

By: Bettencourt

S.B. No. 1661

A BILL TO BE ENTITLED

AN ACT

relating to the date on which a city may hold a general election.

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

SECTION 1. Subchapter A, Chapter 41, Election Code, is amended by adding Section 41.0025 to read as follows:

Sec. 41.0025. GENERAL ELECTION FOR CITY. Notwithstanding any other law, the governing body of a city shall hold a general election of the city on the November uniform election date in an even-numbered year.

SECTION 2. Section 41.005(a), Election Code, is amended to read as follows:

(a) This section does not apply to a general election of a city or for county officers.

SECTION 3. Section 41.0052, Election Code, is amended by adding Subsection (a-1) and amending Subsections (c) and (d) to read as follows:

(a-1) The governing body of a city that holds a general election on a date other than the date of the general election for state and county officers shall, not later than November 1, 2022, hold its general election in conjunction with the general election for state and county officers.

(c) A home-rule city may implement the change required ~~authorized~~ by Subsection (a-1) ~~(a)~~ or provide for the election of all members of the governing body at the same election through

1 the adoption of a resolution. The change contained in the
2 resolution supersedes a city charter provision that requires a
3 different general election date or that requires the terms of
4 members of the governing body to be staggered.

5 (d) The holdover of a member of a governing body of a city in
6 accordance with Section 17, Article XVI, Texas Constitution, so
7 that a term of office conforms [~~may be conformed~~] to a new election
8 date [~~chosen~~] under this section does not constitute a vacancy for
9 purposes of Section 11(b), Article XI, Texas Constitution.

10 SECTION 4. Section 21.005, Local Government Code, is
11 amended to read as follows:

12 Sec. 21.005. [~~CHOICE OF~~] UNIFORM ELECTION DATE FOR NEWLY
13 INCORPORATED MUNICIPALITY. Not later than the first anniversary of
14 the date of its incorporation, a newly incorporated municipality
15 shall set its [~~select a~~] uniform election date in accordance with
16 [~~under~~] Section 41.0025 [~~41.001~~], Election Code, to use for the
17 general election of the members of the municipality's governing
18 body.

19 SECTION 5. Section 22.003, Local Government Code, is
20 amended to read as follows:

21 Sec. 22.003. DATE OF MUNICIPAL ELECTION. An election for
22 officers of the municipality shall be held biennially [~~annually,~~
23 ~~except as otherwise provided by law,~~] in each ward of the
24 municipality in accordance with Section 41.0025 [~~on an authorized~~
25 ~~uniform election date as provided by Chapter 41~~], Election Code.

26 SECTION 6. Section 23.023(a), Local Government Code, is
27 amended to read as follows:

1 (a) After the initial election, the election for the mayor,
2 aldermen, and marshal shall be held biennially, in accordance with
3 Section 41.0025 [~~annually, except as otherwise provided by law, on~~
4 ~~an authorized uniform election date as provided by Chapter 41~~],
5 Election Code.

6 SECTION 7. Section 23.025, Local Government Code, is
7 amended to read as follows:

8 Sec. 23.025. INITIAL TERM OF OFFICE. The mayor, aldermen,
9 and marshal elected at the initial election under Section 23.021
10 hold office until their successors have been duly elected at the
11 following [~~annual~~] municipal election and have qualified.

12 SECTION 8. Section 23.026, Local Government Code, is
13 amended to read as follows:

14 Sec. 23.026. REGULAR TERM OF OFFICE. [~~(a)~~] The mayor,
15 aldermen, and marshal of the municipality are elected for a term of
16 two years [~~one year~~] unless a longer term is established under
17 [~~Subsection (b) or under Article XI,~~] Section 11, Article XI, [~~of~~
18 ~~the~~] Texas Constitution.

19 [~~(b) In lieu of one-year terms of office, the governing body~~
20 ~~may provide by ordinance for two-year staggered terms of office for~~
21 ~~the mayor and aldermen. If the governing body adopts the ordinance,~~
22 ~~the mayor and two aldermen serve for a term of two years. The two~~
23 ~~aldermen who serve two-year terms are determined by drawing lots at~~
24 ~~the first meeting of the governing body following the annual~~
25 ~~municipal election held after the ordinance is adopted. The~~
26 ~~remaining aldermen hold office for an initial term of one year.~~
27 ~~Thereafter, all members of the governing body serve for a term of~~

1 ~~two years.]~~

2 SECTION 9. Section 24.023(c), Local Government Code, is
3 amended to read as follows:

4 (c) The first regular election must be on an authorized
5 uniform election date occurring:

6 (1) in the case of a community incorporating as a Type
7 C general-law municipality, within two years [~~one year~~] after the
8 expiration of the month in which the incorporation election is
9 held; or

10 (2) in the case of a municipality changing to a Type C
11 general-law municipality, within two years [~~one year~~] after the
12 month in which the election on the change is held.

13 SECTION 10. Sections 22.034(b) and (c), Local Government
14 Code, are repealed.

15 SECTION 11. The changes in law made by this Act apply only
16 to an election ordered on or after the effective date of this Act.
17 An election ordered before the effective date of this Act is
18 governed by the law as it existed immediately before the effective
19 date of this Act, and that law is continued in effect for that
20 purpose.

21 SECTION 12. This Act takes effect September 1, 2021.