

- SUBJECT:** Allowing annexed residents to vote in a municipal election
- COMMITTEE:** Land and Resource Management — favorable, without amendment
- VOTE:** 9 ayes — Walker, Crabb, Bosse, F. Brown, Hardcastle, Howard, Krusee, Mowery, B. Turner
- 0 nays
- WITNESSES:** None
- BACKGROUND:** Under Section 276.006 of the Election Code, a boundary change by a political subdivision other than a county cannot take effect for an election unless the change is made more than five months before election day. As a result, residents in newly annexed areas of a city are not allowed to vote or file for candidacy in elections in their new municipalities until five months after the date of annexation.
- DIGEST:** HB 1395 would temporarily allow qualified voters residing in an annexed area of a home-rule municipality to vote or file for office in a municipal election. The bill would apply only to municipalities with a population of 105,000 or less. It would apply to elections held on or after the 90th day after the effective date of an annexation, and to annexations that occur before, on, or after the effective date of the bill.
- HB 1395 would allow annexed residents to file as candidates for an election held on or after the 90th day after the effective date of an annexation if they were otherwise eligible to run. If the filing deadline for an upcoming election had passed before the effective date of this bill, the deadline would be extended for three days after the effective date to allow residents in the recently annexed areas to file for candidacy.
- HB 1395 would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. It would expire on January 1, 2000.

**SUPPORTERS  
SAY:**

HB 1395 would amend state law temporarily to remedy a current situation in Waco caused by administrative oversight. In December 1998, the City of Waco annexed 1,400 new residents in the Harris Creek, Meadowlands, and Stone Ranch developments. The city plans to hold city council elections on May 1, 1999, and because of the deadline set by the Election Code, the newly annexed residents are not eligible to vote or file for candidacy in these elections.

The five-month delay in the Election Code is intended to allow sufficient time for federal Voting Rights Act preclearance review of election boundary changes by the U.S. Department of Justice. The Justice Department should be able to complete its review of the Waco annexation prior to the May 1, 1999, city election. However, if the Justice Department found reason to object to the annexation or to the temporary change in the law allowed by this bill, the change would not take effect.

The citizens recently annexed by the city have been charged property taxes, yet they are not eligible to vote in the May 1 election. This situation, if not corrected, would amount to taxation without representation on the part of the city. The city did not intend to deprive newly annexed residents of their rights to vote and to file for candidacy in the upcoming elections. The Waco City Council has passed a unanimous resolution in support of this bill.

The bill is intended to deal temporarily with a special case, and since it would expire on January 1, it would not be incorporated in the Election Code.

**OPPONENTS  
SAY:**

No apparent opposition.

**NOTES:**

The companion bill, SB 752 by Sibley, passed the Senate by 31-0 on March 10. SB 752 was reported favorably, without amendment, by the House Land and Resource Management Committee on March 15, making it eligible to be considered in lieu of HB 1395. SB 752 is identical to HB 1395 except that SB 752 would set a population limit for home-rule of municipalities of 110,000 or less, as determined by the most recent federal decennial census.