

SUBJECT: Limiting uniform election dates to May and November

COMMITTEE: Elections — committee substitute recommended

VOTE: 7 ayes — Denny, Bohac, Anchia, Anderson, Hughes, J. Jones, T. Smith  
0 nays

WITNESSES: For — Cliff Borofsky, Bexar County; Robert Howard, Libertarian Party of Texas; (*Registered, but did not testify*: Dana DeBeauvoir, County and District Clerks Association; Mary Finch, League of Women Voters of Texas; George Hammerlein, Harris County Tax Office; Fred Lewis, Campaigns for People; Lela Loewe, Texas Association of Election Administrators; Suzy Woodford, Common Cause of Texas

Against — (*Registered, but did not testify*: Katie Reed, Texas Association of School Boards and Texas Association of School Administrators)

On — Mike Falick, Spring Branch ISD Board of Trustees; (*Registered, but did not testify*: Scott Houston, Texas Municipal League; Elizabeth Winn, Office of the Secretary of State)

BACKGROUND: Election Code, ch. 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; or
- the first Tuesday after the first Monday in November

The uniform election dates do not apply to party primary elections or primary runoff elections. A number of exceptions allow political subdivisions to hold certain types of elections on nonuniform election dates, including elections for the issuance or assumption of bonds or to levy taxes for the maintenance of public schools and colleges. 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 board of a city of 1.5 million people or more (currently only Houston).

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

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

**DIGEST:**

CSHB 57 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. In addition, it would change the May election date from the first Saturday to the second Saturday. The bill would eliminate the exception for bond elections for education institutions and would require those elections to occur on uniform election dates in May or November.

Political subdivisions other than counties could change their general election dates for officers to another authorized uniform date, but would have to do so no later than December 31, 2005. A political subdivision that normally held its general elections for officers on the February or September uniform election dates, such as a water district or a library district, would have to choose by December 31, 2005, a uniform election date in May or November.

For an election held on the uniform election date in May, each local canvassing authority would have to convene to conduct the local canvass not later than the 11th day after election and not earlier than the later of:

- the third day after election day;
- the date that the early voting ballot board had verified and counted all provisional ballots, if a provisional ballot had been cast; or
- the date that all timely received voted by mail ballots cast from outside the United States were counted

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 be held on the uniform date in May of each even-numbered year, and an election to consolidate drainage districts would be held on the uniform date in May.

The bill would require that the period for early voting by personal appearance for an election be held on the May uniform election date to begin on the 12th day before election day and continue through the fourth day before election day.

The bill would take effect October 1, 2005, and would apply to an election ordered on or after October 1, 2005.

**SUPPORTERS  
SAY:**

CSHB 57 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, making voting more convenient, and reducing the costs 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.

According to the secretary of state, fewer than 3 percent of political subdivisions in the state hold elections on the uniform dates in February and September. Current election law allows an exception to the uniform date requirement for school and college districts to hold elections to levy taxes or issue bonds. These elections are costly to taxpayers and often are not well publicized and have low voter turnout, which tends to restrict participation to those with a vested interest in approving the bonds. The exception has been removed for every other governmental body except 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, CSHB 57 would not affect the ability to hold an emergency bond election.

By moving the May election date one week later, the bill would address concerns of elections administrators regarding the potential for conflict in even-numbered years between the primary runoff election, which is the second Tuesday in April, and early voting for the May uniform election date.

The bill would implement recommendations of the comptroller's 2003 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 date in large districts, such as Dallas and Austin, have cost more than \$180,000 per election. A city election in Dallas held on a non-uniform date in early 2000 cost \$1.1 million. Reducing the number of uniform dates would encourage political subdivisions to combine elections and could save some local governments as much as \$1.2 million per year.

OPPONENTS  
SAY:

CSHB 57 would remove 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 non-uniform date during the months before winter break. Similarly, many districts use the February date or a non-uniform date in the spring 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. Supporters 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 go 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:**

The committee substitute differs from the original bill in that it would move the May uniform election date from the first Saturday in May to the second. The substitute also includes provisions relating to the time for the local canvass and the period for early voting by personal appearance for the May uniform election date.

According to the fiscal note, CSHB 57 would have no significant fiscal implication to the state, although local election administrators would see some costs savings.

The 78th Legislature in its 2003 regular session enacted HB 1549 by Denny, which, among other Election Code changes, moved the May uniform election date from the first to the third Saturday. In response to various concerns, the 78th Legislature in the third called session enacted HB 1 by Denny, which moved the May uniform election date from the third Saturday back to the first Saturday in May.