

SUBJECT: Clarifying certain dates, deadlines, and election procedures

COMMITTEE: Elections — committee substitute recommended

VOTE: 7 ayes — Denny, Howard, Deshotel, Bohac, Coleman, Harper-Brown, Uresti  
0 nays

SENATE VOTE: On final passage, May 5 — voice vote

WITNESSES: No public hearing.

DIGEST: CSSB 1611 would amend various provisions in the Election Code relating to election procedures, including:

- reducing the number of uniform election dates;
- eliminating an exception to uniform election dates;
- establishing deadlines for various activities.

**Reducing uniform election dates.** CSSB 1611 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 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 the remaining uniform election dates.

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 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.

The bill would stipulate that in an election to fill a vacancy on the governing body of a municipality with a population of 1.5 million or more (currently only Houston), could be held on one of the uniform election dates in May or November, on the first Saturday in February, or on the second Saturday in September.

**Deadlines.** If a deadline for performing an act changed because of a holiday or weekend, the new date would be used to determine any other dates and deadlines.

**Performance of an act.** A declaration of ineligibility of a candidate, and the filing of a document, including a withdrawal request or resignation, would be considered to be the performance of an act. However, the death of a person would not be considered to be the performance of an act.

The bill would stipulate that deadlines would be set according to the date of the general election for state and county officers, and to the date of an election of a political subdivision that was held jointly with a county or with a political subdivision, for the following activities:

- conduction of the local canvass by the canvassing authority;
- counting of a returned, marked ballot; and
- convening of the early voting ballot board to count certain ballots voted by mail.

The early voting ballot board would have to convene to count ballots voted by mail on the second day after the primary election after the last mail delivery, or on an earlier date or time if the early voting clerk certified that ballots mailed from outside the United States had been received, rather than the fifth day after the primary or special election. The board would have to convene to count ballots voted by mail no earlier than the third day or later than the fifth day after the specified election dates.

**Home-rule cities.** The bill would clarify that a city charter could prescribe requirements for an application for a city office but it could not require another filing deadline other than that set by current law for the filing period for city office candidates.

The bill would require state and county chairs to deliver the list of candidates for the general primary election no later than the fifth, rather than the tenth, day after the date of the regular filing deadline for candidates applications.

The bill would take effect September 1, 2003. Sections relating to the effect of a holiday or weekend and to city charter requirements would take effect immediately if finally passed by a two-thirds record vote of the membership of each house; otherwise, they would take effect September 1, 2003. Changes to uniform election dates would take effect October 1, 2003.

**SUPPORTERS  
SAY:**

CSSB 1611 would clean up the Election Code by codifying administrative rules and interpretations of the secretary of state. Some provisions in the current code have caused unintended difficulties for voters and election officials. For example, the bill would clarify language regarding the effect of a weekend or holiday on calculating deadlines to perform an act. If the last day for performing an act was extended because of a weekend or holiday, the “new” date would be used as the basis for calculating other dates and deadlines.

The bill also would help alleviate “turnout burnout” for Texas voters and would have a positive impact on the voting process as a whole. Voter turnout has declined even though Texas has a two-week early-voting period with accessible and convenient locations. 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. 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.

Some claim that local entities have taken advantage of low voter turnout 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 prescribed 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, the bill would not affect the ability to hold an emergency bond election.

**OPPONENTS  
SAY:**

CSSB 1161 would remove some local control from school boards and other local entities by eliminating their ability to hold elections when needed. School districts are experiencing dramatic increases in student enrollment and must be able to respond to the needs of the community, and bond funding is an important way to address rapid growth.

An issue as critical as setting aside tax money for debt service often should be the single focus of an election. 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 a bond campaign, especially in years when local, state, and federal elections are being held.

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.

**NOTES:**

A similar bill, HB 872 by Denny, which would eliminate two uniform election dates, requiring general and special elections to be held on the uniform election dates in May and November, was referred to the Senate State Affairs Committee on April 9. HB 1695 by Denny, which would revise certain

election processes and procedures, was placed on the Senate intent calendar on May 23.

The committee substitute would reduce the number of uniform election dates from four to two and make conforming changes. It modified the Senate engrossed version by specifying what actions would constitute the performance of an act. It would add that deadlines relating to certain election procedures applied to an election of a political subdivision held jointly with a county or with one or more other political subdivisions. The substitute would shorten the deadline for state and county chairs to deliver the list of candidates for a general primary election.