

RESOLUTION ANALYSIS

C.S.H.J.R. 108
By: Reynolds
Elections
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties note that Texas law authorizes a county commissioners court, from time to time and for the convenience of the people, to redraw local precincts for the purpose of electing certain local officers. However, concerns have been raised that the language of this authorization is vague and subject to abuse. The parties report that recently the commissioners court of a certain county reapportioned certain local districts, eliminating some and redrawing the boundaries of others, during the period between the primary election and the general election. The parties explain that these changes effectively invalidated the primary election results because the districts were completely different and political party nominees were subsequently chosen by the executive committees of the major political parties. The parties assert that not only was this confusing to both voters and candidates in the area, it also took away from the voters the ability to choose their party's nominees. C.S.H.J.R. 108 proposes an amendment to the Texas Constitution that would prohibit political subdivisions from eliminating offices or changing district boundaries between the primary and general elections.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this resolution 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 resolution does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.J.R. 108 proposes an amendment to the Texas Constitution to prohibit a county or any political subdivision of the state whose officers are selected from candidates nominated at a primary election from abolishing an office of the county or other political subdivision or from changing the boundaries of a district from which an officer of the county or other political subdivision is elected during the period beginning on the general primary election day and ending on the following general election day unless ordered by a court to abolish such an office or change such boundaries.

ELECTION DATE

The constitutional amendment proposed by this joint resolution will be submitted to the voters at an election to be held November 3, 2015.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.J.R. 108 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the resolution.

84R 25550

15.113.1189

Substitute Document Number: 84R 17651

INTRODUCED

SECTION 1. Article VI, Texas Constitution, is amended by adding Section 7 to read as follows:

Sec. 7. During the period beginning on the general primary election day and ending on the following general election day, a county or any political subdivision of this state whose officers are selected from candidates nominated at a primary election may not:

- (1) abolish or declare dormant an office of the county or other political subdivision; or
- (2) change the boundaries of a district from which an officer of the county or other political subdivision is elected.

SECTION 2. This proposed constitutional amendment shall be submitted to the voters at an election to be held November 3, 2015. The ballot shall be printed to provide for voting for or against the proposition: "The constitutional amendment prohibiting a county or other political subdivision from eliminating offices or changing district boundaries between the primary and general elections."

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Article VI, Texas Constitution, is amended by adding Section 7 to read as follows:

Sec. 7. During the period beginning on the general primary election day and ending on the following general election day, a county or any political subdivision of this state whose officers are selected from candidates nominated at a primary election may not, unless ordered to by a court:

- (1) abolish an office of the county or other political subdivision; or
- (2) change the boundaries of a district from which an officer of the county or other political subdivision is elected.

SECTION 2. Same as introduced version.