

By: Munoz, Jr.

H.B. No. 2458

A BILL TO BE ENTITLED

AN ACT

relating to filling certain vacancies on the governing body of certain home-rule municipalities.

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

SECTION 1. Section 26.045, Local Government Code, is amended to read as follows:

Sec. 26.045. FILLING VACANCY ON GOVERNING BODY OF MUNICIPALITY WITH POPULATION OF 1.5 MILLION OR MORE. (a) Except as provided by Subsection (b), if ~~if~~ a vacancy occurs on the governing body of a municipality with a population of 1.5 million or more and more than 270 days remain before the date of the next general election of members of the governing body, the governing body shall order a special election in the district in which the vacancy occurred, or in the entire municipality if the vacancy occurred in an at-large position, to fill the vacancy. The special election shall be held on an authorized uniform election date prescribed by the Election Code that occurs before the general election and that allows enough time to hold the election in the manner required by law and shall be conducted in the same manner as the municipality's general election except as provided by provisions of the Election Code applicable to special elections to fill vacancies.

(b) This section does not apply to a municipality that has provided by charter or charter amendment a different procedure to

1 fill a vacancy on its governing body for which the unexpired term is
2 24 months or less.

3 SECTION 2. This Act takes effect on the date on which the
4 constitutional amendment proposed by the 82nd Legislature, Regular
5 Session, 2011, authorizing a home-rule municipality to provide in
6 its charter the procedure to fill a vacancy on its governing body
7 for which the unexpired term is 24 months or less, is approved by
8 the voters. If that amendment is not approved by the voters, this
9 Act has no effect.