

By: Swanson

H.B. No. 4160

A BILL TO BE ENTITLED

AN ACT

relating to holding elections on uniform election dates.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 11.0581(a), Education Code, is amended to read as follows:

(a) An election for trustees of an independent school district shall be held on a uniform election date ~~[the same date as:~~

~~(1) the election for the members of the governing body of a municipality located in the school district;~~

~~(2) the general election for state and county officers;~~

~~(3) the election for the members of the governing body of a hospital district, if the school district:~~

~~[(A) is wholly or partly located in a county with a population of less than 40,000 that is adjacent to a county with a population of more than three million; and~~

~~[(B) held its election for trustees jointly with the election for the members of the governing body of the hospital district before May 2007; or~~

~~(4) the election for the members of the governing board of a public junior college district in which the school district is wholly or partly located].~~

SECTION 2. Section 41.012, Education Code, is amended to read as follows:

1           Sec. 41.012. DATE OF ELECTIONS. An election under this  
2 chapter for voter approval of an agreement entered by the board of  
3 trustees shall be held on a uniform election date [~~Tuesday or~~  
4 ~~Saturday not more than 45 days after the date of the agreement.~~  
5 ~~Section 41.001, Election Code, does not apply to the election~~].

6           SECTION 3. Section 41.253(b), Education Code, is amended to  
7 read as follows:

8           (b) The transitional board of trustees shall divide the  
9 consolidated district into nine single-member trustee districts in  
10 accordance with the procedures provided by Section 11.052. The  
11 transitional board shall order an election for the initial board of  
12 trustees to be held on the first [~~May~~] uniform election date after  
13 the effective date of a consolidation order.

14           SECTION 4. Sections 41.001(a), (b), and (c), Election Code,  
15 are amended to read as follows:

16           (a) Except as otherwise provided by this subchapter, each  
17 general or special election in this state shall be held on one of  
18 the following dates:

19                 (1) the first Tuesday in March [~~Saturday in May in an~~  
20 ~~odd-numbered year,~~

21                 [~~(2) the first Saturday in May in an even-numbered~~  
22 ~~year, for an election held by a political subdivision other than a~~  
23 ~~county]; or~~

24                 (2) [~~(3)~~] the first Tuesday after the first Monday in  
25 November.

26           (b) Subsection (a) does not apply to:

27                 (1) a runoff election;

- 1           (2) an election to resolve a tie vote;
- 2           (3) an election held under an order of a court or other  
3 tribunal;
- 4           (4) an emergency election ordered under Section  
5 [41.0011](#);
- 6           (5) an expedited election to fill a vacancy in the  
7 legislature held under Section [203.013](#);
- 8           (6) a special [~~an~~] election held under Chapter 203 or  
9 [204](#) [~~a statute that expressly provides that the requirement of~~  
10 ~~Subsection (a) does not apply to the election~~]; or
- 11           (7) the initial election of the members of the  
12 governing body of a newly incorporated city.

13           (c) Except for an election under Subsection (a) or Section  
14 [41.0011](#) [~~or a runoff election following an election held under~~  
15 ~~Subsection (a)(2)~~], an election may not be held within 30 days  
16 before or after the date of the general election for state and  
17 county officers, general primary election, or runoff primary  
18 election.

19           SECTION 5. Subchapter A, Chapter [41](#), Election Code, is  
20 amended by adding Section 41.0051 to read as follows:

21           Sec. 41.0051. ELECTION TO ISSUE BONDS. Notwithstanding any  
22 other law, an election for the issuance of bonds by a political  
23 subdivision shall be held on a uniform election date.

24           SECTION 6. Section [41.0052](#)(a), Election Code, is amended to  
25 read as follows:

26           (a) The governing body of a political subdivision[~~, other~~  
27 ~~than a county or municipal utility district,~~] that holds its

1 general election for officers on a date other than the November  
2 uniform election date shall [~~may~~], not later than December 31, 2019  
3 [~~2016~~], change the date on which it holds its general election for  
4 officers to the November uniform election date.

