

BILL ANALYSIS

Senate Research Center
77R12405 CGS-F

H.B. 3305
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Intergovernmental Relations
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Engrossed

DIGEST AND PURPOSE

Under current law, the last day to call an election is 45 days before the day set as election day. This provision creates a conflict for counties that need to request preclearance for an election from the United States Department of Justice (USDOJ) in accordance with the federal Voting Rights Act. The USDOJ requires that a pre-clearance request be submitted 60 days before election day. As a result, the early voting period may begin before a county receives preclearance. In 1998, the Mexican American Legal Defense and Education Fund filed a lawsuit against Bexar County for reducing the number of early voting sites in minority neighborhoods and beginning the early voting period before the county received permission from USDOJ. H.B. 3305 modifies time periods pertaining to elections.

RULEMAKING AUTHORITY

Rulemaking authority is expressly delegated to the secretary of state in SECTION 5 (Section 144.005, Election Code) of this bill.

SECTION BY SECTION ANALYSIS

H.B. 3305 amends the Election Code to require an election ordered by an authority of a political subdivision to be ordered not later than the 45th day before the earliest allowable date for the beginning of early voting by personal appearance.

The bill provides that an application for a place on the ballot for a candidate for office of a political subdivision other than a county must be filed not later than 5 p.m. of the 45th day before the earliest allowable date for the beginning of early voting by personal appearance. The bill also requires the governing body of a political subdivision other than a city or county for which a deadline for filing for candidacy is prescribed by a law outside of the Election Code to take appropriate action to comply with these provisions and to adjust any affected date, deadline, or procedure to allow the same interval of time in relation to the filing deadline. The bill requires the secretary of state to prescribe any rules necessary to facilitate the implementation of these provisions.

The bill modifies provisions relating to withdrawal from a special election, omission from a ballot, and addition to a ballot. The bill removes the provision that requires the mayor to order a general election for city officers, and provides that the governing body of a political subdivision, other than a county, that has elective offices is required to order an election for its officers.

The bill amends the Water, Education, and Health and Safety codes by modifying the filing deadlines for a declaration of write-in candidacy in elections for self-liquidating navigation districts, junior college districts, and hospital districts to make the deadlines equivalent to similar provisions in the Election Code.

EFFECTIVE DATE: September 1, 2001.