

BILL ANALYSIS

C.S.H.B. 1583
By: Burrows
County Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Legislation is needed to codify the director election process used by the Terry Memorial Hospital District. C.S.H.B. 1583 provides for this codification.

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. 1583 amends the Special District Local Laws Code to require all directors of the Terry Memorial Hospital District to be elected using a cumulative voting procedure prescribed by the bill. The bill requires all director positions to be filled at the election to be voted on as one race by all qualified voters of the district. The bill entitles each voter to cast a number of votes equal to the number of positions to be filled at the election, but caps the total number of votes a voter may cast at four. The bill establishes the following:

- a voter may cast one or more of the specified number of votes for any one or more candidates in any combination;
- only whole votes may be cast and counted;
- 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 may be counted in that election;
- if a voter casts fewer votes than entitled, all of the voter's votes are counted in that election; and
- the candidates who are elected are those, in the number to be elected, receiving the highest numbers of votes.

The bill requires the secretary of state to prescribe any additional procedures necessary for the orderly and proper administration of an election held in accordance with these provisions of the bill.

C.S.H.B. 1583 revises the newspaper publication requirement for notice of a directors' election to align the requirement with the Election Code. The bill replaces the requirement for a person who wants to have the person's name printed on the ballot as a candidate for director to file a petition requesting that action with a requirement for such a person to file an application with the board secretary in accordance with applicable Election Code provisions.

C.S.H.B. 1583 applies only to an election ordered on or after the bill's effective date.

EFFECTIVE DATE

September 1, 2023.

COMPARISON OF INTRODUCED AND SUBSTITUTE

While C.S.H.B. 1583 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute does not include a specification included in the introduced that the candidates run without any place designations.

The substitute includes the following provisions which are absent in the introduced:

- a provision establishing that only whole votes may be cast and counted;
- a provision establishing 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 may be counted in that election;
- a provision establishing that, if a voter casts fewer votes than entitled, all of the voter's votes are counted in that election;
- a provision requiring the secretary of state to prescribe any additional procedures necessary for the orderly and proper administration of an election under the bill's provisions; and
- a provision establishing that the bill applies only to an election ordered on or after the bill's effective date.

Whereas the introduced had an effective date that provided for its possible immediate effect, contingent on receiving the requisite constitutional vote, or September 1, 2023, the substitute has an effective date of only September 1, 2023, with no possibility for immediate effect.