

SUBJECT: Revising uniform election dates

COMMITTEE: Elections — favorable, without amendment

VOTE: 5 ayes — Denny, Howard, Bohac, Harper-Brown, Uresti

0 nays

2 absent — Deshotel, Coleman

WITNESSES: For — Maxine Barkan, League of Women Voters of Texas; George Hammerlein, Harris County Tax Office; Fred Lewis, Campaigns for People; (*Registered but did not testify:*) Pat Carlson, Tarrant County Republican Party; Dana DeBeauvoir, County and District Clerks Association; Suzy Woodford, Common Cause of Texas

Against — Katie Reed, Texas Association of School Boards

On — Richard Bowers, North Plains Groundwater Conservation District; Richard English, Comptroller's Office; Ann McGeehan and Gwyn Shea, Secretary of State's Office; (*Registered, but did not testify:*) Jesse Lewis, Republican Party of Texas

BACKGROUND: Election Code, chapter 41 establishes four uniform election dates required for general and special elections:

- the first Saturday in February;
- the first Saturday in May;
- the second Saturday in September; and
- the first Tuesday after the first Monday in November.

The uniform election dates do not apply to party primary elections and primary runoff elections. Seven exceptions allow political subdivisions to hold certain types of elections on nonuniform election dates. Elections for the issuance or assumption of bonds or to levy taxes for the maintenance of public schools and colleges can be held on a nonuniform date every two years. Political subdivisions may hold joint elections but are not required to do so.

General elections for cities, school districts, junior college districts, and hospital districts and elections for an office in which a majority vote is required can be held only on uniform dates in May and November. This restriction does not apply to an election to fill a vacancy on the governing body of a city of 1.5 million people or more (currently only Houston).

Education Code, chapter 41 governs the consolidation of school districts ordered by the education commissioner and the governance of a transitional boards of trustees.

Water Code, chapter 49 governs elections of water districts' boards of directors. Chapter 56 governs the administration and consolidation of drainage districts.

DIGEST:

HB 872 would eliminate two uniform election dates, the first Saturday in February and the second Saturday in September, requiring general and special elections to be held on the uniform election dates in May and November. Runoff elections would not be subject to these uniform dates. The bill would eliminate the exception for bond elections for educational institutions and would require those elections to occur on uniform election dates in May and November.

Political subdivisions other than counties could change their general election dates for officers no later than December 31, 2003, but an election could not be held on the new date before 2004. A political subdivision that normally holds its general elections for officers on the February or September uniform dates, such as a water district or a library district, would have to choose by December 31, 2003, a uniform election date in May or November. A new election could not be held before 2004.

A transitional board of trustees of a consolidated school district would have to order an election for the initial board of trustees on the first May uniform election date after the effective date of the consolidation order. An election of a water district's board of directors would have to be held on the uniform date in May of each even-numbered year. An election to consolidate drainage districts would have to be held on a uniform election date in May.

HB 872 would repeal the exception that allows a municipality of 1.5 million people or more to hold an election on a uniform date in February or September to fill a vacancy on the local governing body.

The bill would take effect October 1, 2003.

**SUPPORTERS
SAY:**

HB 872 would help alleviate “turnout burnout” for Texas voters and would have a positive impact on the voting process as a whole. Reducing the number of uniform dates would increase public awareness of elections, thereby maximizing public participation, make voting more convenient, and reduce the cost of holding elections.

Texas has so many elections that voters have “voter fatigue” and are staying away from the polls. Texas has 254 counties, more than 1,000 school districts, and more than 1,000 cities, as well as many other political subdivisions. All of these entities hold elections, and all can be held on different dates. Voter turnout has declined even though Texas has a two-week early-voting period with accessible and convenient voting locations.

The bill would implement recommendations of the Comptroller’s E-Texas report, *Limited Government, Unlimited Opportunity*. According to this report, elections held by local governments vary widely in costs. School district elections held on days other than the uniform election day in large districts, such as Dallas and Austin, have cost more than \$180,000 per election. A city election in Dallas held on a nonuniform date in early 2000 cost \$1.1 million. Reducing the number of uniform dates would encourage political subdivisions to combine elections and could save local governments as much as \$700,000 to \$1,200,000 a year. While every single entity might not save on costs, most would.

Some local entities have taken advantage of voter apathy by scheduling “stealth elections,” bond elections purposely held on odd or inconvenient days. These elections tend to restrict participation to those with a vested interest in approving the bonds. The exemption has been removed for every other governmental body except for school districts, and it has not proved to be a hardship.

Holding bond elections on two uniform election dates would be feasible and practical. In most cases, school boards and administrators must plan their bond elections far enough in advance to be able to use one of the two standard dates. A school district has time to sell the bonds once the bond initiative has passed. Bonds are sold when they are needed for construction and not all districts sell bonds at the same time. Most importantly, HB 872 would not affect the ability to hold an emergency bond election.

**OPPONENTS
SAY:**

HB 872 would remove some local control from school boards and other local entities by eliminating their ability to hold elections when needed. School districts that are experiencing dramatic increases in student enrollment must be able to respond to the needs of the community, and bond funding is an important way to address rapid growth.

Many school districts choose to hold bond elections on either the September or November uniform date or on a nonuniform date during the fall months before Christmas break. Similarly, many districts use the February date or a nonuniform spring date because students are in school, and the community is more involved and more likely to be informed about the issue. School districts should continue to be able to determine what election date best corresponds to local need.

An issue as critical as setting aside tax money for debt service sometimes should be a single-focus issue. When a bond election is held on the same date as another election, voters may not devote their full attention to the bond campaign. Allowing school districts to hold bond elections on dates other than uniform dates enables voters to devote their full attention to the specifics of the bond campaign, especially in years when local, state, and federal elections are held. Proponents and opponents of bond issues would find it difficult to get their message to the voters in the midst of the other electioneering that would occur on uniform dates.

Reducing the number of election dates could hamper a school district's ability to receive state funding from the state Instructional Facilities Allotment (IFA). The Legislature created the IFA to help districts make debt-service payments for certain bonds and lease-purchase agreements. The IFA operates on an annual schedule with an application deadline, and a district must have

voter authorization before applying for the IFA. With fewer election dates available, a district might not be able to meet the required deadlines.

If all local taxing authorities held bond elections on the same day, too many Texas bonds would be going to market at the same time. Local governments would be competing with other local governments on the same cyclical schedule, as well as with national entities and those of other states. The limited number of bond buyers, coupled with increased competition, could drive up interest rates. Construction costs also increase in an area when many local governments go forward with bond packages at once.

NOTES:

To prevent a potential conflict with celebrating Cinco de Mayo (May 5), the author intends to offer a floor amendment to move the uniform election date in May from the first Saturday to the third Saturday. The amendment also is intended to address the concerns of election administrators regarding the potential for conflict between a primary runoff election and early voting for the current May uniform election date.

The companion bill, SB 784 by Armbrister, has been referred to the Senate State Affairs Committee.