5 SECTION 7. Section 43.007(a), Election Code, is amended to  
6 read as follows:

7 (a) The secretary of state shall implement a program to  
8 allow each commissioners court participating in the program to  
9 eliminate county election precinct polling places and establish  
10 countywide polling places for:

11 (1) each general election for state and county  
12 officers;

13 (2) [~~each election held on the uniform election date~~  
14 ~~in May and any resulting runoff;~~

15 [~~(3)~~] each election on a proposed constitutional  
16 amendment;

17 (3) [~~(4)~~] each primary election and runoff primary  
18 election if:

19 (A) the county chair or county executive  
20 committee of each political party participating in a joint primary  
21 election under Section 172.126 agrees to the use of countywide  
22 polling places; or

23 (B) the county chair or county executive  
24 committee of each political party required to nominate candidates  
25 by primary election agrees to use the same countywide polling  
26 places; and

27 (4) [~~(5)~~] each election of a political subdivision

1 located in the county that is held jointly with an election  
2 described by Subdivision (1), (2), or (3) [~~or (4)~~].

3 SECTION 8. Section 262.005(e), Health and Safety Code, is  
4 amended to read as follows:

5 (e) [~~Section 41.001(a), Election Code, requiring an~~  
6 ~~election to be held on a uniform election date, does not apply to an~~  
7 ~~election under this section.~~] The ballot shall be printed to  
8 provide for voting for or against the proposition: "Dissolution of  
9 the (name of the authority)."

10 SECTION 9. Sections 43.0755(h), (j), and (k), Local  
11 Government Code, are amended to read as follows:

12 (h) If a majority of the voters voting in an election under  
13 Subsection (c)(2) or (4) approve the proposition submitted on the  
14 form of local government, the county judge of the county in which  
15 the municipality or alternate form of local government is located  
16 shall order an election for the governing body of the municipality  
17 or alternate form of local government to be held on a date that  
18 complies with the provisions of the Election Code [~~except that~~  
19 ~~Section 41.001(a), Election Code, does not apply~~]. A municipality  
20 or alternate form of local government resulting from an election  
21 described by this subsection is incorporated or established on the  
22 date a majority of the members of the governing body qualify and  
23 take office.

24 (j) The temporary governing body under Subsection (i) shall  
25 order an election to elect the permanent governing body of the  
26 municipality or alternate form of local government to occur on a  
27 date that complies with the provisions of the Election Code [~~or~~

1 ~~except that Section 41.001(a), Election Code, does not apply].~~

2 (k) An election ordered under Subsection [~~(h) or~~] (j) to  
3 elect members of the governing body of a municipality must be held  
4 under the applicable provisions of Chapter 22, 23, or 24, to the  
5 extent consistent with this section. An election for members of  
6 the governing body of an alternate form of government must be held  
7 under the law applicable to that form of government, to the extent  
8 consistent with this section.

9 SECTION 10. Section 377.021(g), Local Government Code, is  
10 amended to read as follows:

11 (g) In the order calling the election, the municipality may  
12 provide for the district boundaries to conform automatically to any  
13 changes in the boundaries of the portion of the municipality or the  
14 municipality's extraterritorial jurisdiction included in the  
15 district, and the election shall be held on a date [~~one of the four~~]  
16 uniform election date [~~dates~~] under Section 41.001, Election Code.

17 SECTION 11. Section 1012.051(b), Special District Local  
18 Laws Code, is amended to read as follows:

19 (b) Unless four-year terms are established under Section  
20 285.081, Health and Safety Code:

21 (1) directors serve staggered two-year terms, with  
22 three directors elected in even-numbered years and four directors  
23 elected in odd-numbered years; and

24 (2) a director's election shall be held each year on a date  
25 [~~the May~~] uniform election date prescribed by Section 41.001,  
26 Election Code.

27 SECTION 12. Section 1015.301(c), Special District Local

1 Laws Code, is amended to read as follows:

2 (c) The board shall order an election if the board receives  
3 a petition requesting an election that is signed by at least 10  
4 percent of the registered voters in the district. The board shall  
5 order the election to be held on the first uniform election date  
6 that allows sufficient time to comply with any requirements of law  
7 ~~[not later than the 60th day after the date the petition is~~  
8 ~~presented to the district].~~

9 SECTION 13. Section 1025.051, Special District Local Laws  
10 Code, is amended to read as follows:

11 Sec. 1025.051. BOARD ELECTION; TERM. The district is  
12 governed by a board of seven directors elected at large by place for  
13 staggered three-year terms. A director's election shall be held  
14 each year on a ~~[the May]~~ uniform election date prescribed by Section  
15 41.001, Election Code.

