

BILL ANALYSIS

Senate Research Center

H.B. 57
By: Denny (Jackson, Mike)
State Affairs
5/17/2005
Committee Report (Amended)

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Under current law, Texas requires most elections to be held on one of four uniform election dates. According to data collected by the Texas Secretary of State, less than three percent of political subdivisions in the state hold elections on the uniform dates in February and September. Current law also provides an exception to the uniform date requirement for school and college districts holding elections to levy taxes or issue bonds. Often, these bond elections are not well publicized and have poor voter turnout. In 2004, over \$7.5 billion in debt was issued as a result of school district bond elections. These extra elections are costly to taxpayers, both in terms of the cost of the actual election and the increases in taxes, especially considering the lack of participation. Additionally, concerns have been expressed by those who administer elections about the timing of the May uniform election date and some of the procedures related to that election day. H.B. 57 reduces the authorized dates on which elections may be held and makes changes to the date of and procedures related to the May uniform election date.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 41.001(a), Election Code, as amended by Section 1, Chapter 1, Acts of the 78th Legislature, 3rd Called Session, 2003, to modify the dates on which a general or special election in this state can be held by excluding the first Saturday in February and the second Saturday in September, and including the second, rather than the first, Saturday in May. Makes nonsubstantive changes.

SECTION 2. Amends Section 41.001(b), Election Code, by deleting text providing that Subsection (a) does not apply to an election for the issuance or assumption of certain bonds.

SECTION 3. Reenacts and amends Section 41.0052(a), Election Code, as amended by Chapters 1074 and 1315, Acts of the 78th Legislature, Regular Session, 2003, by authorizing the governing body of a political subdivision other than a county, not later than December 31, 2005, rather than 2004, to change the date on which it holds its general election for officers to another authorized uniform election date.

SECTION 4. Amends Section 41.253(b), Education Code, make a conforming change.

SECTION 5. Amends Section 49.103(b), Water Code, to make a conforming change.

SECTION 6. Amends Section 56.804(a), Water Code, to make a conforming change.

SECTION 7. Amends Section 67.003, Election Code, as follows:

Sec. 67.003. TIME FOR LOCAL CANVASS. (a) Makes a conforming change.

(b) Requires the local canvass, for an election held on the uniform election date in May, to occur not later than the 11th day after election day and not earlier than the later of certain dates.

SECTION 8. Amends Section 85.001, Election Code, by adding Subsection (e), to provide that, for an election held on the uniform election date in May, the period for early voting by personal appearance begins on the 12th day before election day and continues through the fourth day before election day.

SECTION 9. Repealer: Sections 41.001(d) and (e) (prohibiting certain elections from occurring on certain dates), Election Code.

SECTION 10. Requires a political subdivision that before October 1, 2005, held its general election for officers on the February or September uniform election date, not later than December 31, 2005, to change the election date as permitted by Section 41.0052, Election Code, as reenacted and amended by Section 3 of this Act, to a date authorized by Section 41.001, Election Code, as amended by Section 1 of this Act.

SECTION 11. Makes application of this Act prospective to October 1, 2005.

SECTION 12. Effective date: October 1, 2005.

SUMMARY OF COMMITTEE CHANGES

COMMITTEE AMENDMENT NO. 1:

On page 4, line 24, insert a new SECTION 11 as follows, and renumber subsequent SECTIONS:

SECTION 11. Provides that, when used in Section 49.103(e), Water Code, the phrase "prior statutory enactments" refers to statutory enactments occurring prior to May 25, 1995.