

By: Denny

H.B. No. 57

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. Section 41.001(a), Election Code, as amended by Section 1, Chapter 1, Acts of the 78th Legislature, 3rd Called Session, 2003, is 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.

SECTION 2. Section 41.001(b), Election Code, is amended to read as follows:

(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;~~

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 type~~
6 ~~described by this subdivision held by that political subdivision on~~
7 ~~a date other than a uniform election date during the state fiscal~~
8 ~~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 3. Section 41.0052(a), Election Code, as amended by
20 Chapters 1074 and 1315, Acts of the 78th Legislature, Regular
21 Session, 2003, is reenacted and amended to read as follows:

22 (a) The governing body of a political subdivision other than
23 a county may, not later than December 31, 2005 ~~[2004]~~, change the
24 date on which it holds its general election for officers to another
25 authorized uniform election date.

26 SECTION 4. Section 41.253(b), Education Code, is amended to
27 read as follows:

1 (b) The transitional board of trustees shall divide the
2 consolidated district into nine single-member trustee districts in
3 accordance with the procedures provided by Section 11.052. The
4 transitional board shall order an election for the initial board of
5 trustees to be held on the first May [~~February~~] uniform election
6 date after the effective date of a consolidation order.

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

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

13 SECTION 6. Section 56.804(a), Water Code, is amended to
14 read as follows:

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

17 SECTION 7. Sections 41.001(d) and (e), Election Code, are
18 repealed.

19 SECTION 8. Not later than December 31, 2005, a political
20 subdivision that before October 1, 2005, held its general election
21 for officers on the February or September uniform election date
22 shall change the election date as permitted by Section 41.0052,
23 Election Code, as reenacted and amended by Section 3 of this Act, to
24 a date authorized by Section 41.001, Election Code, as amended by
25 Section 1 of this Act.

26 SECTION 9. This Act applies only to an election ordered on
27 or after October 1, 2005.

1 SECTION 10. This Act takes effect October 1, 2005.