

BILL ANALYSIS

Senate Research Center
82R17826 ATP-F

H.B. 1678
By: Burkett et al. (Estes)
State Affairs
5/10/2011
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, the only independent action a county election commission or a joint elections commission is authorized to take under provisions of law is the employment of a county elections administrator or joint elections administrator. Interested parties contend that, despite their narrow mandate, many county election commissions and joint elections commissions meet regularly and for nonstatutory purposes and, because a county or joint election commission's proceedings are not subject to open meetings requirements, a commission may meet privately with no notice of its agenda and no report of its deliberations.

H.B. 1678 would amend the Elections Code to require the county election commission to provide the county elections administrator and joint elections administrator written notice of a meeting 72 hours prior to the date and time of the scheduled meeting.

H.B. 1678 amends current law relating to the employment of an elections administrator.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Provides that the legislature finds that the powers of a county election commission or a joint elections commission extend no further than to the appointment, acceptance of resignation, or recommendation for termination of a county elections administrator or joint elections administrator.

SECTION 2. Amends Section 31.033, Election Code, by adding Subsection (d), as follows:

(d) Provides that meetings of the county election commission are subject to Chapter 551 (Open Meetings), Government Code. Requires the county election commission, in addition to posting notice as required by Chapter 551, Government Code, to provide personal written notice of a county election commission meeting to the county elections administrator in the time prescribed by Section 551.043 (Time and Accessibility of Notice; General Rule), Government Code, for providing public notice.

SECTION 3. Amends Section 31.155, Election Code, by adding Subsection (d), as follows:

(d) Provides that meetings of the joint elections commission are subject to Chapter 551, Government Code. Requires the joint elections commission, in addition to posting notice as required by Chapter 551, Government Code, to provide personal written notice of a joint elections commission meeting to the joint elections administrator in the time prescribed by Section 551.043, Government Code, for providing public notice.

SECTION 4. Effective date: upon passage or September 1, 2011.