 10 days before the date of a directors' election.

SECTION 4. Amends Section 1105.053, Special District Local Laws Code, as follows:

Sec. 1105.053. New heading: BALLOT APPLICATION. Requires a person who wants to have the person's name printed on the ballot as a candidate for director to file an application with the board secretary in accordance with Chapter 144 (Candidate for Office of Political Subdivision Other Than County or City), Election Code, rather than file a petition requesting the action. Deletes existing text requiring that the petition be signed by not fewer than 10 registered voters be filed by the deadline imposed by Section 144.005 (Filing Deadline), Election Code.

SECTION 5. Makes application of this Act prospective.

SECTION 6. Effective date: September 1, 2023.