



**NOTICE OF MEETING
OF THE
HOME RULE CHARTER REVIEW COMMITTEE
OF BUDA, TEXAS**

*An agenda information packet is available for public inspection
In the Buda Public Library.*

This notice is posted pursuant to the Texas Open Meetings Act. Notice is hereby given that a **Regular Home Rule Charter Review Committee Meeting** of the City of Buda, Texas, will be held on **Thursday, June 9, 2011 at 7:00 PM.** in the City Hall Council Chambers at 121 Main Street, Buda, Texas 78610, at which time the following subjects will be discussed:

A. CALL TO ORDER

B. ROLL CALL

C. PUBLIC COMMENTS At this time, comments will be taken from the audience on non-agenda related topics for a length of time not to exceed three minutes per person. To address the City Council, please submit a Citizen's Comment Form to the City Secretary **prior** to the start of the meeting. *No action may be taken by the City Council during Public Comments*

D. CONSENT AGENDA

1. Approval of the Home Rule Charter Review Committee meeting minutes, dated May 19, 2011.

E. REGULAR AGENDA ITEMS

1. Deliberation and possible action regarding Article I – Form of Government and Powers as outlined in the Buda Home Rule Charter.
Toni Milam, City Secretary/Ross Fischer, City Attorney
2. Deliberation and possible action regarding Article II – Boundaries as outlined in the Buda Home Rule Charter.
Toni Milam, City Secretary/Ross Fischer, City Attorney
3. Deliberation and possible action regarding Article IV – Elections as outlined in the Buda Home Rule Charter.
Toni Milam, City Secretary/Ross Fischer, City Attorney

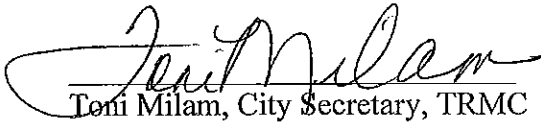
F. HOME RULE CHARTER REVIEW COMMITTEE REQUESTS FOR FUTURE AGENDA ITEMS

No deliberation or discussion may take place by the City Council during this agenda item

G. ADJOURNMENT

City Hall is wheelchair accessible and accessible parking spaces are available. Requests for accommodations must be made 48 hours prior to the meeting. Please contact the City Secretary at (512) 312-0084, or FAX (512) 312-1889 for information or assistance.

I, the undersigned authority, do hereby certify that the above Notice of Meeting of the Governing Body of the City of Buda, was posted on the bulletin board in front of Buda City Hall, which is readily accessible to the public at all times, by 7:00 p.m. on Monday, June 6, 2011.


Toni Milam, City Secretary, TRMC

I hereby certify that the above shown notice was removed from the posting location at the Buda City Hall, 121 Main Street, Buda, Texas 78610, at _____ on the _____ day of _____ 2011 and satisfies the 72-hour posting requirement.

Toni Milam, City Secretary, TRMC

City of Buda
Home Rule Charter Review Committee Meeting Minutes
May 19, 2011 – 6:30 p.m.

A. CALL TO ORDER

City Secretary, Toni Milam called the May 19, 2011 Home Rule Charter Meeting to order at 6:33 p.m.

B. ROLL CALL

Mark Brinkley - Present
Michael Britton - Present
Benita Gunn - Present
John White - Present
Jose Montoya - Present
Carolyn Fees - Present
Stephen Cooper – Absent
Colin Strother – Present
Tommy Poer – Absent

Those in attendance from City Staff:

City Manager – Kenneth Williams
City Attorney – Ross Fischer
City Secretary – Toni Milam

- C. PUBLIC COMMENTS** At this time, comments will be taken from the audience on non-agenda related topics, for a length of time not to exceed three minutes per person. To address the Home Rule Charter Commission, please submit a Citizen's Comment Form to the City Secretary **prior** to the start of the meeting. *No action may be taken by the Home Rule Charter Commission during Public Comments*
No public Comments were made

D. REGULAR AGENDA ITEMS

1. Discussion and selection of the Committee's Chairperson and Co-Chairperson.

Toni Milam, City Secretary

Motion by Colin Strother, with a second by Michael Britton to nominate Mark Brinkley as Chair of the Home Rule Charter Review Committee. Motion approved.

Motion by Michael Britton, with a second by Chair Mark Brinkley to nominate Carolyn Fees as Co-Chairperson of the Committee. Motion approved.

2. Discussion regarding the process for reviewing and recommending possible amendments of the City charter and other related matters.

Kenneth Williams, City Manager/Ross Fischer, City Attorney

Discussions were held with the Committee regarding the process for reviewing and recommending possible amendments of the City Charter. Some of the suggestions made were that the Charter outlines the specifics of how long the Committee will meet, no longer than 9 months. The Committee will be looking for the Mayor, Council and Staff's input as each Article is presented. It was discussed that a survey be sent out. Rather than expending the month on sending a survey out to the public, it was suggested that the utility bill be utilized for requesting the input from the public. It was also suggested that once the Charter has been thoroughly reviewed that the committee bring the Charter revisions to

each Board and Commission for their input and to share how the Committee came up with the proposed revisions being presented. The Committee came to a consensus that 3 possibly 4 Articles be presented at each Charter Review meeting for discussion and input. No formal action was taken on this item.

3. Discussion and possible action regarding future meeting dates and times.
Although no formal action was taken, a consensus of the Committee was that they would meet monthly on the 2nd Thursday of each month at 7:00 p.m.

E. HOME RULE CHARTER REVIEW COMMITTEE REQUESTS FOR FUTURE AGENDA ITEMS

No deliberation or discussion may take place by the City Council during this agenda item

F. ADJOURNMENT 7:25 p.m.


Motion by Member Strother, with a second by Member Fees to adjourn.

Toni Milam, City Secretary, TRMC

Memo

**PRIVILEGED & CONFIDENTIAL
ATTORNEY/CLIENT WORK PRODUCT
NOT A PUBLIC RECORD**

To: City of Buda Charter Review Committee

From: Ross Fischer, City Attorney 

Date: June 3, 2011

Re: Legal issues impacting Articles I, II, and IV of the Buda Charter

This memorandum is intended to identify state laws relevant to the Charter provisions currently under review.

Article I (“Form of Government and Powers”)

Establishment. The Local Government Code instills home rules cities with significant discretion in adopting a form of government. Local Government Code 26.021 states that a home rule “municipality may adopt and operate under any form of government...”

Eminent Domain. Section 1.04 of the Charter sets forth the City’s power of eminent domain. The provision is a general grant of authority, similar to that found in Local Government Code 251.001, which gives cities the right to condemn private property for public purposes. The existing Charter language recognizes the limitation on the power of eminent domain found in Government Code 2206.001, which limits a city’s ability to use eminent domain for economic development purposes or to benefit a private individual. Government Code 2206.001 is still good law, and there is no reason to modify the Charter’s reference to this statutory limitation.

Article II (“Boundaries”)

Boundaries. Local Government Code Chapter 41 sets forth the obligation for a City to maintain a map of the city limits and extraterritorial jurisdiction, and to make sure the map is kept current in light of annexations and other changes to relevant boundaries. The Charter also contains a provision granting the City broad authority to disannex territory; this discretion is contemplated by Local Government Code 43.142, which states that a “home rule municipality may disannex an area in the municipality according to rules as may be provided by the charter of the municipality and not inconsistent with the procedural rules prescribed by this chapter.” The existing charter language maximizes

the City's authority, but respects the statutory procedure found in the Local Government Code.

Article IV ("Elections")

Texas Election Code 143.005 provides that a city "charter may prescribe requirements in connection with a candidate's application for a place on the ballot of a home rules city." However, a home rule city may not adopt requirements governing whether an application is timely filed, and the timeliness of a ballot application is governed solely by the Election Code. The Election Code places restrictions on a home rule city's ability to charge an application fee or to require a petition of applicants.

