

SUBJECT: Uniform election dates

COMMITTEE: Elections: committee substitute recommended

VOTE: 8 ayes--E.F. Lee, Staniswalis, Gandy, G. Hill, Horn, Kubiak, Patronella, Russell

0 nays

1 present, not voting--A. C. Garcia

WITNESSES: For--Leonard Schwartz, Austin attorney; Dick Brown, Texas Municipal League

Against--Danny Burger, Municipal Advisory Council of Texas; David Thompson, Texas Association of School Boards, Charles Mathews, Texas Association of School Administrators

BACKGROUND: Texas Election Code art. 2.01b requires that elections be held on four uniform dates--the third Saturday in January, the first Saturday in April, the second Saturday in August, or the first Tuesday after the first Monday in November. Major exceptions are primaries, emergency elections to fill vacancies, runoffs, local-option alcohol-status elections, bond and school maintenance-tax elections, water- and sewer-district elections, hospital-district elections, weather-modification permit elections, and certain junior-college trustee elections.

DIGEST: CSHB 4 would eliminate most of the exceptions to the requirement that elections be held on one of the four uniform dates. The remaining exceptions would be runoffs, emergency elections to fill vacancies, and party primaries--and a political subdivision could hold one election on a nonuniform date to authorize the issuance of bonds or other obligations.

SUPPORTERS SAY: Exceptions have made a mockery of the uniform election-date statute, which was meant to limit the proliferation of local elections. Voter turnout is already a problem and more elections only contribute to voter fatigue. The lower the voter turnout, the higher the cost of the election per vote, since ballots must be printed, voting apparatus must be prepared, and election workers must be paid in every precinct regardless of the number of actual voters.

SUPPORTERS
SAY: (cont.)

Austin represents an extreme but not necessarily unusual example of what can happen under current law. From January 1982 through February 1983, Austin voters went to the polls 12 times for 18 elections. Certain emergencies, such as filling vacancies in office, cannot be helped, but when the date of an election is discretionary, money can be saved by holding it on a uniform date.

The committee substitute recognizes that a local jurisdiction might have to call a bond election quickly in order to deal with unanticipated problems. Limiting emergency bond elections to one per year would require local jurisdictions to sue their election authority for real emergencies only.

OPPONENTS
SAY:

School districts and cities need to be free to call an emergency election to take care of unforeseen difficulties, such as building repairs necessitated by natural disasters. In even-numbered years the November uniform election date is restricted to county, state, and federal elections, so there is a five-month gap between the uniform August and January dates for local elections. If a local district had already used its one emergency date for the year, by scheduling a bond election on a city runoff date, for instance, it would be stuck if no further emergency election were permitted for the remainder of the year. The Governor or local authorities should be given authority to call an emergency election if circumstances justify it.

NOTES:

Besides allowing one emergency debt-authorization election a year, the committee substitute for HB 4 differs from the original bill by: amending the Hospital Authority Act to bar nonuniform hospital-district election dates; amending the Water Code to bar nonuniform weather-modification permit elections and water-district elections, and amending the Education Code to bar certain nonuniform junior-college trustee elections.