Senate Research Center

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H.B. 4621
By: Bhojani et al. (Paxton)
State Affairs
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Current state law allows a ballot measure to be canceled if it is declared moot. However, there is no meaningful option for a political subdivision to cancel an election on a measure in the case of a disaster.

H.B. 4621 seeks to address this issue by giving political subdivisions the option to reconsider an election on a ballot measure if a disaster declaration has been issued by the governor within 90 days before the election.

H.B. 4621 amends current law relating to the authority to cancel certain elections on a measure.

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 the heading to Section 2.081, Election Code, to read as follows:

Sec. 2.081. CANCELLATION OF MEASURE.

SECTION 2. Amends Section 2.081, Election Code, by adding Subsections (a-1) and (a-2) and amending Subsections (b) and (c), as follows:

(a-1) Authorizes the authority that ordered an election on a measure, not later than the 74th day before election day, to cancel the election on the measure if not earlier than the 90th day before the election on the measure, the governor issues a disaster declaration under Chapter 418 (Emergency Management), Government Code, covering an area within the authority's jurisdiction.

(a-2) Requires the authority that ordered the election, if an election on a measure required following the submission of a petition signed by a number of registered voters is canceled under Subsection (a-1), to order a new election on the measure for the first available uniform election day after the canceled election.

(b) Requires the authority holding the election, if an election on a measure is canceled or the measure is removed from the ballot under this section, to post notice of the cancellation or removal during early voting by personal appearance and on election day, at each polling place that would have been used for the election on the measure. Deletes existing text requiring the authority holding the election if a measure is declared moot under this section and is removed from the ballot, to post notice of the declaration during each early voting period by personal appearance and on election day, at each polling place that would have been used for the election on the measure.

(c) Authorizes a county election officer, as defined by Section 31.091 (Definitions), to use a single combined notice of cancellation under Subsection (b) for all authorities:

(1) makes no changes to this subdivision; and

(2) that cancel an election on a measure or remove a measure from the ballot, rather than that declare an election moot, under Subsection (a) or (a-1).

SECTION 3. Effective date: upon passage or September 1, 2023.