

By: Gattis

H.B. No. 733

A BILL TO BE ENTITLED

AN ACT

relating to the date on which an election on the issuance of bonds or the imposition or increase of taxes must be held.

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

SECTION 1. Section 41.001, Election Code, is amended by amending Subsection (b) and adding Subsection (f) 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;~~

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

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

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

1           (3) [~~(4)~~] an election held under an order of a court or  
2 other tribunal;

3           (4) [~~(5)~~] an emergency election ordered under Section  
4 41.0011;

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

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

10           (f) An election on the question of the issuance of bonds or  
11 the increase or imposition of taxes must be held on the November  
12 uniform election date. Notwithstanding Subsection (b)(6), to the  
13 extent of a conflict between this subsection and another law,  
14 including a local law, this subsection controls.

15           SECTION 2. Section 1251.003(c), Government Code, is amended  
16 to read as follows:

17           (c) The election shall be held on the first November uniform  
18 election date that occurs after the date of the election order and  
19 allows sufficient time to comply with other requirements of law  
20 [not less than 15 days nor more than 90 days from the date of the  
21 election order, subject to Section 41.001(b), Election Code].

22           SECTION 3. Section 282.080(c), Health and Safety Code, is  
23 amended to read as follows:

24           (c) When the commissioners court receives the  
25 certification, the commissioners court shall order an election on  
26 the issuance of the bonds to be held in the district on the first  
27 November uniform election date prescribed by Section 41.001, [~~the~~]

1 Election Code, that allows sufficient time to comply with other  
2 requirements of law.

3 SECTION 4. Section 286.023(g), Health and Safety Code, is  
4 amended to read as follows:

5 (g) The election shall be held on the first November uniform  
6 election date that occurs on or after the 62nd [~~after the 45th day~~  
7 ~~and on or before the 60th~~] day after the date the election is  
8 ordered.

9 SECTION 5. Section 775.0745(c), Health and Safety Code, is  
10 amended to read as follows:

11 (c) The election shall be held on the first November uniform  
12 election date provided by Section 41.001, [~~the~~] Election Code,  
13 after the date of the board's order that allows sufficient time to  
14 comply with any requirements of law.

15 SECTION 6. Section 776.0755(c), Health and Safety Code, is  
16 amended to read as follows:

17 (c) The election shall be held on the first November uniform  
18 election date provided by Section 41.001, [~~the~~] Election Code,  
19 after the date of the board's order that allows sufficient time to  
20 comply with any requirements of law.

21 SECTION 7. Section 377.021(g), Local Government Code, is  
22 amended to read as follows:

23 (g) In the order calling the election, the municipality may  
24 provide for the district boundaries to conform automatically to any  
25 changes in the boundaries of the portion of the municipality  
26 included in the district, and the election shall be held on the  
27 first November [~~one of the four~~] uniform election date that occurs

1 after the date of the election order and allows sufficient time to  
2 comply with other requirements of law [~~dates under Section 41.001,~~  
3 ~~Election Code~~].

4 SECTION 8. Section 3813.152(b), Special District Local Laws  
5 Code, is amended to read as follows:

6 (b) An [~~The~~] election to adopt or increase the rate of a  
7 sales and use tax must be held on the next November uniform election  
8 date that falls on or after the 62nd [~~45th~~] day after the date the  
9 election order is adopted. An election to abolish or lower the rate  
10 of a sales and use tax must be held on the next uniform election date  
11 that falls on or after the 62nd day after the date the election  
12 order is adopted.

13 SECTION 9. Section 26.08(b), Tax Code, is amended to read as  
14 follows:

15 (b) The governing body shall order that the election be held  
16 in the school district on the next November uniform election date  
17 that occurs [~~a date~~] not less than 62 [~~30 or more than 90~~] days after  
18 the day on which it adopted the tax rate. [~~Section 41.001, Election~~  
19 ~~Code, does not apply to the election unless a date specified by that~~  
20 ~~section falls within the time permitted by this section.] At the  
21 election, the ballots shall be prepared to permit voting for or  
22 against the proposition: "Approving the ad valorem tax rate of  
23 \$\_\_\_\_\_ per \$100 valuation in (name of school district) for the  
24 current year, a rate that is \$\_\_\_\_\_ higher per \$100 valuation than  
25 the school district rollback tax rate." The ballot proposition  
26 must include the adopted tax rate and the difference between that  
27 rate and the rollback tax rate in the appropriate places.~~

1 SECTION 10. Section 321.403, Tax Code, is amended to read as  
2 follows:

3 Sec. 321.403. TIME OF ELECTION. (a) An election under this  
4 chapter to adopt the tax authorized under Section 321.101(a) must  
5 be held on the first succeeding November uniform election date for  
6 which sufficient time elapses for the holding of an election.

7 (b) An election on the approval of the additional sales and  
8 use tax must be held on the next succeeding November uniform  
9 election date for which sufficient time elapses for the holding of  
10 an [not less than 30 days after the passage of the ordinance calling  
11 the] election.

12 SECTION 11. Section 323.403, Tax Code, is amended to read as  
13 follows:

14 Sec. 323.403. TIME OF ELECTION. An election to adopt a tax  
15 authorized by this chapter must be held on the next November uniform  
16 election day not less than 62 days after the day on which the order  
17 calling the election was passed. An election to abolish a tax  
18 authorized by [under] this chapter must be held on the next uniform  
19 election day not less than 62 [30] days after the day on which the  
20 order calling the election was passed.

21 SECTION 12. Section 325.061(a), Tax Code, is amended to  
22 read as follows:

23 (a) An election to adopt or abolish the tax authorized by  
24 this chapter is called by the adoption of an order by the  
25 commissioners court of the county. The commissioners court may  
26 call an election on its own motion or shall call an election if a  
27 number of qualified voters of the county equal to at least five

1 percent of the number of registered voters in the county petition  
2 the commissioners court to call the election. An election to adopt  
3 the tax authorized by this chapter must be held on the next November  
4 uniform election date not less than 62 days after the day on which  
5 the order calling the election was passed. An election to abolish  
6 the tax authorized by [~~under~~] this chapter must be held on the next  
7 uniform election date not less than 62 [~~10~~] days after the day on  
8 which the order calling the election was passed.

9 SECTION 13. Section 457.053(b), Transportation Code, is  
10 amended to read as follows:

11 (b) After proposing a service plan and an initial tax rate,  
12 the board shall call an election in the county to approve the  
13 creation of the authority and the tax rate. The election must be  
14 held on the November [~~a~~] uniform election date but may not be held  
15 on the same day as an election held by the county under Section  
16 323.101, Tax Code. The election is not held in the territory of the  
17 principal municipality.

18 SECTION 14. The following laws are repealed:

- 19 (1) Section 286.023(h), Health and Safety Code;  
20 (2) Section 54.004(c), Transportation Code; and  
21 (3) Section 7, Chapter 702, Acts of the 68th  
22 Legislature, Regular Session, 1983 (Article 717r, Vernon's Texas  
23 Civil Statutes).

24 SECTION 15. The changes in law made by this Act apply only  
25 to an election ordered on or after September 1, 2005.

26 SECTION 16. This Act takes effect September 1, 2005.