

By: Swanson

H.B. No. 35

A BILL TO BE ENTITLED

AN ACT

relating to an election authorizing the issuance of bonds or an increase in taxes by a political subdivision.

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

SECTION 1. The heading to Chapter 2, Election Code, is amended to read as follows:

CHAPTER 2. VOTE REQUIRED FOR ELECTION [~~TO OFFICE~~]

SECTION 2. Chapter 2, Election Code, is amended by adding Subchapter E to read as follows:

SUBCHAPTER E. TURNOUT REQUIREMENTS

Sec. 2.101. POLITICAL SUBDIVISION BOND OR TAX ELECTION. An election held by a political subdivision to authorize the issuance of bonds or a tax increase has no effect regarding the issuance of the bonds or the tax increase unless more than 25 percent of the registered voters of the political subdivision whose registrations are effective on the date the governing body of the political subdivision adopts the election order vote in the election in which the bond or tax proposition is on the ballot.

SECTION 3. Subchapter A, Chapter 41, Election Code, is amended by adding Section 41.0051 to read as follows:

Sec. 41.0051. ELECTION TO ISSUE BONDS OR INCREASE TAXES.

(a) Notwithstanding any other law, an election required for the issuance of bonds or a tax increase by a political subdivision shall be held on the November uniform election date.

1        (b) This section does not apply to an election under Section  
2 26.07 or 26.08, Tax Code.

3        SECTION 4. Section 85.062, Election Code, is amended by  
4 adding Subsection (h) to read as follows:

5        (h) In an election held by a political subdivision for which  
6 the ballot includes a proposition seeking voter approval of the  
7 issuance of bonds or a tax increase, a temporary branch polling  
8 place must:

9            (1) remain at the same location for the entire period  
10 during which early voting by personal appearance is conducted in  
11 the district; and

12            (2) allow for early voting by personal appearance to  
13 be conducted during the same days and hours as voting is conducted  
14 at the main early voting polling place under Section 85.005.

15        SECTION 5. Chapter 271, Election Code, is amended by adding  
16 Section 271.015 to read as follows:

17        Sec. 271.015. JOINT ELECTIONS REQUIRED FOR POLITICAL  
18 SUBDIVISION BOND OR TAX INCREASE APPROVAL. (a) Notwithstanding  
19 any other law, an election authorizing the issuance of bonds or a  
20 tax increase by a political subdivision shall be held as a joint  
21 election under this chapter.

22            (b) A single ballot containing all the offices or  
23 propositions stating measures to be voted on at a particular  
24 polling place must be used in a joint election required under this  
25 section.

26            (c) The secretary of state shall prescribe procedures to  
27 implement this section.

1 SECTION 6. Section 1251.001, Government Code, is amended to  
2 read as follows:

3 Sec. 1251.001. BOND ELECTION REQUIRED. (a) A political  
4 subdivision [~~county or municipality~~] may not issue bonds [~~that are~~  
5 ~~to be paid from ad valorem taxes~~] unless the issuance is first  
6 approved by the qualified voters of the political subdivision  
7 [~~county or municipality~~] in an election.

8 (b) To the extent of a conflict between this section and  
9 another law, this section controls.

10 SECTION 7. Section 1251.003(d), Government Code, is amended  
11 to read as follows:

12 (d) In addition to the notice required by Section 4.003(c),  
13 Election Code, notice of the election shall be given by:

14 (1) posting a substantial copy of the election order  
15 at:

16 (A) three public places in the political  
17 subdivision [~~county or municipality~~] holding the election; and

18 (B) the county courthouse of any county in which  
19 the political subdivision is located, if the election is held by a  
20 political subdivision other than a municipality [~~a county~~  
21 ~~election~~], or the city hall, if the election is a municipal  
22 election; and

23 (2) publishing notice of the election in a newspaper  
24 of general circulation published in the political subdivision  
25 [~~county or municipality~~] holding the election.

26 SECTION 8. Section 1251.004, Government Code, is amended to  
27 read as follows:

1           Sec. 1251.004. IMPOSITION OF TAX. At an election ordered on  
2 the issuance of bonds of a [~~county or municipality, or of a~~]  
3 political subdivision or a defined district of a county or  
4 municipality payable from ad valorem taxes, the governing body of  
5 the political subdivision [~~county or municipality~~] shall also  
6 submit the question of whether to impose a tax on property in the  
7 [~~county, municipality,~~] political subdivision[~~7~~] or defined  
8 district to pay interest on the bonds and to provide a sinking fund  
9 to redeem the bonds.

10           SECTION 9. Section [1251.006](#), Government Code, is repealed.

11           SECTION 10. The changes in law made by this Act apply only  
12 to bonds authorized to be issued or a tax increase authorized on or  
13 after the effective date of this Act. Bonds or a tax increase  
14 authorized before the effective date of this Act are governed by the  
15 law in effect when the bonds or tax increase was authorized, and the  
16 former law is continued in effect for that purpose.

17           SECTION 11. This Act takes effect immediately if it  
18 receives a vote of two-thirds of all the members elected to each  
19 house, as provided by Section [39](#), Article III, Texas Constitution.  
20 If this Act does not receive the vote necessary for immediate  
21 effect, this Act takes effect September 1, 2021.