16 SECTION 14. Section 1035.051(c), Special District Local  
17 Laws Code, is amended to read as follows:

18 (c) An election shall be held each year on a ~~[the May]~~  
19 uniform election date under Section 41.001, Election Code, to elect  
20 the appropriate number of directors.

21 SECTION 15. Section 1048.051(b), Special District Local  
22 Laws Code, is amended to read as follows:

23 (b) Unless four-year terms are established under Section  
24 285.081, Health and Safety Code:

25 (1) directors serve two-year terms;

26 (2) an election shall be held each year on a ~~[the May]~~  
27 uniform election date under Section 41.001, Election Code; and

1           (3) the terms of the directors elected to places one  
2 through four expire in odd-numbered years and the terms of the  
3 directors elected to places five through seven expire in  
4 even-numbered years.

5           SECTION 16. Section 1049.051(c), Special District Local  
6 Laws Code, is amended to read as follows:

7           (c) An election shall be held each year on a [the—May]  
8 uniform election day prescribed by Section 41.001, Election Code,  
9 to elect the appropriate number of directors.

10          SECTION 17. Section 1050.051(d), Special District Local  
11 Laws Code, is amended to read as follows:

12          (d) An election shall be held each year on a [the—May]  
13 uniform election date under Section 41.001, Election Code, to elect  
14 the appropriate number of at-large directors.

15          SECTION 18. Section 1076.051(c), Special District Local  
16 Laws Code, is amended to read as follows:

17          (c) Unless four-year terms are established under Section  
18 285.081, Health and Safety Code:

19               (1) trustees serve two-year terms;

20               (2) trustees who represent odd-numbered precincts and  
21 the trustee elected at large are elected in odd-numbered years;

22               (3) trustees who represent even-numbered precincts  
23 are elected in even-numbered years; and

24               (4) a trustee's election shall be held each year on a  
25 [the—May] uniform election date prescribed by Section 41.001,  
26 Election Code~~[, or another date authorized by law]~~.

27          SECTION 19. Section 1081.051(b), Special District Local

1 Laws Code, is amended to read as follows:

2 (b) Unless four-year terms are established under Section  
3 285.081, Health and Safety Code:

4 (1) directors serve staggered two-year terms;

5 (2) an election shall be held annually on a [~~the May~~]  
6 uniform election date under Section 41.001, Election Code; and

7 (3) the terms of four directors expire in odd-numbered  
8 years and the terms of three directors expire in even-numbered  
9 years.

10 SECTION 20. Section 1083.051(b), Special District Local  
11 Laws Code, is amended to read as follows:

12 (b) Unless four-year terms are established under Section  
13 285.081, Health and Safety Code:

14 (1) directors serve staggered two-year terms; and

15 (2) a directors' election shall be held each year on a  
16 [~~the May~~] uniform election date prescribed by Section 41.001,  
17 Election Code, to elect the appropriate number of directors.

18 SECTION 21. Section 1091.301(c), Special District Local  
19 Laws Code, is amended to read as follows:

20 (c) The board shall order an election under this section if  
21 the board receives a petition requesting an election that is signed  
22 by at least 300 registered district voters according to the most  
23 recent official list of registered voters. The board shall order  
24 [~~call~~] the election to be held on the first uniform election date  
25 that allows sufficient time to comply with any requirements of law  
26 [~~not later than the 60th day after the date the petition is~~  
27 ~~presented to the district~~].

1 SECTION 22. Section 1098.051(c), Special District Local  
2 Laws Code, is amended to read as follows:

3 (c) A directors' election shall be held annually on a [~~the~~  
4 ~~May~~] uniform election date prescribed by Section 41.001, Election  
5 Code[, ~~or another date authorized by law~~].

6 SECTION 23. Section 1101.051(c), Special District Local  
7 Laws Code, is amended to read as follows:

8 (c) An election shall be held in each even-numbered year on  
9 a [~~the May~~] uniform election date prescribed under Section 41.001,  
10 Election Code, [~~or another date authorized by law,~~] to elect the  
11 appropriate number of directors.

