Suspending limitations on conference committee
jurisdiction, H.B. No. 1695

By: Nelson   S.R. No. 1028

R E S O L U T I O N

1   BE IT RESOLVED by the Senate of the State of Texas, 78th

2 Legislature, Regular Session, 2003, That Senate Rule 12.03 be

3 suspended in part as provided by Senate Rule 12.08 to enable the

4 conference committee appointed to resolve the differences on House

5 Bill 1695, relating to certain election processes and procedures,

6 to consider and take action on the following matter:

7   (1) Senate Rule 12.03(2) is suspended to permit the

8 committee to omit text amending Sections 2.051(b) and 2.053(c),

9 Election Code, that reads as follows:

10   [Sec. 2.051]

11   (b) In the case of an election in which any members of the

12 political subdivision's governing body are elected from

13 territorial units such as single-member districts, this subchapter

14 applies to the election in a particular territorial unit

15 [single-member district] if [:

16   [(1)] each candidate whose name is to appear on the

17 ballot in that territorial unit [district] is unopposed and no

18 at-large proposition or opposed at-large race is to appear on the

19 ballot. This subchapter applies to an unopposed at-large race in

20 such an election regardless of whether an opposed race is to appear

21 on the ballot in a particular territorial unit[; and

22   [(2) the requirements prescribed by Subsection (a) are

23 otherwise met].

24   [Sec. 2.053.]

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

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7 necessary since the amended sections are to be repealed by a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

9 (2) Senate Rule 12.03(4) is suspended to permit the
10 committee to add a new section amending Section 19.004, Election
11 Code, to read as follows:

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

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

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

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

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

1 comptroller shall deposit from funds otherwise available under this

2 chapter an amount equal to the certified amount in the election

3 improvement fund established under Section 31.011.

4   Explanation: The addition of the new section is necessary to

5 enable the state to be eligible to receive federal funds for

6 election improvements beginning on September 1, 2003.

7   (3) Senate Rule 12.03(4) is suspended to permit the

8 committee to add new sections amending Sections 41.001(a), (b), and

9 (e), Election Code, to read as follows:

10   SECTION 16. Sections 41.001(a) and (b), Election Code, are

11 amended to read as follows:

12   (a) Except as otherwise provided by this subchapter, each

13 general or special election in this state shall be held on one of

14 the following dates:

15   (1) [~~the first Saturday in February;~~

16   [~~(2)~~] the first Saturday in May;

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

18   (2) [~~(4)~~] the first Tuesday after the first Monday in

19 November.

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

21   (1) a runoff election;

22   (2) [~~an election for the issuance or assumption of~~

23 ~~bonds for any purpose authorized by law relating to public schools~~

24 ~~or colleges or the levy of a tax for the maintenance of a public~~

25 ~~school or college, if the governing body of the political~~

26 ~~subdivision having jurisdiction of the public school or college~~

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

1   [(A) by resolution, order, or ordinance, finds

2   that holding the election on a date other than a uniform election

3   date is in the public interest, which finding is conclusive and

4   incontestable; and

5   [(B) the election is the only election of the

6   type described by this subdivision held by that political

7   subdivision on a date other than a uniform election date during the

8   state fiscal biennium;

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

10   (3) [(4)] an election held under an order of a court or

11   other tribunal;

12   (4) [(5)] an emergency election ordered under Section

13   41.0011;

14   (5) [(6)] an expedited election to fill a vacancy in

15   the legislature held under Section 203.013; or

16   (6) [(7)] an election held under a statute that

17   expressly provides that the requirement of Subsection (a) does not

18   apply to the election.

19   SECTION 17. Section 41.001(e), Election Code, is amended to

20   read as follows:

21   (e) In addition to a date prescribed by Subsection (a), an

22   [An] election for an office in which a majority vote is required and

23   that is [may not be held on the September or February uniform

24   election date. This subsection does not apply to an election]

25   conducted under Section 26.045, Local Government Code, may be held

26   on the first Saturday in February or the second Saturday in

27   September, which are considered to be dates that comply with

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1 <u>Subsection (a) and Section 26.045, Local Government Code</u>.

2   Explanation: The additional new sections are necessary to

3 provide for greater efficiency in holding elections by reducing the

4 number of dates available on which an election by political

5 subdivisions may be held.

