

Suspending limitations on conference committee
jurisdiction, H.B. No. 1695 (Denny/Nelson)

By: Denny

H.R. No. 1758

R E S O L U T I O N

1 BE IT RESOLVED by the House of Representatives of the State of
2 Texas, 78th Legislature, Regular Session, 2003, That House Rule 13,
3 Section 9(a), be suspended in part as provided by House Rule 13,
4 Section 9(f), to enable the conference committee appointed to
5 resolve the differences on House Bill 1695, relating to certain
6 election processes and procedures, to consider and take action on
7 the following matter:

8 (1) House Rule 13, Section 9(a)(2), is suspended to permit
9 the committee to omit text amending Sections 2.051(b) and 2.053(c),
10 Election Code, that reads as follows:

11 [Sec. 2.051]

12 (b) In the case of an election in which any members of the
13 political subdivision's governing body are elected from
14 territorial units such as single-member districts, this subchapter
15 applies to the election in a particular territorial unit
16 [~~single-member district~~] if [~~+~~

17 [~~(1)~~] each candidate whose name is to appear on the
18 ballot in that territorial unit [~~district~~] is unopposed and no
19 at-large proposition or opposed at-large race is to appear on the
20 ballot. This subchapter applies to an unopposed at-large race in
21 such an election regardless of whether an opposed race is to appear
22 on the ballot in a particular territorial unit [~~, and~~

23 [~~(2) the requirements prescribed by Subsection (a) are~~
24 ~~otherwise met~~].

1 [Sec. 2.053.]

2 (c) A certificate of election shall be issued to each
3 candidate in the same manner and at the same time as provided for a
4 candidate elected at the election. The candidate must qualify for
5 the office in the same manner as provided for a candidate elected at
6 the election.

7 Explanation: The omission of these sections is necessary
8 since the amended sections are to be repealed by a previous
9 enactment of the 78th Legislature.

10 (2) House Rule 13, Section 9(a)(4), is suspended to permit
11 the committee to add a new section amending Section 19.004,
12 Election Code, to read as follows:

13 SECTION 10. Section 19.004, Election Code, is amended by
14 amending Subsection (a) and adding Subsection (d) to read as
15 follows:

16 (a) Except as provided by Subsection (d), state [~~state~~]
17 funds disbursed under this chapter may be used only to defray
18 expenses of the registrar's office in connection with voter
19 registration, including additional expenses related to:

20 (1) implementation of the National Voter Registration
21 Act of 1993 (42 U.S.C. Section 1973gg et seq.); and

22 (2) complying with the weekly updating requirements
23 prescribed by Section 18.063.

24 (d) If the secretary of state determines that federal
25 matching funds are available under the federal Help America Vote
26 Act of 2002, the secretary of state shall certify to the comptroller
27 the amount of state funds required to qualify for the maximum amount

1 of federal matching funds. On receipt of the certification, the
2 comptroller shall deposit from funds otherwise available under this
3 chapter an amount equal to the certified amount in the election
4 improvement fund established under Section 31.011.

5 Explanation: The addition of the new section is necessary to
6 enable the state to be eligible to receive federal funds for
7 election improvements beginning on September 1, 2003.

8 (3) House Rule 13, Section 9(a)(4), is suspended to permit
9 the committee to add new sections amending Sections 41.001(a), (b),
10 and (e), Election Code, to read as follows:

11 SECTION 16. Sections 41.001(a) and (b), Election Code, are
12 amended to read as follows:

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

16 (1) ~~[the first Saturday in February;~~
17 ~~[(2)] the first Saturday in May;~~
18 ~~[(3) the second Saturday in September,]~~ or
19 (2) [(4)] the first Tuesday after the first Monday in
20 November.

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

22 (1) a runoff election;
23 (2) ~~[an election for the issuance or assumption of~~
24 ~~bonds for any purpose authorized by law relating to public schools~~
25 ~~or colleges or the levy of a tax for the maintenance of a public~~
26 ~~school or college, if the governing body of the political~~
27 ~~subdivision having jurisdiction of the public school or college~~

1 ~~issuing or assuming the bonds or levying the tax:~~

2 ~~[(A) by resolution, order, or ordinance, finds~~
3 ~~that holding the election on a date other than a uniform election~~
4 ~~date is in the public interest, which finding is conclusive and~~
5 ~~incontestable; and~~

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

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

11 (3) ~~[(4)]~~ an election held under an order of a court or
12 other tribunal;

13 (4) ~~[(5)]~~ an emergency election ordered under Section
14 41.0011;

15 (5) ~~[(6)]~~ an expedited election to fill a vacancy in
16 the legislature held under Section 203.013; or

17 (6) ~~[(7)]~~ an election held under a statute that
18 expressly provides that the requirement of Subsection (a) does not
19 apply to the election.

