

SUBJECT: Revising uniform election dates

COMMITTEE: Elections — committee substitute recommended

VOTE: 5 ayes — J. Jones, Denny, Hodge, Madden, Truitt
0 nays
4 absent — Danburg, Gallego, Sadler, Wilson

SENATE VOTE: On final passage, March 12 — voice vote

WITNESSES: For — Maxine L. Barkan, League of Women Voters of Texas; Cathy Douglass, Texas Association of School Boards; Cary Grace, City of Houston; Tony Privett, City of Lubbock; Katie Reed, Northside ISD and Texas Association of School Boards; Jerry Winetroub, Real Estate Council of Austin; *Registered but did not testify:* Paul Bettencourt, Harris County Tax Office; Janice Cartwright; James Gaston, Texas Democratic Party; George Hammerlein; Sandy Hentges, Better Austin Chamber of Commerce; Darryl Pool, Republican Party of Texas; Kristeen Roe, Tax Assessor-Collectors Association of Texas; Suzy Woodford, Common Cause of Texas

Against — None

On — Elizabeth Hanshaw, Secretary of State's Office

BACKGROUND: Elections Code, chapter 41 establishes 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.

Ten exceptions allow political subdivisions to hold elections on nonuniform election dates. Political subdivisions may hold joint elections but are not required to do so.

Education Code, chapter 41 governs the consolidation of school districts ordered by the education commissioner and the governance of a transitional board of trustees.

Local Government Code, chapter 363 authorizes political subdivisions to create crime control and prevention districts. Notice of an election to create such a district must be published before the 35th day before the election date, and the election must be held after the 34th day and before the 61st day after the election is ordered. The election does not have to occur on a uniform election date.

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

DIGEST:

CSSB 79 would change two uniform election dates and would require each general or special election to be held on one of these days. Elections on the third Saturday in January would be moved to the first Saturday in February, and those on the second Saturday in August would be moved to the second Saturday in September. Runoff elections would not be subject to these uniform days. Elections for the issuance or assumption of bonds or to levy taxes for the maintenance of public schools and colleges could be held on one nonuniform date during each state fiscal biennium.

The bill would eliminate the following exemptions to the uniform election dates:

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

General elections for cities, school districts, junior college districts, and hospital districts would be limited to uniform dates in May and November. The bill would prohibit an election that required a majority vote from being held on the September or February uniform election date. This provision would not apply to an election to fill a vacancy on the governing body of a municipality of 1.5 million people or more (currently Houston).

CSSB 79 would amend the Education Code to require a transitional board of trustees of a consolidated school district to order an election for the initial board of trustees on the first February uniform election date after the effective date of the consolidation order.

The bill would amend the Local Government Code to require that an election to create a crime and prevention district be held on the first uniform election date after the 34th day after the date the election is ordered. It would amend the Water Code to require that an election of a water district's board of directors be held on a uniform date in either February or May of each even-numbered year. An election to consolidate drainage districts would have to be held on a uniform election day in February or May.

The bill would take effect September 1, 2001.

**SUPPORTERS
SAY:**

CSSB 79 would help alleviate "turnout burnout" for Texas voters and would have a positive impact on the voting process as a whole. Uniform dates would increase public awareness of elections, provide for smoother handling of voter registration applications, and help increase public confidence in the voting system.

Texas has so many elections that voters have voter fatigue and are staying away from the polls. According to the secretary of state, in the past decade, more than 100 elections have taken place in Dallas County alone. Harris County had 18 different election dates in 2000, covering more than a hundred taxing jurisdictions. Reducing the number of election dates would make voting more convenient, boost voter turnout, and reduce the cost of holding elections. As it is, Texas is spending too much money conducting elections. In most cases, requiring local entities to hold elections on days when other entities are holding them would reduce the overall cost of elections. Every single entity might not save on costs, but most would.

Voter turnout has declined even though Texas has a two-week early-voting period with accessible and convenient voting locations. With early voting, one election cycle can begin almost as soon as another ends. According to county officials, considering early voting, four uniform election dates, and the large number of special elections and bond elections, an entity somewhere in Texas is holding an election on one out of every three days.

In Travis County, for example, 17 school districts, 30 cities, the county, a community college, and a transit agency require voter approval of officers and major projects. Voters are overwhelmed by the sheer number of elections that are possible in a 12-month period.

Holding bond elections on one of four uniform election dates or on one non-uniform election date per biennium 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 standard dates. CSSB 79 would not affect the ability to hold an emergency bond election. Austin, Houston, and Round Rock combined their bond elections with state and federal elections in November 1998, and all approved large bond programs.

Moving the dates of two of the current uniform dates would make sense. A September election date is preferable to August because typically more people who normally might be gone on summer vacation would be on hand to vote. Similarly, moving the January uniform date to February would make sense, because early voting for the January date begins during the holiday season, and the January date historically has a low voter turnout. If the Legislature mandates a uniform school start date for later in August or early September, it would become essential to move the August uniform election date to a later date.

OPPONENTS
SAY:

Even with the added flexibility of being able to hold a bond election on one nonuniform election date, CSSB 79 would remove some local control from school boards and other local entities by eliminating their ability to hold elections when they needed to. If all local taxing authorities held bond elections on the same day, too many Texas bonds would be going to market at the same time. Local governments would be competing with other local governments going to market 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.

Reducing the number of election dates could hamper a school district's ability to receive state funding from the Instructional Facilities Allotment (IFA). The Legislature created the IFA in 1997 to help school districts make

debt-service payments for certain bonds and lease-purchase agreements. The IFA involves eligibility requirements and an application process that is time-sensitive. The IFA deadlines often determine when school districts hold bond elections and when they issue the bonds.

Placing a bond issue on the ballot with another local issue that might not be popular with the community could have negative consequences. Likewise, candidates for office might not want to be on the ballot with a local bond election over which the candidate had no control.

NOTES:

The committee substitute modified the Senate-passed bill by adding a provision that would exempt a mayor from having to order a general election for city officers. It also modified the prohibition on holding an election on a February or September uniform date for an office requiring a majority vote by specifying that the prohibition would not apply to an election to fill a vacancy on the governing body of a city with a population of 1.5 million or more.

A bill in the 76th Legislature, SB 35 by Shapiro, relating to uniform election dates, passed the Senate but died on the House General State Calendar during the final days of the session.