

By: Homer

H.B. No. 2102

A BILL TO BE ENTITLED

AN ACT

relating to the filling of vacancies in certain county offices by a special election.

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

SECTION 1. Chapter 202, Election Code, is amended by adding Section 202.0025 to read as follows:

Sec. 202.0025. VACANCY FILLED AT SPECIAL ELECTION IN CERTAIN COUNTIES. (a) The commissioners court of a county with a population of less than 50,000 may call a special election to fill a vacancy in a county office.

(b) The election shall be held on the first uniform election date that occurs on or after the 62nd day after the date the election is ordered.

(c) An election held under this section on the date of the general election for state and county officers shall be held in the manner provided by this chapter.

(d) An election held on a date other than the date described by Subsection (c) shall be held in the same manner as an election under Chapter 203, except that:

(1) only a plurality of the vote is required to be elected;

(2) a reference to the secretary of state in that chapter means the county clerk;

(3) the minimum number of signatures that must appear

1 on the petition required by Section 203.005(b)(2)(B) is the lesser
2 of:

3 (A) 500; or

4 (B) two percent of the total number of votes
5 received in the county or precinct, as applicable, by all the
6 candidates for governor in the most recent gubernatorial election,
7 unless that number is less than 50, in which case the required
8 number of signatures is the lesser of:

9 (i) 50; or

10 (ii) 20 percent of that total vote;

11 (4) the county clerk shall deposit filing fees in the
12 general fund of the county; and

13 (5) Sections 203.004, 203.010, and 203.013 do not
14 apply.

15 SECTION 2. Section 87.041(c), Local Government Code, is
16 amended to read as follows:

17 (c) The person appointed by the commissioners court to fill
18 the vacancy shall hold office until the earlier of the next general
19 election or a special election called under Section 202.0025,
20 Election Code.

21 SECTION 3. Section 87.042, Local Government Code, is
22 amended to read as follows:

23 Sec. 87.042. COUNTY COMMISSIONER VACANCY. If a vacancy
24 occurs in the office of county commissioner, the county judge shall
25 appoint a suitable resident of the precinct in which the vacancy
26 exists to fill the vacancy until the earlier of the next general
27 election or a special election called under Section 202.0025,

1 Election Code.

2 SECTION 4. This Act takes effect September 1, 2005.