

BILL ANALYSIS

Senate Research Center

H.J.R. 87
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Intergovernmental Relations
5/13/2013
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Under current law, home-rule cities are allowed to set the terms of service of city council members at two, three, or four years. In the case of a two-year term, the city is allowed to specify the procedure for filling a vacancy for the remainder of the term through its city charter, including by appointment. Cities with terms lasting three or four years must fill vacancies on the city council via a mandatory special election, regardless of the procedure provided by the city charter and regardless of the length of the remainder of the term.

Interested parties contend that, when the remaining length of the term is less than 24 months in a vacancy on the city council of a home-rule city with three-year or four-year terms, an undue burden is placed on the city as well as on the candidates vying for the vacant position, in large part because of the substantial investment of time, effort, and financial resources required to conduct a special election and campaign. The municipality and the candidates are essentially compelled to run and manage two full election campaigns within a short timeframe, one for the mandatory special election and one for the regular election cycle. This burden increases substantially if the mandatory special election and the regular election are only a few months apart.

H.J.R. 87 seeks to eliminate this unnecessary burden on home-rule cities with city council terms of three or four years, as well as candidates for a vacancy on the city council of such a city, by submitting to the voters of Texas the proposition to authorize such a home-rule municipality to provide in its charter the procedure to fill certain vacancies on its governing body.

H.J.R. 87 proposing a constitutional amendment authorizing a home-rule municipality to provide in its charter the procedure to fill a vacancy on its governing body for which the unexpired term is 12 months or less.

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. Amends Section 11, Article XI, Texas Constitution, by amending Subsection (b) and adding Subsection (c), as follows:

(b) Requires that a municipality so providing a term exceeding two (2) years but not exceeding four (4) years for any of its non-civil service officers elect all of the members of its governing body by majority vote of the qualified voters in such municipality.

(c) Creates this subsection from existing text. Provides that any vacancy or vacancies occurring on such governing body shall not be filled by appointment but are required to be filled by majority vote of the qualified voters at a special election called for such purpose within one hundred and twenty (120) days after such vacancy or vacancies occur except that the municipality may provide by charter or charter amendment the procedure for filling a vacancy occurring on its governing body for an unexpired term of 12 months or less.

SECTION 2. Requires that the proposed constitutional amendment be submitted to the voters at an election to be held November 5, 2013. Sets forth the required language of the ballot.