12 SECTION 24. Section 1102.051(b), Special District Local  
13 Laws Code, is amended to read as follows:

14 (b) Unless four-year terms are established under Section  
15 285.081, Health and Safety Code:

16 (1) directors serve two-year terms; and

17 (2) an election shall be held annually on a [~~the May~~]  
18 uniform election date prescribed under Section 41.001, Election  
19 Code[, ~~or another date authorized by law~~].

20 SECTION 25. Section 1104.301(c), Special District Local  
21 Laws Code, is amended to read as follows:

22 (c) If the board receives a petition requesting an election  
23 that is signed by at least 10 percent of the registered voters of  
24 the district, according to the most recent official list of  
25 registered voters, the board shall order an election to be  
26 held. The election shall be called on the first uniform election  
27 date that allows sufficient time to comply with any requirements of

1 law [~~not later than the 60th day after the date the petition is~~  
2 ~~presented to the district~~].

3 SECTION 26. Section 3813.052(a), Special District Local  
4 Laws Code, is amended to read as follows:

5 (a) The board shall hold an election of directors for  
6 positions four and five in each even-numbered year on a a [~~the~~]  
7 uniform election date [~~in February~~] established by Section 41.001,  
8 Election Code.

9 SECTION 27. Section 3846.052, Special District Local Laws  
10 Code, is amended to read as follows:

11 Sec. 3846.052. ELECTION OF DIRECTORS. An election to elect  
12 the appropriate number of directors shall be held on the uniform  
13 election date [~~in May~~] of each even-numbered year as provided by  
14 Section 41.001(a), Election Code.

15 SECTION 28. Section 8803.054, Special District Local Laws  
16 Code, is amended to read as follows:

17 Sec. 8803.054. ELECTION DATE FOR DIRECTORS. The district  
18 shall hold an election to elect the appropriate number of directors  
19 on the uniform election date prescribed by Section 41.001, Election  
20 Code, in [~~May of~~] each even-numbered year.

21 SECTION 29. Section 8805.052(a), Special District Local  
22 Laws Code, is amended to read as follows:

23 (a) Every second year, the board shall hold an election on a  
24 [~~the~~] uniform election date [~~in May~~] provided by Section 41.001,  
25 Election Code, to elect the appropriate number of directors.

26 SECTION 30. Section 8808.053, Special District Local Laws  
27 Code, is amended to read as follows:

1           Sec. 8808.053. ELECTION DATE. The district shall hold an  
2 election to elect the appropriate number of directors on a [~~the~~]  
3 uniform election date prescribed by Section 41.001, Election Code,  
4 in [~~May of~~] each even-numbered year.

5           SECTION 31. Section 8822.053, Special District Local Laws  
6 Code, is amended to read as follows:

7           Sec. 8822.053. ELECTION DATE. The district shall hold an  
8 election to elect the appropriate number of directors on a [~~the~~]  
9 uniform election date prescribed by Section 41.001, Election Code,  
10 in [~~May of~~] each even-numbered year.

11          SECTION 32. Section 8844.104, Special District Local Laws  
12 Code, is amended to read as follows:

13          Sec. 8844.104. ELECTION DATE. Each odd-numbered year, the  
14 board shall hold an election in the district on a [~~the~~] uniform  
15 election date [~~in May~~] to elect the appropriate number of  
16 directors. [~~Section 41.001(a)(2), Election Code, does not apply~~  
17 ~~to the district.~~]

18          SECTION 33. Section 8850.053, Special District Local Laws  
19 Code, is amended to read as follows:

20          Sec. 8850.053. ELECTION DATE. The district shall hold an  
21 election to elect the appropriate number of directors on a [~~the~~]  
22 uniform election date prescribed by Section 41.001, Election Code,  
23 in [~~May of~~] each even-numbered year.

