

BILL ANALYSIS

Senate Research Center

H.B. 3613
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Local Government
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

In 2021, after the 2020 federal census, municipalities began reapportioning city council districts. In some municipalities, this meant that some residents would be moved in to a new district but then would be unable to vote for their city council member in the following election. Thirteen residents in Austin, who were shifted between council districts after such reapportionment, filed a lawsuit alleging that they were disenfranchised through this process. The lawsuit eventually ended up at the Supreme Court of Texas, which chose not to take up the case. H.B. 3613 seeks to address this issue by requiring certain municipalities to elect all members of the municipal governing body on the first uniform election date following the census and any necessary reapportionment.

H.B. 3613 amends current law relating to the election of the entire governing body of a municipality following each apportionment.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter A, Chapter 21, Local Government Code, by adding Section 21.006, as follows:

Sec. 21.006. ELECTION OF ENTIRE GOVERNING BODY UPON APPORTIONMENT. (a) Requires a municipality that is divided into districts, wards, or other areas from which members of its governing body are elected to elect all members of the municipality's governing body following each apportionment on the first uniform election date that allows sufficient time to comply with any requirements of law.

(b) Requires the municipality, if members of the governing body of a municipality described by Subsection (a) serve staggered terms, to adopt an equitable process to determine which members of the governing body serve shorter terms to accommodate an election following apportionment that accounts for the remaining time in each member's term and whether the term of any member elected from a particular district, ward, or area was previously shortened under this section.

SECTION 2. Effective date: September 1, 2023.