

BILL ANALYSIS

C.S.H.B. 4621
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Elections
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Currently, 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. C.S.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.

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. 4621 amends the Election Code to authorize an authority that ordered an election on a measure to cancel the election not later than the 74th day before election day if the governor issues a disaster declaration covering an area within the authority's jurisdiction not earlier than the 90th day before the election on the measure. The bill requires the authority that ordered the election to order a new election on the measure for the first available uniform election day after the canceled election if the canceled election was required following the submission of a petition signed by a number of registered voters.

C.S.H.B. 4621 replaces the requirement for an authority holding an election, if a measure is declared moot and removed from the ballot, to post notice of the declaration during early voting by personal appearance and on election day at each applicable polling place with a requirement for such an authority, if an election on a measure is canceled due to the disaster declaration or the measure is removed from the ballot as moot, to post notice of the cancellation or removal in the same manner. The bill replaces the authorization for a county election officer to use a single combined notice of cancellation for all authorities that declare an election moot with an authorization for a county election officer to use such a combined notice for all authorities that cancel an election on a measure due to the disaster declaration or remove a measure from the ballot as moot.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2023.

COMPARISON OF INTRODUCED AND SUBSTITUTE

While C.S.H.B. 4621 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.

Whereas the introduced authorized an authority to remove a measure declared moot from the ballot, if not earlier than the 90th day before the election and regardless of the election outcome, the substitute authorizes the authority instead to cancel an election on a measure not later than the 74th day before the election if the governor issues a disaster declaration covering an area within the authority's jurisdiction not earlier than the 90th day before the election. Accordingly, the substitute includes a requirement absent from the introduced for the authority to order a new election on the measure for the first available uniform election day after the canceled election if an election on a measure required following the submission of a petition signed by a number of registered voters is canceled.

Whereas the introduced made certain provisions regarding notices provided after a measure in an election is declared moot and removed from the ballot applicable to the authorization added by the introduced to remove a measure from the ballot, the substitute instead includes provisions absent from the introduced that do the following:

- replace the requirement for an authority holding an election, if a measure is declared moot and removed from the ballot, to post notice of the declaration during early voting by personal appearance and on election day, at each applicable polling place with a requirement for such an authority, if an election on a measure is canceled due to the disaster declaration or the measure is removed from the ballot as moot, to post notice of the cancellation or removal in the same manner; and
- replaces the authorization for a county election officer to use a single combined notice of cancellation for all authorities that declare an election moot with an authorization for a county election officer to use such a combined notice for all authorities that cancel an election on a measure due to the disaster declaration or remove a measure from the ballot as moot.