

SUBJECT: Uniform election dates and consolidating elections

COMMITTEE: Elections — committee substitute recommended

VOTE: 8 ayes — Danburg, J. Jones, Averitt, Denny, Greenberg, Hodge, Madden,
Uher

0 nays

1 absent — Gallego

SENATE VOTE: On final passage, March 22 — voice vote (Truan recorded nay)

WITNESSES: (*On House companion bill, HB 1781:*)

For — Steve McDonald, Texas Democratic Party; Ilona Sari

Against — Mary Lynne Strata; Mary E. Ward

On — Dan Black, Municipal Advisory Council of Texas; Elton Bomer and Elizabeth Hanshaw, Office of the Secretary of State; Mary Ann Collins, Republican Party of Texas; J. R. Perez, Texas Association of Election Administrators

BACKGROUND: Currently, Texas provides four uniform election dates required for local elections by political subdivisions:

- ! the third Saturday in January;
- ! the first Saturday in May;
- ! the second Saturday in August; and
- ! the first Tuesday after the first Monday in November

However, there are 10 exceptions that allow political subdivisions to hold elections on non-uniform election dates. Political subdivisions may hold joint elections but are not required to do so.

DIGEST: CSSB 35 would eliminate the following exemptions to the uniform election dates:

- ! an election held under the Alcoholic Beverage Code;
- ! bond elections;
- ! elections by political subdivisions; and
- ! recall elections by political subdivisions.

The bill would change two uniform election dates. The third Saturday in January would be changed to the third Saturday in February, and the second Saturday in August would be changed to the third Saturday in August.

General elections for cities, school districts, junior college districts, and hospital districts would be limited to uniform dates in May and November. An election that required a majority vote would be prohibited on the February uniform election date.

Joint elections. Political subdivisions holding joint elections would have to use county election precincts and county polling places. For political subdivisions that had overlapping territory, joint elections would have to be held in the county election precinct in the parts of the subdivision that contained the overlapping territory. Two or more county election precincts could be consolidated into a single precinct if the polling place was located so that it would serve voters of the consolidated precinct adequately.

In areas in which there was no overlapping territory, the political subdivisions participating in the joint election could create separate precincts in the uncommon territory, or they could decide to consolidate the precincts in the uncommon territory into a precinct within the common territory.

Political subdivisions that had overlapping territory and were establishing joint election precincts would have to designate the regular county polling place as the polling place for each precinct used in the joint election. If the regular county polling place was not available, another location would have to be designated. If precincts were consolidated for a joint election, polling places would have to be designated for each consolidated precinct.

In areas in which there was no overlapping territory, voters residing in the uncommon territory could be served by a polling place located in the common territory as long as they would be served adequately.

Political subdivisions conducting joint elections would have to establish a joint election agreement, adopted by resolution, that included decisions necessary for conducting the joint elections. The agreement would have to be adopted no later than the 60th day before the date of a general election for state and county officers or the 40th day before the date of any other election. If the governing bodies could not agree on the terms of the agreement, the disputed terms would have to be resolved through an alternative dispute resolution procedure prescribed by the secretary of state.

The governing body of each political subdivision participating in a joint election would have to appoint one representative to an election committee, and the committee would have to implement the joint election agreement. In joint elections held in a county that had a county elections administrator, the administrator would have to serve on the committee.

For joint election precincts in which an office for a county, state, or federal seat was on the ballot, the presiding election judge and alternate presiding judge would have to be the persons who normally served as the county election judges in county elections. Likewise, the presiding judge of the early-voting ballot board and the chair of a signature verification committee would have to be persons normally appointed to those positions.

Other provisions. Political subdivisions would have until December 31, 1999, to change their general election date, but an election on the new date could not be held before 2000.

CSSB 35 also would amend the Water Code to provide that an election held to elect the board of directors of a water district created under Water Code, chapter 49 would have to be held on a uniform election date in either February or May of an even-numbered year. Water districts created under the Texas Constitution, art. 16, sec. 59 would be exempt from the joint election requirements of this bill.

The bill would repeal Election Code, sec. 271.003, relating to location of common polling places, as well as sec. 271.014, relating to conflicts with other law.

CSSB 35 would take effect September 1, 1999. An election held on the August uniform election date in 1999 would be subject to the prior law governing that election. Election Code, sec. 41.006, relating to adjusting election schedules, would apply to changes in election dates in accordance with this bill. Elections ordered before the effective date would be subject to prior law governing those elections.

**SUPPORTERS
SAY:**

CSSB 35 would help alleviate “turnout burnout” for Texas voters. Texas has so many elections that voters have voter fatigue and are staying away from the polls in confusion. According to the secretary of state, in the past decade, more than 100 elections have taken place in Dallas County alone. The most recent election in the county attracted just 7 percent of registered voters. Reducing the number of election dates would make it more convenient for voters and would help boost voter turnout. Requiring certain local elections to be held on one of the four uniform election dates would reduce the cost of holding elections because there would be fewer elections.

Voter turnout has declined even though Texas has a two-week early-voting period with accessible and convenient voting locations. Voters simply are turned off by the sheer number of elections.

Texas has many local units of local government, and they can all decide where polling places can be. Consolidation of precincts would make it easier for voters because they would not have to go to one polling place for a city council election and another for a school board election. They could go to the same place to vote, election after election.

**OPPONENTS
SAY:**

Eliminating the ability of school boards and other entities to hold elections on non-uniform dates would be too restrictive and would remove local control.

An issue as critical as setting aside tax money for debt service should be a single-focus issue. There are certain times during the year when it is advantageous to get voters out to vote for bonds, such as school bonds, and school districts need to retain the flexibility to decide when the timing is right. The school’s needs have to be identified clearly in the minds of the

voters. This is especially true in smaller communities. Placing a bond issue on the ballot with a city council issue that may not be popular with the community could have negative consequences.

The timing of when bonds are sold is also critical. If all entities that finance infrastructure and projects by issuing debt “let” their bonds at the same time, the market could be flooded with bonds, and there are only so many buyers. Texas entities not only have to compete with other Texas entities selling bonds but nationally as well. If the bond market is flooded, it could drive up interest rates for these types of bonds.

Projected construction costs remain valid only for a certain time. If a school district, for example, needed to finance a new facility but had to wait for a uniform election date to get voter approval, it could cause costly delays.

OTHER
OPPONENTS
SAY:

This bill could create financial burdens for certain political subdivisions that use fewer polling places than the county in which they are located, because additional polling places would have to be added. This could be cost-prohibitive for some political subdivisions.

Joint elections would require the cost of an election to be shared among the political subdivisions, which could increase the cost of an election for a particular subdivision. In some cases, joint elections could require a greater number of ballots. The Legislative Budget Board estimates that Denton County, for example, could see an increase of \$25,000 per election.

NOTES:

The House committee substitute would change the dates of two of the four uniform elections. It also would remove provisions from the Senate bill relating to conservation and reclamation districts.