

By: Denny

H.B. No. 872

A BILL TO BE ENTITLED

AN ACT

relating to the dates on which elections may be held.

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

SECTION 1. Sections 41.001(a) and (b), 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 first Saturday in February,~~  
[~~(2)~~] the third [~~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 date is in the public interest, which finding is conclusive and~~

1 ~~incontestable, and~~

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

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

7 (3) ~~[(4)]~~ an election held under an order of a court or  
8 other tribunal;

9 (4) ~~[(5)]~~ an emergency election ordered under Section  
10 41.0011;

11 (5) ~~[(6)]~~ an expedited election to fill a vacancy in  
12 the legislature held under Section 203.013; or

13 (6) ~~[(7)]~~ an election held under a statute that  
14 expressly provides that the requirement of Subsection (a) does not  
15 apply to the election.

16 SECTION 2. Section 41.001(e), Election Code, is amended to  
17 read as follows:

18 (e) In addition to a date prescribed by Subsection (a), an  
19 [An] election for an office in which a majority vote is required and  
20 that is [may not be held on the September or February uniform  
21 election date. This subsection does not apply to an election]  
22 conducted under Section 26.045, Local Government Code, may be held  
23 on the first Saturday in February or the second Saturday in  
24 September, which are considered to be dates that comply with  
25 Subsection (a) and Section 26.045, Local Government Code.

26 SECTION 3. Section 41.0052(a), Election Code, is amended to  
27 read as follows:

1 (a) The governing body of a political subdivision other than  
2 a county may, not later than December 31, 2003 [~~1999~~], change the  
3 date on which it holds its general election for officers to another  
4 authorized uniform election date. An election on the new date may  
5 not be held before 2004 [~~2000~~].

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

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

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

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

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

22 (a) The election shall be held on a uniform election day in  
23 [~~February or~~] May.

24 SECTION 7. Section 41.001(d), Election Code, is repealed.

25 SECTION 8. Not later than December 31, 2003, a political  
26 subdivision that before October 1, 2003, held its general election  
27 for officers on the February or September uniform election date or

1 on the first Saturday in May shall change the election date as  
2 permitted by Section 41.0052, Election Code, as amended by Section  
3 3 of this Act, to a date authorized by Section 41.001, Election  
4 Code, as amended by Section 1 of this Act.

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