However, a recently passed piece of legislation – which is awaiting the Governor's signature – could significantly impact a city's ability to conduct an election in even-numbered years. In order to comply with federal law, counties will be required to permit U.S. troops deployed overseas more time to receive and return primary ballots. Consequently, counties will likely become unable to contract with cities to conduct elections in May of those even-numbered years. As a result, cities will not be able to rely on county election administrators to conduct those May elections. Practically speaking, the City has three potential options: (1) purchase voting equipment and conduct its own elections, which will be an expensive endeavor; (2) lease voting equipment in even-numbered years and conduct its own elections (also an expensive venture); or (3) move municipal elections from May to the uniform election date in November.¹

In the event that the City chose to move its general election to November, those council members up for election in May 2012 could be permitted to remain in office until facing election in November, essentially extending their terms by six months. Attached is a recent article from the Austin American Statesman that deals with the new legislation and its potential impact on that city's election process.

I recommend that this topic be discussed at the Charter Review Commission's June meeting, but that a recommendation is deferred until later in the charter review process. This will provide time for interested parties – including the Texas Municipal League, Secretary of State, and impacted officeholders – time to fully analyze the available options. It is actually advantageous that the City of Buda is able to address this election issue during its charter review process.

¹ Because the Charter provides for three-year council terms, there will be a city election each year. Another, more extreme, option would be to shorten council terms to two years, and have all council members elected in May of each odd-numbered year. This would drastically change the way in which the City elects its council members, and could potentially result in an entirely new council being seated every other year.

Legislation could mean an end to May municipal elections in even-numbered years

By Marty Toohay

AMERICAN-STATESMAN STAFF

Published: 10:38 p.m. Wednesday, June 1, 2011

A legislative proposal awaiting Gov. Rick Perry's signature would effectively end May municipal elections in some Texas counties during even-numbered years. That would mean four Austin City Council members, including Mayor Lee Leffingwell, could serve for an extra six months next year before facing re-election, throwing the political dynamics of next year's mayoral campaign into flux.

The proposal would give U.S. troops deployed overseas more time to receive and mail back their ballots in party primary elections. The change is mandated by a federal law passed in 2009 .

But in a sort of domino effect, Texas would wind up holding more elections in May than some counties can handle, said Travis County Clerk Dana DeBeauvoir , who is legislative liaison for the County and District Clerks Association of Texas.

In the case of Travis County, DeBeauvoir said, her office could not run Austin's May 2012 election.

"There wouldn't be much of a choice," DeBeauvoir said. "We do not have the time and resources to run the city's election and satisfy the new requirements for the state primaries."

That would probably force Austin to move the May 2012 election to November. Voters usually have to approve such a change, but the legislation allows the City Council to make that call. City Council members up for re-election in May, in addition to Leffingwell, are Sheryl Cole, Mike Martinez and Bill Spelman.

Austin could still keep the May election date. But that would require the city to conduct its own election. The city would probably have to spend around \$9 million to buy voting machines, hire new workers and purchase additional equipment, Leffingwell said.

"When I first heard about it on Friday, I thought it was a joke and we're still trying to digest all this," Leffingwell said. But, he added, "It seems to me highly unlikely we will have an election in May 2012. You don't find that sort of money lying around."

Changing the election date could significantly affect Austin politics. But political observers say it's difficult to predict exactly how.

Austin and many other Texas cities hold municipal and school board elections in May to ensure they aren't lost amid the higher-profile state and federal races.

For the past 30 years, only about 35,000 or so people have voted consistently in Austin city elections, even as the city's population has swelled, said Peck Young , a longtime Austin political observer. Turnout is now abysmal, with somewhere between 7 percent and 13 percent of the registered voters showing up to the polls. Energized neighborhood groups, environmental activists and some Democratic clubs hold outsize influence. Slightly more than 7 percent of Austin's registered voters cast ballots in this year's May election.

A November 2012 election, by contrast, would be paired with a presidential contest and state races. If history is any guide, it would draw a much larger pool of voters, including the younger ones who turned out in force for Barack Obama in 2008, Republicans eager to vote against Obama and casual voters who

Legislation could mean an end to May municipal elections in even-numbered years

don't pay close attention to city politics.

In 2008, 65 percent of the city's registered voters cast ballots.

"Austin is still going to be a very blue city," political consultant Mark Littlefield said. "What changes is that a few small but politically important groups that are very influential in May may be somewhat less so in November. They're still important, but not the be-all, end-all. Who that change favors, I'm not sure."

Young said a November election would be decided by voters who don't pay attention to city issues.

"Judging by the turnout in local elections, most people in Austin don't know or care who's on the City Council," he said. "If the candidates don't have high enough name ID — and I think only the mayor might, because of the media attention — this becomes the electoral equivalent of throwing darts. Holding the election in November is the stupidest idea I've heard this year, and it shouldn't happen because we're too cheap to fund elections."

In one way, at least, a November election would help Leffingwell. He wants to put several potentially contentious proposals to the voters in November 2012. They include issuing bonds to build a first segment of an urban rail system, establishing City Council seats that represent districts, extending council terms from three to four years, and moving the city's elections to November of odd-numbered years.

If Leffingwell were to lose in a May election, he would also lose a bully pulpit from which to advocate his proposals. If the mayoral election were moved to November 2012, he could push his agenda all the way to the election, and perhaps even link a re-election bid to it.

Leffingwell has not announced whether he will seek a second term but said Wednesday that, "I've always planned, tentatively, to run again."

The legislation awaiting Perry's signature was filed by Sen. Leticia Van de Putte, D-San Antonio, and Rep. Van Taylor, R-Plano. It addresses a federal requirement that election officials mail overseas ballots at least 45 days before Election Day.

The scheduling problem would arise in the case of a runoff election, required when no candidate earns 50 percent of the vote in a party primary. Van de Putte's legislation pushes the runoff date from April to May 22, which is just 10 days after Austin's 2012 municipal election. Early voting for the runoff would start just two days after the local election.

"I can't make that turnaround," DeBeauvoir said. She said the voting machines require far longer than one day to test and reprogram, adding that she thinks a runoff is likely next year and must be accounted for when her budget is set in September.

Williamson County Election Administrator Rick Barron said his office would face similar difficulties.

"I can't imagine us conducting any of the May elections" for cities and school boards next year, Barron said.

If the second Saturday in May is out, the first Tuesday in November is the only other day available for Travis, Williamson and other counties to hold municipal and school board elections.

Van De Putte said she knew some communities would be inconvenienced but that her proposal was the best way to deal with the federal mandate without changing the date of the March primary.

"The goal is to ensure none of our military voters are disenfranchised," Van de Putte said. "We left in as much flexibility as we could to achieve that goal."

mntoohy@statesman.com; 445-3673

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Bill may alter area election schedule

By MATTHEW WATKINS

matthew.watkins@theeagle.com
Published Sunday, June 05, 2011 12:11 AM

A possible change in state law may mean that Bryan and College Station will have to change when they hold local elections.

The options the cities are considering include moving them to November, or changing the term length of city council and mayor seats so that elections come every other year.

Senate Bill 100, which was approved by both houses of the Texas Legislature and is awaiting Gov. Rick Perry's signature, is the cause. It would move primary runoffs for state, local and national office from April to the fourth Tuesday in May.

The reason, its proponents say, is to give military and other overseas citizens more time to mail in absentee ballots. Texas' primary elections are held in March. Currently, a runoff is scheduled for April if no candidate receives more than 50 percent of the vote. But that violates a new federal law that mandates that voters have 45 days in federal elections to receive and mail back their ballots.

If the bill becomes law, early voting for runoffs would overlap the May municipal elections. Brazos County doesn't have the resources to run two elections at once, meaning the cities will either have to buy expensive voting equipment or move their uniform election date, officials said.

Buying new equipment could cost as much as \$500,000 for each city.

"Even if we cut our polling places drastically, it would still cost us a lot of money -- money we don't have right now," said Bryan City Secretary Mary Lynne Stratta.

It would likely cost about the same -- if not more -- for College Station, which has 17,656 more people.

The decision on how to handle the situation will eventually be up to the city councils. But both cities' secretaries said they are already reviewing the options. Similar reviews are going on across the state.

"Cities are not very happy about this," said College Station City Secretary Sherry Mashburn.

Two plausible alternatives include moving city elections to November or changing term lengths so that elections only fall on odd-numbered years, when there are no state and national primaries.

Moving to November would likely increase turnout because city elections would be on the ballot with races for president, governor and U.S. Congress. But the local races would also have to compete for attention with those high-profile elections.

The city races would be at the bottom of the ballot, and voters cast a straight-ticket ballot might miss them, Stratta said.

