

By: Bohac

H.B. No. 2508

A BILL TO BE ENTITLED

AN ACT

relating to exceptions to the use of uniform election dates.

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; and

(C) makes an application with the secretary of state to hold the election on that date and the secretary of state

1 finds that holding the election on that date is in the public  
2 interest;

3 (3) an election to resolve a tie vote;

4 (4) an election held under an order of a court or other  
5 tribunal;

6 (5) an emergency election ordered under Section  
7 41.0011;

8 (6) an expedited election to fill a vacancy in the  
9 legislature held under Section 203.013; or

10 (7) an election held under a statute that expressly  
11 provides that the requirement of Subsection (a) does not apply to  
12 the election.

13 (f) The secretary of state may adopt procedures as necessary  
14 to implement Subsection (b)(2)(C).

15 SECTION 2. The change in law made by this Act applies only  
16 to an election ordered on or after the effective date of this Act.

17 SECTION 3. This Act takes effect September 1, 2005.