

By: Denny

H.B. No. 2151

A BILL TO BE ENTITLED

AN ACT

relating to the petition requirements for and conduct of various elections.

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

SECTION 1. Section 277.002(e), Election Code, is amended to read as follows:

(e) A petition signature is invalid if the signer signed the petition earlier than the 180th day before the date the petition is filed. In regard to a petition to which this chapter applies, the petition must be filed with the appropriate authority not more than 180 days after it is issued, notwithstanding a conflicting law or ordinance providing for the petition.

SECTION 2. Section 13.003(b), Education Code, is amended to read as follows:

(b) To be valid, a petition must meet the standards of Chapter 277, Election Code, and:

(1) be submitted to the county judge serving the county in which the appropriate school district is located;

(2) be signed by at least 10 percent of the registered voters of the appropriate district; and

(3) state the purpose for which it is being submitted.

SECTION 3. Section 130.065(a), Education Code, is amended to read as follows:

(a) If the annexation is by election, a petition signed by

1 10 [~~five~~] percent of the registered voters in the territory seeking  
2 to be annexed shall be presented to the county school board of the  
3 county, or to the commissioners court of the county in case there is  
4 no county school board. The petition is governed by Chapter 277,  
5 Election Code.

6 SECTION 4. Section 130.070(b), Education Code, is amended  
7 to read as follows:

8 (b) The proposed disannexation and creation of a separate  
9 junior college district shall be initiated by a petition signed by  
10 not less than 10 [~~five~~] percent [~~(5%)~~] of the registered voters of  
11 the independent school district seeking disannexation. The  
12 petition is governed by Chapter 277, Election Code. The petition  
13 shall be presented to the board of trustees of the independent  
14 school district seeking to be disannexed, which shall pass upon the  
15 legality and genuineness of the petition and forward the petition,  
16 if approved, to the coordinating board.

17 SECTION 5. Section 130.087(b), Education Code, is amended  
18 to read as follows:

19 (b) On presentation of a petition for an election to  
20 authorize a junior college district branch campus maintenance tax  
21 signed by not fewer than 10 [~~five~~] percent of the qualified voters  
22 of the jurisdiction in which the proposed tax is to be levied, the  
23 governing body of the school district or county, as applicable,  
24 shall determine the legality and the genuineness of the petition  
25 and, if it is determined to be legal and genuine, forward the  
26 petition to the Texas Higher Education Coordinating Board. The  
27 petition is governed by Chapter 277, Election Code. The governing

1 body of a county with a population of 150,000 or less, on completion  
2 of a needs assessment analysis showing adequate need and on  
3 approval by the coordinating board, on its own motion and without  
4 the presentation of a petition, may propose an election to  
5 authorize a branch campus maintenance tax.

6 SECTION 6. Section 191.023(d), Health and Safety Code, is  
7 amended to read as follows:

8 (d) If the governing body of a municipality does not adopt a  
9 concurring resolution before the 91st day after the date on which a  
10 county adopts a resolution under Subsection (b), a petition by the  
11 qualified voters of the municipality may serve as the equivalent of  
12 a concurring resolution under Subsection (b). The petition must  
13 succinctly describe the intention to consolidate county and  
14 municipal maintenance of birth and death records and must be signed  
15 by a number of qualified voters equal to at least 10 [~~20~~] percent of  
16 the number of qualified voters voting in the most recent mayoral  
17 election. The petition is governed by Chapter 277, Election Code.

18 SECTION 7. Section 286.102(b), Health and Safety Code, is  
19 amended to read as follows:

20 (b) The board may order an election on the question of  
21 dissolving the district and disposing of the district's assets and  
22 obligations. The board shall order an election if the board  
23 receives a petition requesting an election that is signed by a  
24 number of residents of the district equal to at least 10 [~~15~~]  
25 percent of the registered voters in the district. The petition is  
26 governed by Chapter 277, Election Code.

27 SECTION 8. Section 383.025(b), Health and Safety Code, is

1 amended to read as follows:

2 (b) Except as provided by Section 383.026, before a  
3 municipality or county issues bonds secured under Subsection (a),  
4 the municipality or county must publish notice of its intention to  
5 issue the bonds at least once in a newspaper of general circulation  
6 within the boundaries of the municipality or county. Not later than  
7 180 [~~30~~] days after the date of the publication, not less than 10  
8 percent of the qualified voters of the municipality or county may  
9 file a petition with the clerk or secretary of the governing body  
10 requesting the governing body to order an election on the issuance  
11 of the bonds. The petition is governed by Chapter 277, Election  
12 Code. On the filing of the petition, the governing body shall order  
13 an election to be held in the municipality or county to determine  
14 whether the bonds may be issued as indicated in the notice. The  
15 governing body shall set the date of the election in accordance with  
16 Section 41.001, Election Code. If the majority of voters who vote  
17 at the election approve the issuance of the bonds, the governing  
18 body may issue the bonds. If a petition is not filed within the  
19 period provided by this subsection, the governing body may issue  
20 the bonds without an election.

21 SECTION 9. Section 775.025(a), Health and Safety Code, is  
22 amended to read as follows:

23 (a) The board shall hold a hearing to consider the exclusion  
24 from the district of territory in a planned community if the board  
25 receives a petition requesting a hearing on the issue that is signed  
26 by at least 10 [~~five~~] percent of the qualified voters residing in  
27 the territory proposed to be excluded from the district. A petition

1 submitted under this subsection must describe the boundaries of the  
2 territory to be excluded from the district. The petition is  
3 governed by Chapter 277, Election Code.

4 SECTION 10. Section 25.022(b), Local Government Code, is  
5 amended to read as follows:

6 (b) The petition must be signed by a number of qualified  
7 voters equal to at least 10 [~~20~~] percent of the total number of  
8 qualified voters who voted for mayor at the most recent municipal  
9 election at which the office of mayor was to be filled. The petition  
10 is governed by Chapter 277, Election Code.

11 SECTION 11. Section 231.076(b), Local Government Code, is  
12 amended to read as follows:

13 (b) To be valid, a petition must be signed by registered  
14 voters of the county in a number equal to at least 10 percent of the  
15 number of votes received by all candidates for governor in the  
16 county in the most recent gubernatorial general election. The  
17 petition must be validated as provided by Chapter 277, Election  
18 Code [~~also include each signer's current voter registration number,~~  
19 ~~printed name, and residence address, including zip code~~].

20 SECTION 12. Section 2001.652(d), Occupations Code, is  
21 amended to read as follows:

22 (d) A signer must enter beside the signer's signature the  
23 date of signing the petition. A signature may not be counted if the  
24 signer fails to enter the date or if the date of signing is earlier  
25 than the 180th [~~90th~~] day before the date the petition is submitted  
26 to the governing body. The petition is governed by Chapter 277,  
27 Election Code.

1           SECTION 13. Sections 41.0041(b) and 65.002(d), Election  
2 Code, are repealed.

3           SECTION 14. This Act takes effect September 1, 2003.