Also, any runoffs would likely come in December, when many students and their parents leave town for winter break. Stratta said she thinks that her city could fit an election in before school gets out, but that it would be close.

Moving the elections to November would extend the terms of four local council members by six months. Bryan council members Mike Southerland and Art Hughes and College Station council members Katy-Marie Lyles and Dave Ruesink will have their terms expire in May 2012.

The other option, changing terms lengths, would keep the races in May. Currently, Bryan and College Station elected officials serve staggered three-year terms, meaning there is an election every year. If the terms were two years or four years, then municipal elections could be held only in years where there is no primary election.

Both city secretaries said they plan to brief their city councils on the options soon.

The Killeen Daily Herald

If signed, bill could extend terms of city councilmen

Posted On: Saturday, Jun. 4 2011 11:22 PM

By Philip Jankowski
Killeen Daily Herald

A bill on its way to Gov. Rick Perry for final approval may cause several local elected officials' current terms to be extended six months.

The law is intended to bring Texas up to new 2009 federal standards for absentee voters stationed overseas. It allows more time for soldiers to receive and mail back their ballots. But as an unintended consequence, municipal elections scheduled for May next year may have to be moved to November.

During even-numbered years when federal elections are held, federal primary runoffs would be pushed from April to May. In 2012, it would mean only a 10-day difference between the scheduled dates for the May 12 municipal election and the May 22 primary runoff. Early voting for the runoff would begin two days after the municipal election.

Bell County Clerk Shelley Coston said while it is possible to hold two elections in such a small amount of time, it is not practical.

"In 10 days, you have to do so much prep for an election that to get it done in 10 days, I guess you could say anything is possible. Feasible? No," Coston said.

Coston's interpretation of the bill, authored by Sen. Leticia Van de Putte, D-San Antonio, and Rep. Van Taylor, R-Plano, is that municipal elections in even-numbered years would have to be either moved to November of that year or to May of the following year.

For example, the May 2012 election would be moved to November 2012 or May 2013.

For Killeen, it would mean all at-large council members would have their terms extended six months. That means Mayor Tim Hancock, Mayor Pro Tem Scott Cospier, Larry Cole and Billy Workman would continue to serve for an additional half a year.

It also affects the terms of Harker Heights Councilman Sam Murphey and Mayor Pro Tem Spencer Smith, as well as Killeen Independent School District Board of Trustees President Ron Rainosek and Trustee Minerva Trujillo.

Killeen's city charter outlines that terms are supposed to begin and end in May. But there are legal frameworks in place that would allow council members to remain in their elected posts after their terms technically expire.

City Attorney Kathy Davis said she is familiar with the legislation.

"City staff are still reviewing this bill and the effect it will have on our election processes. The bill does have a provision allowing for the council to pass a resolution to conform council terms to this new law, and there are also holding-over provisions in elections law generally that address what happens when a council member's term is up but his successor has not yet been qualified to take over," Davis said in an emailed statement.

Cities and school districts maintain the opportunity to run their own elections in May. However, county equipment would not be available. Coston said it takes a certain amount of time to reprogram voting machines and assemble the framework of people to staff elections.

When reached Friday, Hancock said he was unaware of the legislation and the effect it would have on his term. Hancock is term limited and said he was fully prepared to step down next May.

Hancock said he supports any legislation that would allow for more soldiers to vote, noting that only 1,600 of 54,000 registered voters cast ballots in the last municipal election.

Having a municipal election at the same time as the 2012 presidential election would also increase voter turnout.

"If this is going to help increase voter turnout, then I think that is the best thing that can happen," Hancock said.

Contact Philip Jankowski at philipj@kdhnews.com or (254) 501-7553.

SAMPLE ARTICLE I FROM OTHER CITIES:

CITY OF KYLE:

INCORPORATION, FORM OF GOVERNMENT AND POWERS OF THE CITY

Section 1.01. Incorporation. The inhabitants of the City of Kyle, Texas, within the corporate limits as now and as hereafter established, extended and modified, shall continue to be and are hereby constituted a body politic and corporate in perpetuity under the name of the "City of Kyle," hereinafter referred to as the "city," with such powers, privileges, rights, duties, and immunities as herein provided.

Section 1.02. Form of Government. The municipal government shall be, and shall be known as, the "councilmanager" form of government. Pursuant to the provisions of, and subject only to the limitations imposed by, the state constitution, state laws, and this charter, all powers of the city shall be vested in and exercised by an elective governing body, hereinafter referred to as the "city council" or "council". The council shall enact legislation, adopt budgets, determine policies, make appointments to positions as provided herein, and appoint the city manager who shall execute the laws and administer the government of the city.

Section 1.03. Rights Reserved. All suits, taxes, penalties, fines, forfeitures, and all other rights, claims and demands, of every kind and character, which have accrued under the laws in favor of the city shall belong to and vest in the city; shall not abate by reason of the adoption of this charter; shall be prosecuted and collected for the use and benefit of the city; and shall not be in any manner affected by the taking effect of this charter; but as to all of such rights, the laws under which they shall have accrued shall be deemed to be in full force and effect. The budget and all ordinances, rules and regulations of the city shall be and remain in effect, subject to the terms of this charter and the future discretion and vote of the council. All present commissions, boards and officers of the city shall continue in office subject to the provisions of this charter, including, but not limited to, the provisions governing election and removal, and the council's exercise of the authority conferred by this charter. 2

Section 1.04. General Powers. The city shall possess and may exercise the full power of local selfgovernment and shall have all powers possible and lawful for a home rule city to have under the constitution and laws of the State of Texas, as fully and completely as though each such power were specifically enumerated in this charter. The city shall not have any authority or power that conflicts with state law. It is specifically provided that:

(a) The powers and authority of the city shall include but shall not be limited to any power and authority necessary, useful or desirable to accomplish any public or lawful purpose, or to provide for the advancement of the interest, welfare, health, morals, comfort, safety,

Exhibit A

economic well being, or convenience of the city and its inhabitants; provided that all such powers, whether expressed or implied, shall be exercised and enforced in a manner that is not inconsistent with this charter or state law, and when not prescribed herein, in such manner as is provided by ordinance or resolution adopted by the city council.

(b) The enumeration of particular powers in this charter shall not be held or deemed to be exclusive, and, in addition to the powers enumerated herein, the city shall have all other powers which, under the constitution and laws of the State of Texas, it would be proper for this charter to specifically enumerate, including all powers of local government not clearly denied the city by state law. The city shall have and may exercise all the powers conferred upon cities of every class by the Texas Constitution or state and federal law, including all powers of local government that can be conferred on home rule cities pursuant to *Art. 11, Sec. 5, Tex. Const.*, or that are conferred by any existing or future law relating to the powers and authority of cities, together with all the implied powers necessary to carry into execution any such power.

(c) The city may exercise any of its powers and perform any of its functions by contract with, or in cooperation with, the state government or any agency or any political subdivision thereof, or with the federal government or any agency thereof, and, to the extent not inconsistent with state law or this charter, by contract with any person, firm or legal entity.

(d) Under the name of the city it shall be known in law and have succession and be capable of contracting and being contracted with; being sued and impleaded as authorized in this charter or by state law; suing and impleading at law or in equity and being answered to in all courts and tribunals; provided that the city shall have sovereign immunity and its officers and employees shall have qualified governmental immunity. The officers of the city are the members of the city council, the city manager, municipal judge, city attorney and members of all standing boards and commissions appointed by the city council, and the department heads and the sworn law enforcement personnel appointed by the city manger.

Section 1.05. Particular Powers. In addition to the foregoing general powers and the other powers and authority set forth in this charter, the city may use a corporate seal; own, acquire, purchase, lease, hold, manage, control, convey and sell any character of property, whether real, personal or mixed, including any charitable or trust fund, situated within, or without, the limits of the city, as the purposes of the city may require for any public purpose in fee simple or in any lesser interest or estate by purchase, gift, devise, lease or condemnation; contract with, own, lease, operate and regulate public utilities and services; assess, levy and collect taxes for general and special purposes; borrow money on the revenues and/or the faith and credit of the city, by the issuance and sale of bonds, certificates of obligation, warrants, notes or any other evidence of indebtedness or obligation of the city; appropriate city funds and monies for any public purpose; regulate and control the use, for whatever purpose, of the streets and other public places; make and enforce regulations to protect the public safety, health, welfare, interests, comfort and well being; pass such ordinances as may be expedient for the protection and maintenance of good government, for the peace, safety, welfare, comfort

and quality of life of the city and its citizens, for the performance of the functions of the city and for the order and security of the city and its residents; zone and regulate the development and use of land and all other property; provide suitable penalties for the violations of any ordinance; and exercise all municipal powers, functions, rights, privileges and immunities of every name and nature whatsoever.

