

SUBJECT: Amending certain petition requirements for municipalities

COMMITTEE: Elections — committee substitute recommended

VOTE: 6 ayes — Laubenberg, Goldman, Fallon, Phelan, Reynolds, Schofield
0 nays
1 absent — Israel

WITNESSES: For — Mark Reid, North Texas Citizens Lobby; (*Registered, but did not testify*: Peggy Venable, Americans for Prosperity Texas; George Hammerlein and Ed Johnson, Harris County Clerk’s Office; Alan Vera, Harris County Republican Party Ballot Security Committee; Rosemary Edwards; Kathy Haigler; Jason Vaughn)

Against — Bill Longley, Texas Municipal League; (*Registered, but did not testify*: Lindsay Lanagan, City of Houston; Mark Israelson, City of Plano)

On — Brantley Starr, Office of the Attorney General; Keith Ingram, Texas Secretary of State, Elections Division; (*Registered, but did not testify*: Amanda Crawford, Office of the Attorney General; Ashley Fischer, Secretary of State)

DIGEST: CSHB 2762 would amend the procedures for repealing a municipal order, ordinance, or resolution under the Local Government Code by petition.

The bill would require a repeal petition to be filed no later than 90 days after an order, ordinance, or resolution was either passed or published. If it was found that a petition contained an insufficient number of valid signatures, the municipality secretary or other individual responsible for verifying petition signatures would need to state the grounds for invalidating each signature. If a petition was invalidated and then later refiled, a municipality could not invalidate the subsequent petition on grounds that existed but were not raised during the initial determination of

the petition's validity.

CSHB 2762 also would require each municipality to make a uniform petition form available on the municipality's website, if applicable. These forms would need to comply with state law and the municipality's rules for filing a petition. Municipalities would be barred from invalidating petitions on the grounds that the petition did not contain certain information if the municipality's forms failed to require or provide that information.

The changes to timelines and grounds for invalidating petitions would not apply to a change in a provision of a municipal charter. The bill's changes to the Local Government Code would be excepted from the limitations in Election Code, sec. 277.004 on verification requirements for petition signatures.

The bill would take effect September 1, 2015, and would apply only to petitions filed on or after that date.

**SUPPORTERS
SAY:**

CSHB 2762 would help increase clarity and transparency in what has become a confusing and burdensome process of exercising the democratic right to petition government. Many petitions are invalidated on technicalities, and individuals sometimes face difficulty receiving help from local government employees in navigating complicated petition procedures. CSHB 2762 would help simplify and guide the petition-filing process. The bill also would allow individuals at least 90 days to organize and file a petition, whereas many municipalities currently allow only 30 days. The bill could prevent municipalities from killing otherwise valid petitions through delays and technicalities but also would allow municipalities to maintain petition processes if they complied with the bill's requirements. The bill would not apply to repeal of city charters or city council recalls, only to actions such as orders and resolutions.

**OPPONENTS
SAY:**

CSHB 2762 could hurt the ability of Texas cities and municipalities to govern their own citizens via rules established by their residents. If the voters in a city were unhappy with local rules on petition filing, such as

the timeline for filing a petition, they could take action to change those rules. CSHB 2762 would substitute the will of the Legislature for the will of the people in Texas cities. In addition, the petition form required by the bill would present an undue burden on cities because one form likely would not be able to adequately suit all the different kinds of petitions a citizen could file. Further, by limiting a city's ability to invalidate petitions, cities could not efficiently screen petitions.