24          SECTION 34. Section 11010.005(h), Special District Local  
25 Laws Code, is amended to read as follows:

26          (h) If the governing body of the local government, before  
27 the proposed effective date of the order, receives a petition

1 calling for an election on the question of authorizing the addition  
2 of the local government to the authority as a sponsor that is signed  
3 by at least 10 percent of the local government's registered voters,  
4 the governing body shall order a special election on the question.  
5 [~~Section 41.001(a), Election Code, does not apply to an election~~  
6 ~~ordered under this subsection.~~]

7 SECTION 35. Section 451.071(f), Transportation Code, is  
8 amended to read as follows:

9 (f) A referendum on a proposal to expand a system approved  
10 under this section shall [~~may~~] be held on any date specified in  
11 Section 41.001, Election Code, [~~or a date chosen by order of the~~  
12 ~~board of the authority,~~] provided that:

13 (1) the referendum is held no earlier than the 62nd day  
14 after the date of the order; and

15 (2) the proposed expansion involves the addition of  
16 not more than 12 miles of track to the system.

17 SECTION 36. Section 49.103(b), Water Code, is amended to  
18 read as follows:

19 (b) After [~~Unless a district holds its general election for~~  
20 ~~officers on a date as otherwise provided by statute, after~~]  
21 confirmation of a district, an election shall be held on the uniform  
22 election date, provided by Section 41.001, Election Code, [~~in May~~  
23 ~~of each even-numbered year~~] to elect the appropriate number of  
24 directors.

25 SECTION 37. Section 56.804(a), Water Code, is amended to  
26 read as follows:

27 (a) The election shall be held on a uniform election day [~~in~~

1 ~~May~~].

2 SECTION 38. Section 63.089(a), Water Code, is amended to  
3 read as follows:

4 (a) An election shall be held in the district on the uniform  
5 election date provided by Section 41.001(a), Election Code [~~first~~  
6 ~~Tuesday after the first Monday in November of each even numbered~~  
7 ~~year to elect the three commissioners. However, the commissioners~~  
8 ~~may, by adopting an order duly entered on the minutes, determine to~~  
9 ~~hold the election on the first Tuesday after the first Monday in~~  
10 ~~October of each even numbered year to elect the commissioners~~  
11 ~~authorized by law~~].

12 SECTION 39. Section 65.103(d), Water Code, is amended to  
13 read as follows:

14 (d) [~~Notwithstanding Sections 41.001 and 41.003, Election~~  
15 ~~Code, the board may hold an election to elect directors on any date~~  
16 ~~determined by the board.~~] The terms of directors must be stated on  
17 the ballot.

18 SECTION 40. (a) Section 60.032(c), Agriculture Code, is  
19 repealed.

20 (b) The following provisions of the Election Code are  
21 repealed:

- 22 (1) Section 41.001(d);
- 23 (2) Section 41.0052(e);
- 24 (3) Section 41.007(d);
- 25 (4) Section 42.002(c); and
- 26 (5) Section 85.001(e).

27 (c) The following provisions of the Health and Safety Code

1 are repealed:

- 2 (1) Section 262.032(e);
- 3 (2) Section 282.122(d);
- 4 (3) Sections 286.023(g) and (h);
- 5 (4) Section 286.101(f); and
- 6 (5) Section 286.102(c).

7 (d) Section 271.004(c), Local Government Code, is repealed.

8 (e) The following provisions of the Special District Local  
9 Laws Code are repealed:

- 10 (1) Section 21.055(b);
- 11 (2) Section 1001.154(f);
- 12 (3) Section 1001.201(c);
- 13 (4) Sections 1001.251(b) and (c);
- 14 (5) Section 1002.201(f);
- 15 (6) Section 1004.151(f);
- 16 (7) Section 1004.171(f);
- 17 (8) Sections 1004.303(f) and (g);
- 18 (9) Section 1008.151(f);
- 19 (10) Section 1012.203(b);
- 20 (11) Section 1012.301(e);
- 21 (12) Section 1013.301(e);
- 22 (13) Section 1015.301(e);
- 23 (14) Section 1018.301(e);
- 24 (15) Section 1020.351(d);
- 25 (16) Sections 1023.301(c-1) and (e);
- 26 (17) Section 1024.253(d);
- 27 (18) Sections 1025.301(d) and (f);

