

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 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 41.0052(a), Election Code, is amended to  
17 read as follows:

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

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

25 (b) The transitional board of trustees shall divide the  
26 consolidated district into nine single-member trustee districts in  
27 accordance with the procedures provided by Section 11.052. The

1 transitional board shall order an election for the initial board of  
2 trustees to be held on the first May [~~February~~] uniform election  
3 date after the effective date of a consolidation order.

4 SECTION 4. Section 49.103(b), Water Code, is amended to  
5 read as follows:

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

10 SECTION 5. Section 56.804(a), Water Code, is amended to  
11 read as follows:

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

14 SECTION 6. Sections 41.001(d) and (e), Election Code, are  
15 repealed.

16 SECTION 7. Not later than December 31, 2003, a political  
17 subdivision that before October 1, 2003, held its general election  
18 for officers on the February or September uniform election date  
19 shall change the election date as permitted by Section 41.0052,  
20 Election Code, as amended by Section 2 of this Act, to a date  
21 authorized by Section 41.001, Election Code, as amended by Section  
22 1 of this Act.

23 SECTION 8. This Act takes effect October 1, 2003, and  
24 applies only to an election ordered on or after that date.