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

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

1 September, which are considered to be dates that comply with
2 Subsection (a) and Section 26.045, Local Government Code.

3 Explanation: The additional new sections are necessary to
4 provide for greater efficiency in holding elections by reducing the
5 number of dates on which an election by political subdivisions may
6 be held.

7 (4) House Rule 13, Section 9(a)(4), is suspended to permit
8 the committee to add a new section amending Section 41.007(b),
9 Election Code, to read as follows:

10 SECTION 18. Section 41.007(b), Election Code, is reenacted
11 to read as follows:

12 (b) The runoff primary election date is the second Tuesday
13 in April following the general primary election.

14 Explanation: The added section is necessary to resolve a
15 conflict between two previous enactments of the 78th Legislature
16 relating to the date of the primary run-off election.

17 (5) House Rule 13, Section 9(a)(4), is suspended to permit
18 the committee to add new sections amending Section 41.253(b),
19 Education Code, and Sections 49.103(b) and 56.804(a), Water Code,
20 to read as follows:

21 SECTION 46. Section 41.253(b), Education Code, is amended
22 to read as follows:

23 (b) The transitional board of trustees shall divide the
24 consolidated district into nine single-member trustee districts in
25 accordance with the procedures provided by Section 11.052. The
26 transitional board shall order an election for the initial board of
27 trustees to be held on the first May [~~February~~] uniform election

1 date after the effective date of a consolidation order.

2 SECTION 47. Section 49.103(b), Water Code, is amended to
3 read as follows:

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

8 SECTION 48. Section 56.804(a), Water Code, is amended to
9 read as follows:

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

12 Explanation: The added sections are necessary to conform the
13 various laws governing the elections of political subdivisions with
14 the new uniform election dates established in the bill.

15 (6) House Rule 13, Section 9(a)(4), is suspended to permit
16 the committee to add new text repealing Section 41.001(d), Election
17 Code, in Section 49 of the bill.

18 Explanation: The added text repealing Section 41.001(d),
19 Election Code, is necessary to conform to the uniform election
20 dates established by the bill.

21 (7) House Rule 13, Section 9(a)(4), is suspended to permit
22 the committee to add new text to the bill in Section 50 to read as
23 follows:

24 SECTION 50. (a) Notwithstanding any other enactment of the
25 78th Legislature, Regular Session, 2003, that amends Section
26 41.007(b), Election Code, including Section 1, H.B. No. 2496, and
27 Section 16, H.B. No. 1549, the runoff primary election day remains

1 on the second Tuesday in April following the general primary
2 election as provided by Section 18 of this Act.

3 (b) Notwithstanding any other enactment of the 78th
4 Legislature, Regular Session, 2003, that modifies Section
5 41.001(a), Election Code, including Section 14, H.B. No. 1549, the
6 uniform election date remains on the first Saturday in May, as
7 provided by Section 16 of this Act.

8 (c) Section 2.056(b), Election Code, as added by Section 1,
9 H.B. No. 1344, Acts of the 78th Legislature, Regular Session, 2003,
10 is amended to read as follows:

11 (b) This section applies to a general or special election
12 for an office of a political subdivision other than a county.

13 (d) Notwithstanding any other enactment of the 78th
14 Legislature, Regular Session, 2003, including Section 1, H.B. No.
15 1476, Sections 2.051-2.053, Election Code, are repealed.

16 (e) Subsection (c) of this section takes effect on the date
17 that H.B. No. 1344, Acts of the 78th Legislature, Regular Session,
18 2003, takes effect. If H.B. No. 1344 does not take effect,
19 Subsection (c) has no effect.

20 (f) Subsection (d) of this section takes effect on the date
21 that H.B. No. 1476, Acts of the 78th Legislature, Regular Session,
22 2003, takes effect. If H.B. No. 1476 does not take effect,
23 Subsection (d) has no effect.

24 Explanation: The added text is necessary to resolve
25 conflicts between various previous enactments of the 78th
26 Legislature involving election processes and procedures.

27 (8) House Rule 13, Section 9(a)(4), is suspended to permit

1 the committee to add text to the bill in Section 51(c) to read as
2 follows:

3 (c) 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 or September uniform election date
6 shall change the election date to a date authorized by Section
7 41.001, Election Code, as amended by this Act. An election on the
8 new date may not be held before the uniform election date in May
9 2004.

10 Explanation: The added text is necessary to require
11 political subdivisions to conform to the uniform election dates
12 established in the bill.