Section 1.06. Power of Eminent Domain. The city shall have full power and right to exercise the power of eminent domain for any public purpose or as necessary or desirable to carry out any power conferred by this charter. The city shall have and possess the power of condemnation for any such purpose even though such power of eminent domain is not otherwise specifically enumerated in this charter or in state law. The city may exercise the power of eminent domain in any manner authorized or permitted by state law and, in those instances in which state law does not authorize, permit or establish the procedures, method of establishing value, or other requirements for condemnation and the exercise of the power of eminent domain, the city council shall by ordinance establish the process, rules and procedures for valuing the property and property interests to be condemned.

Section 1.07. Annexation and Disannexation. The council may by ordinance unilaterally annex or disannex any land, property or territory upon its own initiative, or upon a petition submitted by a majority of the voters residing within the territory being annexed or disannexed, upon petition by the owners of property, or upon a petition signed by a majority of the property owners in a platted subdivision. The council may disannex or release extraterritorial jurisdiction when in the best interest of the city. The procedure for the establishment, modification or extension of the city boundaries, and the annexation or disannexation of territory, may not be inconsistent with any applicable requirements and limitations established by state law; provided that absent procedures being established by state law the action may be taken by ordinance adopted after two public hearings are held at least ten (10) but not more than twenty (20) days after notice of such public hearings are published in a newspaper of general circulation in the city. Upon final passage of an ordinance, fixing, establishing or modifying the boundaries of the city, or annexing or disannexing any property by any method prescribed herein, the boundaries of the city shall be so extended or modified as provided in such ordinance. Upon an ordinance annexing property into the city, the territory described in the ordinance shall become a part of the city, and the said land and its residents and future residents shall be bound by the acts, ordinances, codes, resolutions and regulations of the city.

Section 1.08. Streets and Public Property. The city shall have exclusive dominion, control, and jurisdiction, in, upon, over, and under the public streets, sidewalks, alleys, highways, public squares, public ways and public property within the corporate limits of the city. With respect to all such facilities and public property, the city shall have the power to establish, maintain, alter, abandon, or vacate the same; to regulate, establish, or change the grade thereof; to control and regulate the use thereof; and to abate and remove in a summary manner any encroachment. The city may develop and improve, or cause to be developed and improved, any and all public streets, sidewalks, alleys, highways, and other public ways within the city by laying out, opening, narrowing, widening, straightening,

extending and establishing building lines along the same; by purchasing, condemning, and taking property therefor; by filling, grading, raising, lowering, paving, repaving, and repairing, in a permanent manner, the same; by constructing, reconstructing, altering, repairing, and realigning curbs, gutters, drains, sidewalks, culverts, and other appurtenances and incidentals in connection with such development and improvements; and may make or cause to be made any one or more of the kinds or classes of development and improvement authorized hereinabove, or any combination or parts thereof.

BOUNDARIES OF THE CITY

Section 2.01. Boundaries. The boundaries and limits of the city shall, until changed in the manner herein provided, be the same as have heretofore been established and as exist on the date of the adoption of this charter. The boundaries and territorial limits of the city may from time to time by ordinance be fixed, decreased, modified or extended, and property may be annexed into the city or disannexed from the city, with or without

ELECTIONS

Section 5.01. Notice and Order for Elections. City elections shall be ordered and notice thereof given as provided in the Texas Election Code, and the council shall establish the procedures and order elections except as provided therein. If not otherwise provided for by state law, all elections shall be ordered at least thirty (30) days prior to the date of election and notice shall be given by publication not more than thirty (30) days and not less than twenty (20) days immediately preceding the date of election. Notice of election shall be published in a newspaper published within the city, and if there be no such publication notice shall be published in a newspaper of general circulation within the city.

Section 5.02. General Elections. The general city election shall be held annually on the first Saturday in May, or if such not be authorized the date nearest thereto as may be established by law. The mayor and councilmembers shall be elected by majority vote.

Section 5.03. Special Elections. The council may by ordinance call such special elections as are authorized by this charter or state law, fix the time of holding such elections, and provide all means for holding such special elections; provided that every special election shall be held on a Saturday, or a uniform election date, unless otherwise provided by law or this charter.

Section 5.04. Conduct of Elections. All elections shall be held in accordance with state law and the ordinances adopted by the council for the conduct of elections. The council shall appoint the election judges, provide for other election officials, and establish and alter the voting precincts by ordinance. In the absence of state law providing regulations for the conduct of any election the council shall provide such regulations by ordinance.

Section 5.05. Filing for Office. Candidates for office shall make application for a place on the ballot within the times prescribed by the Texas Election Code. In the absence of a filing

deadline established by state law, applications for a place on the ballot shall be filed no later than 5 p.m. of the last business day that is 45 days before election day. All applications shall designate the position sought and applications for councilmember shall include the Place number. It shall be the duty of the city secretary to place the name of all qualified candidates, making timely application, on the official ballot. Each candidate for the council or any other elective office shall meet the following qualifications: (a) Have all the qualifications for a councilmember as described in Section 3.02 of this charter. (b) No candidate may file for more than one (1) office or place per election. (c) A candidate for Place 2, 4 or 6 must meet the residency requirements for the district to which such Place number is assigned. (d) Each candidate shall file such application as required by ordinance.

Section 5.06. Polling Places. The council shall establish one or more election precincts and provide polling places as necessary for city elections. Until established otherwise by ordinance, the entire city shall be one election precinct and the city hall or the city hall annex shall be the polling place for all city elections.

Section 5.07. Official Ballots.

(a) **Names on Ballot.** The name of each qualified candidate for office, except those who withdraw, die or become ineligible two business days or more prior to the start of early voting, shall be printed on the official ballots without party designation or symbol in the form designated by the candidate. If two or more candidates have the same surname or surnames so similar as to be likely to cause confusion, their residence addresses shall be printed with their names on the ballot. (b) **Order of Listing.** The order on the ballot of the names of the candidates shall be determined by lot in a drawing to be held under the supervision of the city secretary. (c) **Early Voting.** Procedures for early voting shall be consistent with the Texas Election Code. (d) **Ballots On Measures.** Ballots for ordinances, bond issues, and charter amendments shall be presented for voting by ballot title. The ballot title of a measure may differ from its legal title but shall be a clear, concise statement, approved by majority of the council, describing the substance of the measure without argument or prejudice. Below the ballot title shall appear the following question: "Shall the above described (ordinance) (bond issue) (amendment) be adopted?" Immediately below or to the left of such question shall appear, in the following order, the words "Yes" and "No" each with a square in which the voter may cast his or her vote by marking a cross (X) or other mark; provided the requirements of this section may be varied, not inconsistent with state law, as necessary for use of an electronic voting system. (e) **WriteIn Votes.** Procedures for writein votes shall be consistent with the Texas Election Code.

Section 5.08. Voters and Voting. Every registered voter who has been a resident of the city for thirty days or more prior to the date of the election shall be entitled to vote in city elections. Early voting and the hours the polls are open shall be as established by state law, or, absent state law providing therefor, as established by ordinance. Write in votes shall be permitted only in compliance with the Texas Election Code.

Section 5.09. Election by Majority. The mayor and councilmembers shall be elected by majority vote. No measure shall be adopted except by a majority vote and a tie vote shall defeat the measure.

Section 5.10. Canvassing. The returns of every municipal election shall be delivered by the election judges to the city secretary at city hall not later than twelve hours after the closing of the polls. The city council shall canvass the returns in accordance with state law. The returns of every municipal election shall be recorded in the minutes of the council by totals for each candidate, or for and against each issue submitted.

