

## **BILL ANALYSIS**

Senate Research Center  
82R19660 DRH-D

H.B. 2144  
By: Garza (Uresti)  
State Affairs  
5/4/2011  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

In recent years, the Texas Legislature revised the Election Code to provide for uniform election dates. The legislators responsible for these reforms may not have taken into account the unique circumstances for newly incorporated municipalities, some of which may have to wait until the next general election date to elect an initial city council. This can leave a new city without local government for many months.

H.B. 2144 amends current law relating to the use of uniform election dates by newly incorporated municipalities.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 41.001(b), Election Code, as follows:

(b) Provides that Subsection (a) does not apply to:

- (1) a runoff election;
- (2) an election to resolve a tie vote;
- (3) an election held under an order of a court or other tribunal;
- (4) an emergency election ordered under Section 41.0011;
- (5) an expedited election to fill a vacancy in the legislature held under Section 203.013;
- (6) an election held under a statute that expressly provides that the requirement of Subsection (a) does not apply to the election; or
- (7) the initial election of the members of the governing body of a newly incorporated city.

Makes nonsubstantive changes.

SECTION 2. Amends Section 41.0052, Election Code, by adding Subsections (c) and (d), as follows:

- (c) Authorizes the governing body of a newly incorporated city, not later than the second anniversary of the date of incorporation, to change the date on which it holds its general election for officers to another authorized uniform election date.

(d) Authorizes the governing body of a city that was newly incorporated between January 1, 2007, and September 1, 2011, not later than September 1, 2012, to change the date on which it holds its general election for officers to another authorized uniform election date. Provides that this subsection expires September 1, 2013.

SECTION 3. Amends Subchapter A, Chapter 21, Local Government Code, by adding Section 21.005, as follows:

Sec. 21.005. CHOICE OF UNIFORM ELECTION DATE FOR NEWLY INCORPORATED MUNICIPALITY. Requires a newly incorporated municipality, not later than the first anniversary of the date of its incorporation, to select a uniform election date under Section 41.001 (Uniform Election Dates), Election Code, to use for the general election of the members of the municipality's governing body.

SECTION 4. Effective date: September 1, 2011.