

BILL ANALYSIS

Senate Research Center
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C.S.H.B. 4621
By: Bhojani et al. (Paxton)
State Affairs
5/19/2023
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Current state law allows a ballot measure to be canceled if it is declared moot. However, there is no meaningful option for a political subdivision to cancel an election on a measure in the case of a disaster.

H.B. 4621 seeks to address this issue by giving political subdivisions the option to reconsider an election on a ballot measure if a disaster declaration has been issued by the governor within 90 days before the election.

(Original Author's/Sponsor's Statement of Intent)

C.S.H.B. 4621 amends current law relating to the authority to cancel certain elections on a measure.

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 Subchapter D, Chapter 2, Election Code, by adding Section 2.083, as follows:

Sec. 2.083. CANCELLATION OF ELECTION DURING DECLARED DISASTER.
(a) Defines "disaster."

(b) Authorizes the authority that ordered an election on a measure to request approval from the secretary of state (SOS) to cancel the election if:

(1) the governor issued a disaster declaration for a disaster under Chapter 418 (Emergency Management), Government Code, covering an area within the authority's jurisdiction; and

(2) the authority determines that the disaster makes holding the election impossible.

(c) Requires SOS, in determining whether to grant a request to cancel an election on a measure under this section, to consider the circumstances of the disaster in the affected area, including whether other elections in or near the area can be conducted.

(d) Requires the authority holding the election, if SOS grants a request to cancel an election on a measure under this section, to post notice of the cancellation during early voting by personal appearance and on election day, at each polling place that would have been used for the election on the measure.

(e) Requires the authority that ordered the election, if an election on a measure required following the submission of a petition signed by a number of registered voters is canceled under this section, to order a new election on the measure for the first available uniform election day after the canceled election.

SECTION 2. Effective date: upon passage or September 1, 2023.