

SUBJECT: Fewer exemptions from elections on uniform election dates

COMMITTEE: Elections — committee substitute recommended

VOTE: 6 ayes — Danburg, J. Jones, Denny, Galloway, Isett, Madden
0 nays
3 absent — Gallego, Hodge, Place

WITNESSES: For — None
Against — Melissa Knippa
On — Melissa Guthrie, Comptroller's Office

BACKGROUND : The Election Code provides for four uniform election dates: the third Saturday in January; the first Saturday in April; the second Saturday in August; or the first Tuesday after the first Monday in November. Most state elections must be held on one of these uniform dates. Exceptions include runoffs, elections under the Alcoholic Beverage Code, bond issues, school maintenance tax levies, recalls, expedited elections to fill legislative vacancies and certain elections expressly exempted by statute.

DIGEST: CSHB 298 would eliminate the exemptions from the uniform election date requirement for bond and maintenance tax elections, recall elections and elections held under a statute expressly providing that the uniform election date does not apply. It would prohibit elections other than run-off elections, elections to resolve a tie, and expedited elections to fill a vacancy in the Legislature from being held 30 days before or after a primary or general election for state and county officers.

The bill also would require the Secretary of State to collect and maintain information on the number of elections held in Texas and their associated administrative costs and to conduct an annual forum to allow election officials to exchange ideas on the cost and administrative of elections and to make recommendations on changes.

CSHB 298 would take immediate effect if finally approved by a record two-thirds vote of the membership of each house. Elections ordered before the bill's effective date would be subject to the law in effect when they were ordered.

**SUPPORTERS
SAY:**

CSHB 298 would further restrict the almost unceasing number of election in which voters are asked to participate each year. The many election dates, scattered seemingly at random throughout the calendar, contribute to low voter turnout, confusion, and apathy. The repeated recurrence of bond and other local elections subjects voters to a kind of electoral water torture, whereby propositions are repeated until voters approve them simply to close the issue.

Furthermore, the glut of election dates drives up the costs of the electoral process. Greater economies of scale could be achieved by conducting more contests on fewer occasions. The four uniform election dates provide for an election every three months, more than enough for any entity to have all its election needs met.

CSHB 298 would encourage a more balanced cross-section of the electorate to vote in a larger number of contests. When small entities conduct separate elections on one proposition, only activists associated with that issue are likely to vote. If these propositions were included on longer ballots, more voters would have the opportunity to voice their opinions on a wider variety of issues.

The bill would not be harmful to school districts or other small entities that currently schedule elections outside the four uniform dates. Requiring them to plan their election needs farther in advance would only improve their knowledge and preparedness to govern their own affairs. If the issues they bring to voters are worthy, they would be approved regardless of the election date on which they were voted.

CSHB 298 would be an important step toward making election process more efficient, less expensive, and more convenient for Texas voters. By providing an election for each season but limiting the scatter of elections in between, the bill would make the election process a predictable, regular, and important part of the civic life of Texas citizens.

OPPONENTS
SAY:

CSHB 298 would aggravate the problems of Texas' election process by decreasing voters' opportunity to become well informed on all state and local elections, no matter when they occur. The bill would prove too restrictive on school districts and other entities whose election needs may not coincide with one of the four uniform election dates. The adoption of a school district budget for a school year beginning in August, for example, could call for a bond issue to be approved in June or July, but such flexibility would be removed under CSHB 298.

Voters already face so many choices when they go to the polls on election day that keeping abreast of all races and propositions to be voted on is overly demanding. Consolidating election days could lengthen ballots significantly, precluding voters from learning about all the candidates and issues on which they will be required to vote. Time limitations prevent voters from informing themselves thoroughly on all issues; therefore, voters are more easily swayed by negative or misleading information.

Furthermore, there is no evidence that holding an election on a uniform election day increases voter turnout. Voter participation in no way correlates with the date of an election, but rather with the salience of an issue and its prominence in the minds of voters. One study of Austin school bond elections found the highest ever turnout in a bond election was on a non-uniform date, while the lowest was on a uniform date in conjunction with other propositions and issues.

In an election that could include everything from school district maintenance tax proposals to mayor and city council races, television and advertising time is scarce and expensive. Smaller issues would be hard pressed to compete financially with larger races, and would not command the public attention they might otherwise receive. Smaller issues should be voted upon in an uncluttered atmosphere, without having to fight for attention with much bigger, better financed groups.

OTHER
OPPONENTS
SAY:

CSHB 298 would be arbitrary in its treatment of various types of elections. While school districts and political subdivisions would be prohibited from holding bond and recall elections on non-uniform dates, local option elections under the Alcoholic Beverage Code would remain exempted from this requirement. If uniform election dates are important for a sound

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election process, then all elections should be held on those dates and all arbitrary exceptions eliminated.

NOTES:

The committee substitute added the requirement that the Secretary of State conduct a study and a forum on election dates and costs.