By:  Bhojani, et al. (Senate Sponsor - Paxton) H.B. No. 4621

(In the Senate - Received from the House May 15, 2023; May 16, 2023, read first time and referred to Committee on State Affairs; May 21, 2023, reported adversely, with favorable Committee Substitute by the following vote: Yeas 9, Nays 0; May 21, 2023, sent to printer.)

COMMITTEE VOTE

               Yea Nay Absent  PNV

Hughes          X

Paxton          X

Bettencourt     X

Birdwell                  X

LaMantia        X

Menéndez        X

Middleton       X

Parker          X

Perry           X

Schwertner      X

Zaffirini                 X

COMMITTEE SUBSTITUTE FOR H.B. No. 4621 By:  Hughes

A BILL TO BE ENTITLED

AN ACT

relating to the authority to cancel certain elections on a measure.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1.  Subchapter D, Chapter 2, Election Code, is amended by adding Section 2.083 to read as follows:

Sec. 2.083.  CANCELLATION OF ELECTION DURING DECLARED DISASTER. (a) In this section, "disaster" has the meaning assigned by Section 418.004, Government Code.

(b)  The authority that ordered an election on a measure may request approval from the secretary of state to cancel the election if:

(1)  the governor issued a disaster declaration for a disaster under Chapter 418, Government Code, covering an area within the authority's jurisdiction; and

(2)  the authority determines that the disaster makes holding the election impossible.

(c)  In determining whether to grant a request to cancel an election on a measure under this section, the secretary of state shall consider the circumstances of the disaster in the affected area, including whether other elections in or near the area can be conducted.

(d)  If the secretary of state grants a request to cancel an election on a measure under this section, the authority holding the election shall post notice of the cancellation 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.

(e)  If an election on a measure required following the submission of a petition signed by a number of registered voters is canceled under this section, the authority that ordered the election shall order a new election on the measure for the first available uniform election day after the canceled election.

SECTION 2.  This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2023.

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