Section 5.11. RunOff Election. If no candidate for an elective office receives a majority of the votes cast for that position in the regular or special election, a runoff election shall be held between the two (2) candidates who received the greatest number of votes. Such runoff election shall be held in accordance with State election laws on the third Saturday following the election. The candidate receiving the highest number of votes cast for the office in the runoff election shall be declared elected and if the runoff results in a tie vote, the tie shall be broken in a manner that is not inconsistent with the Texas Election Code, or by lot or chance as agreed by and between the candidates.

Section 5.12. Term of Office. The mayor and each councilmember shall serve until his or her successor is elected or appointed and qualified to serve. The regular term of office of the mayor and the councilmembers shall commence on the first Tuesday following the canvass of the election at which they receive a majority vote. A member of the council elected in a runoff election shall take office on the first Tuesday following the day on which the votes for the runoff election are canvassed. The remaining term of a member of council elected at a special election shall commence on the first Tuesday after the canvass of votes for the election at which they receive a majority of the votes cast for the office.

CHARTER OF THE CITY OF GRANITE SHOALS, TEXAS

FORM OF GOVERNMENT AND BOUNDARIES

FORM OF GOVERNMENT

The municipal government provided for by this Charter shall be known as the "Council-Manager" form of government. Pursuant to its provisions, and subject only to the limitations imposed by the Constitution, laws and statutes of the State of Texas and by this Charter, all powers of the City of Granite Shoals (hereinafter referred to as the City) shall be vested in an elected City Council (hereinafter referred to as the City Council) which shall enact local legislation, adopt budgets, determine policies and appoint a City Manager, who in turn, will be held responsible to the City Council for the execution of the laws and the administration of the government of the City. All powers of the City shall be exercised in the manner prescribed by this Charter, or if the manner not be prescribed, then in such manner as may be prescribed by ordinance or the Constitution, laws or statutes of the State of Texas.

BOUNDARIES

The inhabitants of the City, Burnet County, Texas, residing within its corporate limits, as heretofore or hereafter established, are hereby constituted and shall continue to be a municipal body politic and corporate, in perpetuity, under the name of the "City of Granite Shoals" with such powers, privileges, rights, duties, authorities and immunities as are herein provided, or as allowed by law.

EXTENSIONS OF BOUNDARIES

The boundaries of the City may be enlarged and extended by the annexation of additional territory, irrespective of size and configuration, by the methods hereinafter set forth:

- (1) The City Council shall have the power by ordinance to fix the boundary limits of the City and to provide for the alteration and extension of said boundary limits and the annexation of additional territory, in any manner provided by law.

- (2) When any additional territory has been so annexed, the same shall be a part of the City and the property situated therein shall bear its pro rata part of the taxes levied by the City. The inhabitants thereof shall be entitled to all the rights and privileges of the other

Exhibit B

citizens of the City and shall be bound by the acts, ordinances, resolutions and regulations of the City.

CONTRACTION OF BOUNDARIES

Whenever, in the opinion of the City Council, there exists within the corporate limits of the City a territory not suitable or necessary for City purposes, the City Council may discontinue said territory as part of the City in accordance with state law.

-POWERS OF THE CITY

GENERAL POWERS OF THE CITY

The City shall have all powers and rights of self-government and home rule that exist now or may be granted to municipalities by the Constitution and laws of the State of Texas, unless such power or right is expressly prohibited or restricted by this Charter.

SECTION 2.02 PUBLIC IMPROVEMENTS

The City shall have the power to, among others, construct and maintain, within or without its corporate limits, streets, flood control and sanitary facilities, water and storm drainage facilities in, over, under or upon all public property or easements granted for that purpose and to levy assessments for the costs of such improvements. The City shall have the power to collect attorney's fees for the collection of assessments in foreclosure cases as allowed under state law. It shall have the power to cause liens to be established for the purpose of securing the payment of such levies and shall have the power to compel the use of such improvements by the citizens of the City.

INTERGOVERNMENTAL RELATIONS

The City may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with any one or more states or any state civil division or agency, or the United States or any of its agencies.

MISCELLANEOUS POWERS

The City shall have the power to, among others, establish and maintain ordinances and regulations governing the use of lands within the City and to enforce, by all lawful means, these ordinances and regulations, within its corporate limits and its extraterritorial jurisdiction, consistent with state law. The City shall have the power to authorize, regulate and inspect all construction and existing structures within its corporate limits and its extraterritorial jurisdiction, consistent with state law, and to establish and enforce ordinances and regulations concerning their use, construction and reconstruction. The City shall have the power to license and regulate persons, corporations and associations engaged in any business, occupation, profession or trade in accordance with state law. The City shall have all powers granted by any section of this Charter.

NOMINATIONS AND ELECTIONS – CITY OF GRANITE SHOALS

CITY ELECTIONS

- (1) All City elections shall be conducted in accordance with the Texas Election Code and other applicable law.**

- (2) The general City election shall be held annually on the first Saturday in May or such date as required by the Texas Election Code. The City Council shall be responsible for specification of places for holding such elections.**

- (3) The City Council may, by resolution, order a special election for purposes consistent with this Charter and laws of the State of Texas. The City Council will fix the time and places for such a special election and provide all means for holding same.**

- (4) Municipal elections shall be conducted by election officials appointed by the City Council, or as prescribed by law. Sample ballots, identical in format to those used in the specific election, shall be posted in the voting place(s) for the purpose of voter orientation.**

- (5) All municipal elections shall be publicized in accordance with the Texas Election Code.**

- (6) A sample ballot shall be published twice in the official newspaper of the City prior to the date of the election.**

FILING FOR OFFICE

- (1) Candidates for elective City offices shall file for office in accordance with the Texas Election Code.**

- (2) Candidates for elective City offices shall meet the following qualifications:**

(A) Shall be a qualified voter at the time of the election for which they are filing;

(B) Shall have resided within the corporate limits of the City, or recently annexed territory, for at least twelve (12) months prior to the filing date;

(C) Shall not, at the time of filing or while in office, be in arrears in payment of taxes or other liabilities due the City after the expiration of thirty (30) days following the providing of notice of any delinquency;

(D) No candidate may file in a single election for more than one (1) elective office or position;

(E) No employee of the City shall continue in such position after filing for an elective City office; and

(F) Shall comply with all other City ordinances and/or resolutions that may be applicable.

OFFICIAL BALLOTS

- (1) The name of each candidate seeking elective office, except those who have withdrawn, died or become ineligible, shall be printed on the official ballot in the form designated by the candidate in accordance with the Texas Election Code. If two (2) or more candidates have the same surname, their residence addresses shall be printed with their names on the ballot.**

- (2) The order of the names of the candidates on the ballot shall be determined by lot in a public drawing to be held under the supervision of the person performing the duties of the City Secretary in accordance with the Texas Election Code.**

- (3) Procedures for voting by absentee ballot shall be consistent with the Texas Election Code.**

- (4) An ordinance, bond issue, or Charter amendment to be voted on by the voters of the City shall be presented for voting by ballot title. The ballot title of a measure may be different from its legal title and shall be a clear, concise statement, approved by the City Council, describing the substance of the measure without argument or prejudice.**

- (5) Procedures for write-in votes shall be consistent with the Texas Election Code.**

OFFICIAL RESULTS

- (1) The candidate for Mayor that receives the highest number of votes cast shall be elected, and in each election for a place on the City Council, the candidate for City Council that receives the highest number of votes cast shall be elected. In the event of a tie, the City Council shall, upon completion of the official canvass of the ballots, issue a call for a runoff election to be held within thirty (30) days following the issuance of such call, or in accordance with the Texas Election Code, unless the candidates agree to an alternative resolution in accordance with the Texas Election Code.**

- (2) The returns of every municipal election shall be handled in accordance with the Texas Election Code. These returns shall be delivered from the election judges to the person performing the duties of the City Secretary and the Mayor at City Hall as soon as possible after the closing of the polls. Election returns, general and special, shall be**

presented to the City Council at their next meeting following the election, at which time the City Council shall canvass and declare the results of the election, which shall be recorded in the minutes of the meeting.

TAKING OF OFFICE

(1) Each newly elected person to the City Council shall be inducted into office at the first regular City Council meeting following the election.

(2) At such meeting, the oath of office shall be administered in accordance with state law.

City of Schertz

NAME OF CITY AND BOUNDARIES

Section 1.01 Name.