6   (4) Senate Rule 12.03(4) is suspended to permit the

7 committee to add a new section amending Section 41.007(b),

8 Election Code, to read as follows:

9   SECTION 18. Section 41.007(b), Election Code, is reenacted

10 to read as follows:

11   (b) The runoff primary election date is the second Tuesday

12 in April following the general primary election.

13   Explanation: The added section is necessary to resolve a

14 conflict between two previous enactments of the 78th Legislature

15 relating to the date of the primary run-off election.

16   (5) Senate Rule 12.03(4) is suspended to permit the

17 committee to add new sections amending Section 41.253(b), Education

18 Code, and Sections 49.103(b) and 56.804(a), Water Code, to read as

19 follows:

20   SECTION 46. Section 41.253(b), Education Code, is amended

21 to read as follows:

22   (b) The transitional board of trustees shall divide the

23 consolidated district into nine single-member trustee districts in

24 accordance with the procedures provided by Section 11.052. The

25 transitional board shall order an election for the initial board of

26 trustees to be held on the first <u>May</u> [~~February~~] uniform election

27 date after the effective date of a consolidation order.

1   SECTION 47. Section 49.103(b), Water Code, is amended to

2 read as follows:

3   (b) An election shall be held on the uniform election date,

4 established by the Election Code, in [~~either February or~~] May of

5 each even-numbered year to elect the appropriate number of

6 directors.

7   SECTION 48. Section 56.804(a), Water Code, is amended to

8 read as follows:

9   (a) The election shall be held on a uniform election day in

10 [~~February or~~] May.

11   Explanation: The added sections are necessary to conform the

12 various laws governing the elections of political subdivisions with

13 the new uniform election dates established in the bill.

14   (6) Senate Rule 12.03(4) is suspended to permit the

15 committee to add new text repealing Section 41.001(d), Election

16 Code, in Section 49 of the bill.

17   Explanation: The added text repealing Section 41.001(d),

18 Election Code, is necessary to conform to the uniform election

19 dates established by the bill.

20   (7) Senate Rule 12.03(4) is suspended to permit the

21 committee to add new text to the bill in Section 50 to read as

22 follows:

23   SECTION 50. (a) Notwithstanding any other enactment of the

24 78th Legislature, Regular Session, 2003, that amends Section

25 41.007(b), Election Code, including Section 1, H.B. No. 2496, and

26 Section 16, H.B. No. 1549, the runoff primary election day remains

27 on the second Tuesday in April following the general primary

1 election as provided by Section 18 of this Act.

2 (b) Notwithstanding any other enactment of the 78th

3 Legislature, Regular Session, 2003, that modifies Section

4 41.001(a), Election Code, including Section 14, H.B. No. 1549, the

5 uniform election date remains on the first Saturday in May, as

6 provided by Section 16 of this Act.

7 (c) Section 2.056(b), Election Code, as added by Section 1,

8 H.B. No. 1344, Acts of the 78th Legislature, Regular Session, 2003,

9 is amended to read as follows:

10 (b) This section applies to a general or special election

11 for an office of a political subdivision other than a county.

12 (d) Notwithstanding any other enactment of the 78th

13 Legislature, Regular Session, 2003, including Section 1, H.B. No.

14 1476, Sections 2.051-2.053, Election Code, are repealed.

15 (e) Subsection (c) of this section takes effect on the date

16 that H.B. No. 1344, Acts of the 78th Legislature, Regular Session,

17 2003, takes effect. If H.B. No. 1344 does not take effect,

18 Subsection (c) has no effect.

19 (f) Subsection (d) of this section takes effect on the date

20 that H.B. No. 1476, Acts of the 78th Legislature, Regular Session,

21 2003, takes effect. If H.B. No. 1476 does not take effect,

22 Subsection (d) has no effect.

23 Explanation: The added text is necessary to resolve

24 conflicts between various previous enactments of the 78th

25 Legislature involving election processes and procedures.

26 (8) Senate Rule 12.03(4) is suspended to permit the

27 committee to add text to the bill in Section 51(c) to read as

1 follows:

2   (c) Not later than December 31, 2003, a political

3 subdivision that before October 1, 2003, held its general election

4 for officers on the February or September uniform election date

5 shall change the election date to a date authorized by Section

6 41.001, Election Code, as amended by this Act. An election on the

7 new date may not be held before the uniform election date in May

8 2004.

9   Explanation: The added text is necessary to require

10 political subdivisions to conform to the uniform election dates

11 established in the bill.