

BILL ANALYSIS

Senate Research Center

H.B. 298
By: Madden (Ellis)
State Affairs
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Engrossed

DIGEST

Current statute allows special elections for Alcoholic Beverage Code options and bond elections for public schools and colleges to be held on dates other than the Uniform Election Dates set forth in Section 41.001(a) of the Election Code. These exemptions from the uniform election dates result in many more elections per year, which increases costs to the taxpayer. Current code also preserves the exemption for the convention method of election, which is now rare in Texas (some Soil and Water Conservation Districts elect board members in this manner), lets statute-invoked election dates override the Uniform Election Dates provision, and permits the recall election of a political subdivision officer at any time.

H.B. 298 eliminates the exemption from uniform election dates for public school and college bond elections, political subdivisions using the conventional method of election, any election to recall an officer of a political subdivision, and elections on different dates prescribed by statute, retaining said exemption for Alcoholic Beverage Code local options. It also keeps the calendar free of elections 30 days either side of a primary or general election date for state and county officers unless a runoff, tie vote or expedited election to fill a vacancy in the legislature is to be decided.

PURPOSE

As proposed, H.B. 298 eliminates the exemption from uniform election dates for certain elections.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 31A, Election Code, by adding Section 31.008, as follows:

Sec. 31.008. COLLECTION OF INFORMATION: FORUM ON ELECTION COST SAVINGS. Requires the secretary of state to collect and maintain information on the number of elections held in this state and the administrative costs associated with the elections. Requires the secretary of state to conduct an annual forum to allow election officials from political subdivisions to exchange ideas on the administration of elections, including issues related to cost savings and efficiency in the conduct of elections. Requires the election officials to be given the opportunity at the forum to make recommendations of proposed changes in the election laws.

SECTION 2. Amends Section 31.122, Election Code, to provide that if the political subdivision is an independent school district, a regular business day means a day on which the school district's main business office is regularly open for business.

SECTION 3. Amends Section 41.001, Election Code, by amending Subsection (b) and adding Subsections (c)-(d), to delete Subdivision (b)(3) regarding an election for the issuance or assumption of bonds or the levy of a tax for maintenance of a public school or college. Prohibits a general election of officers of a city, school district, junior college district, or hospital district from being held on the January or August uniform election date. Prohibits an election, other than an election described by Subsection (b)(1), (3), (6), or (7), from being held during the period beginning the 30th

day before a primary election or the general election for state and county officers and ending the 30th day after election day.

SECTION 4. Amends Section 41.0052(a), Election Code, to authorize the governing body of a political subdivision other than a county, not later than December 31, 1997, rather than December 31, 1993, to change the date on which it holds its general election for officers to another authorized uniform election date. Prohibits an election on the new date from being held before 1998.

SECTION 5. Amends Section 9.004(b), Local Government Code, by requiring the ordinance ordering the election to provide for the election to be held on the first authorized uniform election date prescribed by the Election Code or on the earlier of the date of the next municipal general election or presidential general election. Requires the election date to allow sufficient time to comply with other requirements of law and to occur on or after the 30th day after the date the ordinance is adopted. Makes nonsubstantive changes.

SECTION 6. Amends Chapter 41A, Election Code, by adding Section 41.0031, as follows:

Sec. 41.0031. ELECTIONS IN MARCH IN CERTAIN POLITICAL SUBDIVISIONS. Provides that this section applies only to certain political subdivisions. Requires a general or special election of officers of a political subdivision covered by this section to be held on the fourth Saturday in March. Requires all directors to serve four-year terms, and all director's elections to occur on the fourth Saturday in March, rather than on the May general election date, of even-numbered years.

SECTION 7. Repealer: Section 41.003, Election Code (Authorized November Elections in Even-Numbered Year).

SECTION 8. (a) Makes application of this Act prospective.

(b) Provides that notwithstanding an election date prescribed under a statute that expressly provides that the requirement of Section 41.001(a), Election Code, does not apply to the election, an election held under that statute shall be held on an authorized uniform election date as provided by Chapter 41, Election Code.

(c) Provides that the prohibition on using the August uniform election date under Section 41.001(c), Election Code, as added by this Act, does not apply to an election to be held on that date in 1997.

(d) Provides that Section 41.006, Election Code, applies to the change in election dates under this Act.

(e) Provides that if this Act conflicts with another Act of the 75th Legislature, Regular Session, 1997, the changes in law made by this Act prevail to the extent of the conflict regardless of the relative dates of enactment.

SECTION 9. Emergency clause.

Effective date: upon passage.