Those persons residing within the limits of the City, as those limits now are or as they may be in the future changed, are hereby constituted and shall continue to be a municipal body politic to exist in perpetuity under the name "CITY OF SCHERTZ" hereinafter referred to as the "City". (Election of 5-3-97)

Section 1.02 Boundaries; Extension, Annexation and Disannexation.

(a) **Boundaries.** The bounds and limits of the City are hereby established and described as those which exist under authority of the current City ordinances and displayed on a map maintained by the City Secretary and those boundaries established and changed hereafter as provided; such map to be maintained hereafter by the City Manager and maintained in a public place.

(b) **Extension of Boundaries; Annexation of Territory.** The City Council shall have the power by ordinance to annex territory lying adjacent to the City, with or without the consent of the owners or inhabitants thereof, thereby extending and enlarging the bounds and limits of the City. Such annexations shall be limited and controlled by the applicable annexation laws of the State.

(c) **Disannexation.** Any area hereafter annexed under this Charter and the law of this State may be disannexed only in accordance with State law. (Election of 5-3-97, 5-13-06)
[End of Article I] 50116599.1 3

POWERS OF THE CITY

Section 2.01 General Powers.

The City shall have all the powers granted to cities by the Constitution and general laws of the State together with all of the implied powers necessary to execute such granted powers. The City may use a corporate seal; may sue and be sued; may contract and be contracted with; may cooperate with the government of the State or any agency or any political subdivision thereof, or with the federal government or any agency thereof, to accomplish any lawful purpose for the advancement of the interest, welfare, health, morals, comfort, safety, and convenience of the City and its inhabitants; may acquire property within or without its corporate limits for any municipal purpose in fee simple, or in any lesser interest or estate, by purchase, gift, devise, lease or condemnation; may sell, lease, mortgage, hold, manage, improve, and control such property as may now or hereafter be owned by it; may issue bonds upon the credit of the City for the purpose of making permanent public improvements or for other public purposes in the amount and to the extent permitted by applicable law, subject to the approval of the voters of the City as required by State law; and may pass ordinances and enact such regulations as may be expedient for the maintenance of good government, order and peace of the City and the welfare, health, morals, comfort, safety, and convenience of its inhabitants. In addition to the powers enumerated herein, and subject only to the limitations imposed by the

Exhibit C

Constitution, the general laws of the State, and this Charter, the City shall have without the necessity of express enumeration in this Charter, each and every power, which by virtue of Article XI, Section 5 of the Constitution of Texas, the people of the City are empowered by election to grant to or confer upon the City by expressly and specifically granting and enumerating the same herein. (Election of 5-6-89, 5-3-97, 5-13-06)

Section 2.02 Intergovernmental Relations. The City may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with any one or more state or civil divisions or agencies thereof, or the federal government or any agency thereof. (Election of 5-6-89, 5-3-97, 5-13-06) [End of Article II]

NOMINATIONS AND ELECTIONS

Section 9.01 City Elections.

(a) Regular Elections. The regular City election shall be held on the first Saturday of May in each calendar year or in accordance with applicable State law. (b) Qualified Voters. All citizens qualified by the Constitution and general laws of the State to vote in the City and who satisfy the requirements for registration prescribed by law shall be qualified voters of the City within the meaning of this Charter. (c) Conduct of elections. The provisions of the general election laws of the State shall apply to elections held under this Charter. All elections provided for by the Charter shall be conducted by the election authorities established by law. For the conduct of City elections the City Council shall adopt all regulations which it considers desirable, consistent with the law, and this Charter. (d) Time of Elections. Regular and special elections may be conducted only on the dates permitted by applicable State law. (Election of 4-7-79, 5-6-89, 5-3-97, 5-13-06)

Section 9.02 Candidates. Any person having the qualifications set forth for Councilmember under Section 4.02 of this Charter shall have the right to file an application to have his or her name placed on the official ballot as a candidate for any one elective office such as Mayor, Councilmember – Place One, Councilmember - Place Two, etc. Such application, in writing, shall include the candidate’s name, address, telephone number, date of birth, and date of residency, shall be signed by such candidate and accompanied by his or her loyalty affidavit and a statement that the candidate is aware of applicable State nepotism laws, as prescribed by Texas Election Code, and shall be filed with the City Secretary or appropriate authority within the time period required by applicable State law. A filing fee of five dollars, or such other amount as may hereafter be set by the City Council, must be paid to the City Secretary by each candidate upon presentation of his or her application. The filing fee shall be waived if the candidate states in writing that payment thereof will constitute a financial hardship. (Election of 5-6-89, 5-3-97, 5-13-06)

Section 9.03 Determination of Election Results.

At any regular or special municipal election the candidate for each office, such as Mayor, Councilmember-Place One, etc., who shall have received the most votes for each office cast in such election, shall be declared elected. In the event a tie vote makes it impossible to determine the winning candidate or candidates, resolution of such tie shall be decided as provided in the Texas Election Code. (Election of 5-6-89, 5-13-06, 11-4-08)

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Section 9.04 City Council Ballots.

The names of all candidates for office, except such as may have withdrawn, died or became ineligible, shall be printed on the official ballots in the order of Mayor, Councilmember-Place One, etc., without party designation, and the order of listing the candidates' names for each such office shall be determined in a drawing of lots conducted by the

City Secretary. Early voting shall be governed by the general election laws of the State. (Election of 5-6-89, 5-3-97, 5-13-06)

Section 9.05 Ballots for Ordinances and Charter Amendments.

An ordinance or Charter amendment to be voted on by the City shall be presented for voting by ballot title. The ballot title of a measure may differ from its legal title and shall be a

clear, concise statement, describing the substance of the measure without argument or prejudice.

Below the ballot title shall appear the following question: "Shall the above described (ordinance) (amendment) be adopted?" Immediately below such question shall appear, in the

following order, the words "yes" and "no". Ballots shall include voting instructions.

(Election of 5-13-06)

We, the people of Round Rock, Texas in order to establish a home rule municipal government that will provide for the future progress of our City through local self government, do hereby adopt this Home Rule Charter, hereinafter referred to as "Charter," in accordance with the statutes of the state of Texas; and do hereby declare the citizens of the City of Round Rock, Williamson County, Texas, residing within the legally established boundaries of said City, to be a political subdivision of the state of Texas incorporated forever under the name of the "City of Round Rock" with such powers, rights and duties as are herein provided.

(Charter amendment approved by voters January 20, 1996; May 6, 2000)

ARTICLE 1

FORM OF GOVERNMENT AND BOUNDARIES

SECTION 1.01 FORM OF GOVERNMENT

The municipal government provided by this Charter shall be known as the "Council-Manager Government." Pursuant to its provisions and subject only to the limitations imposed by the state constitution, the statutes of this state and by this Charter, all powers of the City of Round Rock, Texas, hereinafter referred to as "City," shall be vested in an elected council, hereinafter referred to as the "City Council," which shall enact local legislation, adopt budgets, determine policies and appoint the City Manager, who in turn shall be held responsible to the City Council for the execution of the laws and the administration of the government of the City. All power of the City shall be exercised in the manner prescribed by this Charter, or if the manner be not prescribed, then in such manner as may be prescribed by ordinance, the state constitution or the statutes of the state.

(Charter amendment approved by voters January 20, 1996)

SECTION 1.02 THE BOUNDARIES

The bounds and limits of the City are hereby established and described as being those boundaries heretofore established in the original incorporated proceedings of the said City, filed of record on July 11, 1977 in the office of the Clerk of the County Court of Williamson County, Texas and those boundaries established and changed thereafter in all annexation ordinances and proceedings of the City.

(Charter amendment approved by voters January 20, 1996)

SECTION 1.03 EXTENSION OF BOUNDARIES

The boundaries of the City may be enlarged and extended by the annexation of additional territory, irrespective of size and configuration, in any of the methods hereinafter designated:

- (a) Extending Limits in Accordance with Tex. Loc. Gov't Code Ann., Chapter 43, as amended:

Where such additional territory adjoins the corporate limits of the City and contains three or more inhabitants qualified to vote for members of the state legislature, such adjacent territory may be annexed to the City in the manner and in conformity with the procedure set forth in Tex. Loc. Gov't Code Ann., Chapter 43, as amended.

