

BILL ANALYSIS

Senate Research Center
76R7760 GGS-D

C.S.S.B. 35
By: Shapiro
State Affairs
2/26/1999
Committee Report (Substituted)

DIGEST

Currently, Texas law has four uniform election dates. The Election Code exempts certain entities from holding their elections on the designated dates, which then establishes the need for more elections to be held each year. This bill would eliminate several exemptions for certain elections, and establish the ability to consolidate polling locations through joint elections.

PURPOSE

As proposed, C.S.S.B. 35 establishes provisions regarding certain processes and procedures promoting the consolidation of 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 Section 41.001, Election Code, by amending Subsections (a) and (b) and adding Subsection (e), to require a general or special election to be held on certain dates, including the second Saturday in February, rather than the third Saturday in January, and the third Saturday in September, rather than the second Saturday in August. Deletes text regarding certain elections. Prohibits an election in which a majority rule is required from being held on the September and February uniform election date. Makes conforming and nonsubstantive changes.

SECTION 2. Amends Section 41.0052(a), Election Code, to provide that the governing body of a political subdivision other than a county may, not later than December 31, 1999, rather than 1997, change the date on which it holds its general election for officers to another authorized uniform election date. Prohibits the election on the new date from being held before 2000, rather than 1998.

SECTION 3. Amends Section 42.002, Election Code, to make a conforming change.

SECTION 4. Amends Chapter 42C, Election Code, by adding Section 42.0621, as follows:

Sec. 42.0621. PRECINCTS FOR JOINT ELECTION. Requires participating political subdivisions to use the regular county election precincts in a joint election. Authorizes consolidation of two or more precincts if the polling place is located so it will serve voters from the consolidated precincts. Sets forth requirements for political subdivisions participating in a joint election.

SECTION 5. Amends Chapter 43A, Election Code, by adding Section 43.0051, as follows:

Sec. 43.0051. DESIGNATION OF LOCATION: JOINT ELECTION. Requires the authorities establishing joint election precincts to designate the regular county polling place as the joint election polling place except under certain circumstances. Requires the authorities to designate polling places for each precinct, if county election precincts are consolidated for joint elections. Requires each political subdivision participating in the election to designate polling places in the territory of that political subdivision. Authorizes common polling places to be designated under certain conditions. Requires the participating political subdivision with the greatest number of registered voters to make the polling designation, if the authorities designating a common polling place cannot agree on the location.

SECTION 6. Amends Section 271.002, Election Code, as follows:

Sec. 271.002. New heading: JOINT ELECTIONS REQUIRED. Requires consolidation of elections held on the same day in all or part of the same territory. Deletes text regarding joint elections involving two or more political subdivisions. Provides that the terms of the joint election agreement, including all decisions necessary for conducting the election, to be stated in an official action. Requires each political subdivision to appoint a representative to an election committee to implement the joint election agreement. Makes conforming and nonsubstantive changes.

SECTION 7. Amends Section 271.005, Election Code, by adding Subsection (c), to require the presiding election judge and alternate presiding judge to be persons who normally serve in the regular county election precinct in county elections. Requires the presiding judge of the early voting ballot board and the chair of a signature verification committee who serve in regular county elections to hold their position for a joint election precinct who would be appointed in the election in which an office of the county, state, or federal government is on the ballot.

SECTION 8. Amends Section 271.006, Election Code, to delete text regarding early voting in a joint election.

SECTION 9. Repealer: Section 271.003, Election Code (Location of Common Polling Place) and Section 271.014, Election Code (Conflicts With Other Laws.)

SECTION 10. Makes application of the Act prospective. Provides that Section 41.006, Election Code, applies to a change in election dates made in accordance with this Act.

SECTION 11. Effective date: September 1, 1999.

SECTION 12. Emergency clause.

SUMMARY OF COMMITTEE CHANGES

SECTION 1.

Amends Section 41.01, by amending Subsection (a) and adding Subsection (e), to establish the second Saturday in February and the third Saturday in September as a date for a general or special election in this state. Prohibits an election that requires a majority vote from being held on the September and February uniform election date.

SECTION 2.

Amends Section 41.0052(a), Election Code, to authorize a governing body to change the date for a general election for officers not later than December 31, 1999, rather than 1997, but the election may not be held before 2000, rather than 1998.

SECTION 3.

Renumbered from SECTION 2.

SECTION 4.

Renumbered from SECTION 3.

SECTION 5.

Amends Section 43.0051, by adding Subsection (c), to require the political subdivision with the

greatest number of registered voters to make the designation, if authorities designating a common polling place cannot agree on the location.

SECTION 6.

Moves Section 271.006, Election Code, to SECTION 8.

SECTION 7.

Amends Section 271.005, Election Code, to require the presiding election judge and alternate presiding judge to be persons who normally serve in the regular county election precinct in county elections. Requires the presiding judge of the early voting ballot board and the chair of a signature verification committee who serve in regular county elections to hold their position for a joint election precinct who would be appointed in the election in which an office of the county, state, or federal government is on the ballot.

SECTION 8.

Moves Section 271.006, Election Code, from SECTION 6 to this Section.

SECTION 9.

Redesignated from SECTION 6.

SECTIONS 10-12.

Redesignated from SECTIONS 7-9.