

BILL ANALYSIS

C.S.H.B. 2253
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Elections
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Under current state law, elections can be canceled if the authority that orders an election on a measure determines that the action to be authorized by the voters may not be taken, declares the measure moot, and removes the measure from the ballot. However, the bill author has informed the committee that there are limited options for cancelling elections due to emergencies such as natural disasters, including situations where a disaster declaration is issued by the governor, which may affect a jurisdiction's ability to conduct an election. C.S.H.B. 2253 seeks to grant authorities the ability to cancel certain elections on a measure to authorize the issuance of bonds if a disaster declaration is issued by the governor.

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. 2253 amends the Election Code to authorize an authority that ordered an election on a measure to authorize the issuance of bonds, not later than the 74th day before election day, to cancel the election on the measure if the following conditions are met:

- not earlier than the 90th day before the date of the election on the measure, the governor issues a disaster declaration under the Texas Disaster Act of 1975 regarding a natural disaster or other disaster threatening the health, safety, or general welfare of the authority's residents; and
- the governing body of the authority, after holding an open meeting under the bill's provisions, determines by majority vote that canceling the election on the measure is necessary:
 - due to damage to the authority's election system;
 - to avoid harm to the authority's election workers; or
 - to avoid harm to voters within the authority's jurisdiction.

The bill authorizes the governing body of an authority to hold an open meeting solely to deliberate whether to cancel an election on a measure to authorize the issuance of bonds due to the issuance of a disaster declaration described by the bill's provisions. The bill requires the governing body, to the extent practicable under the circumstances, to provide reasonable public notice of the meeting and allow members of the public and the press to observe the meeting.

C.S.H.B. 2253 requires the authority holding an election on a measure, if the election is canceled, to 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 and authorizes a county election officer to use a single combined notice of cancellation for all authorities for which the officer provides election services under contract and that cancel an election on a measure under the bill's provisions.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2025.

COMPARISON OF INTRODUCED AND SUBSTITUTE

While C.S.H.B. 2253 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.

While both the introduced and the substitute authorize an authority that ordered an election on a measure to cancel the election on the measure if, not earlier than the 90th day before the date of the election on the measure, the governor issues a disaster declaration under the Texas Disaster Act of 1975, the versions differ in the following ways:

- the substitute limits the elections on measures that may be cancelled to elections on measures to authorize the issuance of bonds, whereas the introduced did not;
- whereas the introduced specified that the disaster declaration was a declaration covering an area within the authority's jurisdiction, the substitute specifies that the declaration is a declaration regarding a natural disaster or other disaster threatening the health, safety, or general welfare of the authority's residents; and
- the substitute also conditions an authority's authorization to cancel the election on the governing body of the authority, after holding an open meeting, determining by a majority vote that canceling the election on the measure is necessary due to damage to the authority's election system, to avoid harm to the authority's election workers, or to avoid harm to voters within the authority's jurisdiction, whereas the introduced did not.

The substitute includes an authorization absent from the introduced for the governing body of an authority to hold an open meeting solely to deliberate whether to cancel an election on a measure to authorize the issuance of bonds due to the issuance of a disaster declaration described by the substitute's provisions. The substitute also includes a requirement absent from the introduced for the governing body, to the extent practicable under the circumstances, to provide reasonable public notice of the meeting and allow members of the public and the press to observe the meeting.

The substitute omits the requirement from the introduced for the authority that ordered an election on a measure required following the submission of a petition signed by a number of registered voters that is canceled under the introduced version's provisions to order a new election on the measure for the first available uniform election day after the canceled election.