- (b) Annexation of the Unoccupied Lands on Petition of Owners:

The owners or owner of any land which is without residents, or on which less than three voters reside, contiguous and adjacent to the City may, by petition in writing to the City Council, request the annexation of such contiguous and adjacent land, describing it by metes and bounds. The City Council shall thereafter, and not less than five and not more than thirty days after the filing of such petition, hear such petition and the arguments for and against the same, and grant or refuse such petitions as the City Council may see fit. If the City Council grants such petition, it may by proper ordinance receive and annex such territory as a part of the City.

- (c) Annexation by Amendment to Charter:

The boundary limits of the City may be fixed and additional territory added or annexed thereto by amendment to the Charter of the City.

- (d) Extending Limits by Action of the City Council:

The City Council shall have power by ordinance to fix the boundary limits of the City and to provide for the extension of said boundary limits and the annexation of additional territory lying adjacent to said City, with or without the consent of the residents or the owners of the territory annexed.

- (e) Annexation by Any Other Method Provided by Law:

Additional territory may also be annexed to the City in any manner and by any procedure that may now be provided by law or that may be hereafter provided by law or in such manner as shall be provided by ordinances or resolutions of the City Council. Same shall be in addition to the methods hereinabove provided.

- (f) Annexed Territory to Become Part of the City:

Upon completion of any one of the procedures hereinabove provided, the territory so annexed shall become a part of the City, and said land and its residents and future residents shall be entitled to all the rights and privileges of

other citizens of the City and shall be bound by the acts, ordinances, resolutions and regulations of the City.

(Charter amendment approved by voters January 20, 1996)

SECTION 1.04 CONTRACTION OF BOUNDARIES

Whenever there exists within the corporate limits of the City any territory not suitable or necessary for City purposes, and lying adjacent to the corporate limits, the City Council may, upon a petition signed by a majority of the qualified voters residing in such territory if the same be inhabited, or without any such petition if the same be uninhabited, by ordinance duly passed, discontinue said territory as a part of said City; said petition and ordinance shall specify accurately the metes and bounds of the territory sought to be eliminated from the City and shall contain a plat designating such territory so that the same can be definitely ascertained; and when said ordinance has been duly passed the same shall be entered upon the minutes and records of said City, and from and after the entry of such ordinance said territory shall cease to be a part of said City, but said territory shall still be liable for its pro rate share of any debts incurred while said area was a part of said City, and the City shall continue to levy, assess and collect taxes on the property within said territory to pay the indebtedness incurred while said area was a part of the City as though the same had not been excluded from the boundaries of the City.

(Charter amendment approved by voters January 20, 1996)

ARTICLE 2

POWERS OF THE CITY

SECTION 2.01 GENERAL

The City may use a corporate seal; may sue and be sued; may contract and be contracted with; may implead and be impleaded in all courts in all matters whatsoever; may cooperate with the government of the state of Texas or any agency thereof, the Federal Government or any agency thereof, or any political subdivision of the state of Texas; and shall have all the powers granted to cities by the constitution and laws of the state of Texas, together with all the implied powers necessary to carry into execution all the powers granted. The City may own or acquire property within or without its boundaries for any municipal purpose in fee simple or in any lesser interest or estate, by purchase, gift, devise, lease or condemnation or may sell, lease, hold, manage, control and police any property now owned by it or which it may hereafter acquire, and shall have the right to lease or let its property whether inside or outside of the City Limits, subject to the limitations hereinafter set out, and may construct, own, lease, operate and regulate public utilities, may assess, levy and collect taxes for general and special purposes on all lawful subjects of taxation; may borrow money on the faith and credit of the City by the issuance and sale of bonds, certificates of obligation, warrants or notes of the City; may appropriate the money of the City for all lawful purposes; may regulate and control the use, for whatever purpose, of the streets and other public places; may make and enforce all police, health, sanitary and other regulations; and may pass such ordinances as may be expedient for the protection and maintenance of good

government, peace and welfare of the City, for the performance of the functions thereof, for the order and security of its residents; and may provide suitable penalties for the violations of any ordinance enacted by the City ; and, except and prohibited by the constitution and laws of this state or restricted by this Charter, the City may exercise all municipal powers, functions, rights, privileges and immunities of every name and nature whatsoever.

(Charter amendment approved by voters January 20, 1996)

SECTION 2.02 GENERAL POWERS ADOPTED

The enumeration of the particular powers in this Charter shall not be held or deemed to be exclusive but in addition to the powers enumerated herein or implied hereby or appropriate to the exercise of such powers, the City shall have and may exercise all power of local self-government and all other powers which, under the constitution and laws of the state of Texas, it would be competent for this Charter specifically to enumerate. The City shall have and may exercise all the powers of a home rule city as enumerated in Article 1175, Chapter 13, Title 28, of the Revised Civil Statutes of the state of Texas of 1925 and in the Tex. Loc. Gov't. Code Ann., as now or hereafter amended.

(Charter amendment approved by voters January 20, 1996)

SECTION 2.03 EMINENT DOMAIN

The City shall have the full power and right to exercise the power of eminent domain when necessary or desirable to carry out any of the powers conferred upon it by this Charter or by the constitution and laws of the state of Texas. The City may exercise the power of eminent domain in any manner authorized or permitted by the constitution and laws of this state. The power of eminent domain hereby conferred shall include the right of the City to take the fee in land so condemned and such power and authority shall include the right to condemn public property for such purposes. The City shall have and possess the power of condemnation for any municipal or public purposes even though not specifically enumerated in this Charter.

(Charter amendment approved by voters January 20, 1996)

SECTION 2.04 ZONING IN GENERAL

The City Council shall have full power and authority to zone the City and to pass all necessary ordinances, rules and regulations governing the same under and by virtue of the authority given to cities and legislative bodies thereof by Tex. Loc. Gov't Code Ann., Title 7., Subtitle A. and Title 12., Subtitle A, as now or hereafter amended.

(Charter amendment approved by voters January 20, 1996)

SECTION 4.04 CITY ATTORNEY

The City Council shall appoint a competent and duly licensed attorney practicing law in the state of Texas, who shall be the City Attorney. The City Attorney shall receive for his or her services such compensation as may be fixed by the City Council and shall hold office at the pleasure of the City Council. The City Attorney, or such other attorneys selected by the City Attorney with the approval of the City Council, shall represent the City in all litigation. The City Attorney shall be the legal advisor of, and attorney and counsel for, the City and all officers and departments thereof.

(Charter amendment approved by voters January 20, 1996)

SECTION 4.05 CITY SECRETARY

The City Manager shall appoint the City Secretary and such Assistant City Secretaries as the City Council shall deem advisable. The duties of the City Secretary, and Assistant City Secretaries, shall be as follows:

- (a) to give notice of City Council meetings;
- (b) to keep the minutes of the proceedings of such meetings;
- (c) to authenticate by his or her signature and record in full a book kept and indexed for the purpose, all ordinances and resolutions; and
- (d) to perform such other duties as the City Council shall assign, and those elsewhere provided for in this Charter.

(Charter amendment approved by voters January 20, 1996)

Round Rock

ARTICLE 5

NOMINATIONS AND ELECTIONS

SECTION 5.01 CITY ELECTIONS

- (a) Schedule.

The regular City Election will be held annually in accordance with the provisions of Tex. Elec. Code Ann., Chapter 41. The City Council shall, by ordinance, establish the general election date. Elections for candidates who are unopposed may be canceled in accordance with the provisions of Tex. Elec. Code Ann., Chapter 2, Subchapter C. The City Council shall be responsible to specify places for holding such election.

(b) Special Elections.

The City Council may, by ordinance or resolution, order a special election under conditions specified elsewhere in this Charter, for initiative or referendum of ordinances, bond issues, Charter amendments, recall of the Mayor or Council members or other purposes deemed appropriate by City Council. The City Council will fix time and place for holding such special elections, and provide all means for holding same.

(c) Voter Eligibility List.

A certified list of voter registrants within the City, as prepared by the County Election Administrator, shall be maintained on file in the office of the City Secretary. If for a purpose relating only to a City election or to candidates or issues involved in such election, any organization, group or person requests a list of qualified voters of the City, permission to copy the current list shall be granted by the City Secretary.

(d) Conduct and Regulation of Elections.