- 1 (19) Sections 1027.301(c-1) and (e);
- 2 (20) Section 1030.301(d);
- 3 (21) Section 1031.301(e);
- 4 (22) Section 1032.301(e);
- 5 (23) Section 1033.301(e);
- 6 (24) Section 1034.253(d);
- 7 (25) Section 1035.155(b);
- 8 (26) Section 1036.401(e);
- 9 (27) Section 1038.301(e);
- 10 (28) Section 1039.118;
- 11 (29) Sections 1043.301(c-1) and (e);
- 12 (30) Section 1045.253(d);
- 13 (31) Section 1046.007;
- 14 (32) Section 1048.301(e);
- 15 (33) Section 1050.301(e);
- 16 (34) Section 1052.301(e);
- 17 (35) Section 1056.301(e);
- 18 (36) Section 1059.301(e);
- 19 (37) Section 1062.301(e);
- 20 (38) Section 1067.301(e);
- 21 (39) Section 1068.253(f);
- 22 (40) Section 1069.154(d);
- 23 (41) Section 1072.021(e);
- 24 (42) Section 1072.301(e);
- 25 (43) Section 1073.301(e);
- 26 (44) Section 1073.351(f);
- 27 (45) Section 1076.301(e);

- 1 (46) Sections 1081.301(d) and (f);
- 2 (47) Section 1083.301(d);
- 3 (48) Section 1084.301(e);
- 4 (49) Section 1088.301(e);
- 5 (50) Section 1091.301(e);
- 6 (51) Sections 1094.151(b) and (d);
- 7 (52) Section 1095.117;
- 8 (53) Section 1098.301(e);
- 9 (54) Section 1100.151(d);
- 10 (55) Section 1100.351(d);
- 11 (56) Section 1101.253(d);
- 12 (57) Section 1101.254(g);
- 13 (58) Section 1101.301(d);
- 14 (59) Section 1102.301(f);
- 15 (60) Section 1104.253(d);
- 16 (61) Section 1104.301(e);
- 17 (62) Section 1108.203(d);
- 18 (63) Section 1109.301(e);
- 19 (64) Section 1115.116;
- 20 (65) Section 1116.253(h);
- 21 (66) Section 1116.304(b);
- 22 (67) Section 1116.351(g);
- 23 (68) Section 1120.021(d);
- 24 (69) Section 1120.301(e);
- 25 (70) Section 1121.021(d);
- 26 (71) Section 1121.301(e);
- 27 (72) Section 1122.021(d);

- 1 (73) Section 1122.2521(e);
- 2 (74) Section 1122.301(e);
- 3 (75) Section 3818.107;
- 4 (76) Section 6606.102(b);
- 5 (77) Section 6607.102(b);
- 6 (78) Section 8112.023(b);
- 7 (79) Section 8113.023(b);
- 8 (80) Section 8114.023(b);
- 9 (81) Section 8115.023(b);
- 10 (82) Section 8116.023(b);
- 11 (83) Section 8117.023(b);
- 12 (84) Section 8118.023(b);
- 13 (85) Section 8119.023(b);
- 14 (86) Section 8120.023(b);
- 15 (87) Section 8132.023(c);
- 16 (88) Section 8185.023(b);
- 17 (89) Section 8200.002;
- 18 (90) Section 8201.002;
- 19 (91) Section 8202.002;
- 20 (92) Section 8368.004;
- 21 (93) Section 8852.023(b); and
- 22 (94) Section 8870.006(c).

23 (f) The following provisions of the Transportation Code are  
24 repealed:

- 25 (1) Section 54.004(c); and
- 26 (2) Section 441.030(b).

27 (g) The following provisions of the Water Code are repealed:

- 1           (1) Section [51A.007](#);
- 2           (2) Section [62.1071](#)(g); and
- 3           (3) Section [63.089](#)(b).

4           (h) Section 8.01(f), Chapter 670, Acts of the 72nd  
5 Legislature, Regular Session, 1991 (Article [4477-7j](#), Vernon's  
6 Texas Civil Statutes), is repealed.

7           SECTION 41. This Act applies only to an election ordered on  
8 or after the effective date of this Act. An election ordered before  
9 the effective date of this Act is governed by the law as it existed  
10 immediately before the effective date of this Act, and that law is  
11 continued in effect for that purpose.

12           SECTION 42. This Act takes effect September 1, 2019.