

By: Hilderbran

H.B. No. 714

A BILL TO BE ENTITLED

AN ACT

relating to the use of uniform election dates.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Sections 41.001(a), (b), and (d), Election Code, are amended to read as follows:

(a) Except as otherwise provided by this subchapter, each general or special election in this state shall be held on one of the following dates:

(1) the second Tuesday in March [~~first Saturday in February;~~

~~(2) the first Saturday in May;~~

~~(3) the second Saturday in September]; or~~

(2) [~~(4)~~] the first Tuesday after the first Monday in November.

(b) Subsection (a) does not apply to:

(1) a runoff election;

~~(2) [an election for the issuance or assumption of bonds for any purpose authorized by law relating to public schools or colleges or the levy of a tax for the maintenance of a public school or college, if the governing body of the political subdivision having jurisdiction of the public school or college issuing or assuming the bonds or levying the tax:~~

~~[(A) by resolution, order, or ordinance, finds that holding the election on a date other than a uniform election~~

1 ~~date is in the public interest, which finding is conclusive and~~  
2 ~~incontestable; and~~

3 ~~[(B) the election is the only election of the~~  
4 ~~type described by this subdivision held by that political~~  
5 ~~subdivision on a date other than a uniform election date during the~~  
6 ~~state fiscal biennium;~~

7 ~~[(3)]~~ an election to resolve a tie vote;

8 (3) ~~[(4)]~~ an election held under an order of a court or  
9 other tribunal;

10 (4) ~~[(5)]~~ an emergency election ordered under Section  
11 41.0011;

12 (5) ~~[(6)]~~ an expedited election to fill a vacancy in  
13 the legislature held under Section 203.013; or

14 (6) ~~[(7)]~~ an election held under a statute that  
15 expressly provides that the requirement of Subsection (a) does not  
16 apply to the election.

17 (d) A political subdivision that holds an election on the  
18 second Tuesday in March shall hold the election at the same polling  
19 locations in the political subdivision used for the general primary  
20 election under procedures adopted by the secretary of state [~~A~~  
21 ~~general election of officers of a city, school district, junior~~  
22 ~~college district, or hospital district may not be held on the~~  
23 ~~February or September uniform election date].~~

24 SECTION 2. Section 41.0052(a), Election Code, is amended to  
25 read as follows:

26 (a) The governing body of a political subdivision other than  
27 a county may, not later than December 31, 2003 [~~1999~~], change the

1 date on which it holds its general election for officers to another  
2 authorized uniform election date. An election on the new date may  
3 not be held before 2004 [~~2000~~].

4 SECTION 3. Section 41.253(b), Education Code, is amended to  
5 read as follows:

6 (b) The transitional board of trustees shall divide the  
7 consolidated district into nine single-member trustee districts in  
8 accordance with the procedures provided by Section 11.052. The  
9 transitional board shall order an election for the initial board of  
10 trustees to be held on the first March [~~February~~] uniform election  
11 date after the effective date of a consolidation order.

12 SECTION 4. Section 376.459(d), Local Government Code, as  
13 added by Chapter 1380, Acts of the 77th Legislature, Regular  
14 Session, 2001, is amended to read as follows:

15 (d) An election to elect the appropriate number of successor  
16 directors shall be held on the uniform election date, established  
17 by the Election Code, in March [~~May~~] of each even-numbered year.

18 SECTION 5. Section 49.103(b), Water Code, is amended to  
19 read as follows:

20 (b) An election shall be held on the uniform election date,  
21 established by the Election Code, in March [~~either February or May~~]  
22 of each even-numbered year to elect the appropriate number of  
23 directors.

24 SECTION 6. Section 56.804(a), Water Code, is amended to  
25 read as follows:

26 (a) The election shall be held on a uniform election day in  
27 March [~~February or May~~].

1           SECTION 7. Sections 41.001(e) and 41.007(d), Election Code,  
2 are repealed.

3           SECTION 8. Not later than December 31, 2003, a political  
4 subdivision that before October 1, 2003, held its general election  
5 for officers on the February, May, or September uniform election  
6 date shall change the election date as permitted by Section  
7 41.0052, Election Code, as amended by Section 2 of this Act, to a  
8 date authorized by Section 41.001, Election Code, as amended by  
9 Section 1 of this Act.

10          SECTION 9. This Act takes effect October 1, 2003, and  
11 applies only to an election ordered on or after that date.