All City elections shall be governed by the constitution of the state of Texas, general laws of the state, this Charter, and ordinances of the City, in the order named. Municipal elections shall be conducted by the election officials appointed or approved by the City Council. Sample ballots identical to the voting machine format for the specific election shall be posted in the voting place(s) for purpose of voter orientation.

(Charter amendment approved by voters January 20, 1996; May 6, 2000; May 15, 2004)

SECTION 5.02 FILING FOR OFFICE

(a) Eligibility to File. Each candidate for an elective City office shall meet the following qualifications:

- (1) be a registered voter of the City;
- (2) have resided for at least twelve (12) months preceding the election within the corporate limits of the City, including territory annexed prior to the filing deadline; and
- (3) not be in arrears in the payment of any taxes or other liabilities due the City. "In arrears" is defined herein to mean that payment has not been received within ninety (90) days from due date.

(b) Additional restrictions. In addition to the foregoing qualifications, the following restrictions shall apply:

- (1) An incumbent seeking reelection must file for the same position number presently serving.
- (2) No candidate may file for more than one office or position number per election.
- (3) No employee of the City shall continue in such position after filing for an elective office of the City.
- (4) No candidate shall be placed on the ballot unless his or her application is accompanied by either (1) a filing fee of fifty dollars (\$50.00), or (2) a petition signed by qualified voters residing in the City equal in the number to the greater of: (a) twenty-five, or (b) one-half of one percent of the total vote received by all candidates for mayor in the most recent mayoral regular election. The signed petition shall be filed with the City Secretary, together with the candidate's sworn application. Each signer next to his or her signature shall indicate the signer's date of birth, date of signing, the signer's printed name, and the street address of his or her place of residence, including the county of residence.

(Charter amendment approved by voters November 6, 1979; January 20, 1996; May 6, 2000)

SECTION 5.03 OFFICIAL BALLOTS

- (a) Names on Ballot.

The name of each candidate nominated for office, except those who have withdrawn, died or became ineligible, shall be printed on the official ballots without party designation or symbol, and in the form designated by the candidate. If two or more candidates have the same surname or surnames so similar as to be likely to cause confusion, their residence addresses shall be printed with their names on the ballot.

- (b) Order of Listing.

The order on the ballot of the names of the candidates shall be determined by lot in a drawing to be held under the supervision of the City Secretary.

- (c) Early Voting Ballots.

Procedures for early voting shall be consistent with Title 7., Subtitle A., Texas Election Code.

- (d) Ballots for Ordinances, Bond Issues, and Charter Amendments.

An ordinance, bond issue or Charter amendment, to be voted on by qualified voters of the City shall be presented for voting by ballot title. The ballot title of a measure may differ from its legal title and shall be a clear, concise statement, approved by majority of the entire City Council describing the substance of the measure without argument or prejudice. Below the ballot title shall appear the

following question: "Shall the above described (ordinance) (bond issue) (Amendment) be adopted?" Immediately below or to the left of such question shall appear, in the following order, the words "Yes" and "No" each with a box in which the voter may cast his or her vote by marking a cross (X).

(e) Write-In Votes.

Procedures for write-in votes shall be consistent with the Tex. Elect. Code Ann., as amended.

(Charter amendment approved by voters January 20, 1996; May 6, 2000)

SECTION 5.04 CANVASSING

The City Council shall, at a special meeting called for that purpose or at its next regular meeting, canvass the returns from any municipal election and declare the results of said election to be official. The returns of every municipal election shall be recorded in the minutes of the City Council, by totals for each candidate, or, for or against each issue submitted.

(Charter amendment approved by voters November 6, 1979; January 20, 1996)

SECTION 5.05 ELECTION BY MAJORITY

A majority vote for an elective office is that number of votes which is greater than one-half of the total number of valid ballots cast for the office concerned. Any candidate for elective office who receives a majority vote shall be declared elected. If none of the candidates for an elective position receives a majority vote, none of such candidates shall be elected.

SECTION 5.06 RUN-OFF ELECTION

In the event no candidate for an elective office receives a majority of the votes cast for that position in the regular or special election or there is a tie for first place, a run-off election shall be held between the two (2) candidates who received the greater number of votes. Such run-off election shall be held in accordance with the Tex. Elec. Code Ann., as amended.

(Charter amendment approved by voters January 20, 1996)

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AN ACT

relating to the adoption of certain voting procedures and to certain elections, including procedures necessary to implement the federal Military and Overseas Voter Empowerment Act, deadlines for declaration of candidacy and dates for certain elections, and to terms of certain elected officials.

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

SECTION 1. Chapter 101, Election Code, is amended to read as follows:

CHAPTER 101. VOTING BY RESIDENT FEDERAL POSTCARD APPLICANT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 101.001. ELIGIBILITY. A person is eligible for early voting by mail as provided by this chapter if:

(1) the person is qualified to vote in this state or, if not registered to vote in this state, would be qualified if registered; and

(2) the person is:

(A) a member of the armed forces of the United States, or the spouse or a dependent of a member;

(B) a member of the merchant marine of the United States, or the spouse or a dependent of a member; or

(C) domiciled in this state but temporarily living outside the territorial limits of the United States and the District of Columbia.

1 Sec. 101.002. GENERAL CONDUCT OF VOTING. Voting under this
2 chapter shall be conducted and the results shall be processed as
3 provided by Subtitle A for early voting by mail, except as otherwise
4 provided by this chapter.

5 Sec. 101.003. DEFINITIONS. ~~[FORM AND CONTENTS OF~~
6 ~~APPLICATION. (a) An application for a ballot to be voted under~~
7 ~~this chapter must:~~

8 ~~[(1) be submitted on an official federal postcard~~
9 ~~application form; and~~

10 ~~[(2) include the information necessary to indicate~~
11 ~~that the applicant is eligible to vote in the election for which the~~
12 ~~ballot is requested.~~

13 ~~[(b)]~~ In this chapter:

14 (1) "Federal[, "federal] postcard application" means
15 an application for a ballot to be voted under this chapter submitted
16 on the official federal form prescribed under the federal Uniformed
17 and Overseas Citizens Absentee Voting Act (42 U.S.C. Section 1973ff
18 et seq.).

19 (2) "FPCA registrant" means a person registered to
20 vote under Section 101.055.

21 Sec. 101.004. NOTING FPCA REGISTRATION ON POLL LIST. For
22 each FPCA registrant accepted to vote, a notation shall be made
23 beside the voter's name on the early voting poll list indicating
24 that the voter is an FPCA registrant.

25 Sec. 101.005. NOTING FPCA REGISTRATION AND E-MAIL ON EARLY
26 VOTING ROSTER. The entry on the early voting roster pertaining to a
27 voter under this chapter who is an FPCA registrant must include a

1 notation indicating that the voter is an FPCA registrant. The early
2 voting clerk shall note on the early voting by mail roster each
3 e-mail of a ballot under Subchapter C.

4 Sec. 101.006. EXCLUDING FPCA REGISTRANT FROM PRECINCT EARLY
5 VOTING LIST. A person to whom a ballot is provided under this
6 chapter is not required to be included on the precinct early voting
7 list if the person is an FPCA registrant.

8 Sec. 101.007. DESIGNATION OF SECRETARY OF STATE. (a) The
9 secretary of state is designated as the state office to provide
10 information regarding voter registration procedures and absentee
11 ballot procedures, including procedures related to the federal
12 write-in absentee ballot, to be used by persons eligible to vote
13 under the federal Uniformed and Overseas Citizens Absentee Voting
14 Act (42 U.S.C. Section 1973ff et seq.).

15 (b) The secretary of state is designated as the state
16 coordinator between military and overseas voters and county
17 election officials. A county election official shall:

18 (1) cooperate with the secretary of state to ensure
19 that military and overseas voters timely receive accurate balloting
20 materials that a voter is able to cast in time for the election; and

21 (2) otherwise comply with the federal Military and
22 Overseas Voter Empowerment Act (Pub. L. No. 111-84, Div. A, Title V,
23 Subt. H).

24 (c) The secretary of state may adopt rules as necessary to
25 implement this section.

26 Sec. 101.008. STATUS OF APPLICATION OR BALLOT VOTED. The
27 secretary of state, in coordination with local election officials,

1 shall implement an electronic free-access system by which a person
2 eligible for early voting by mail under this chapter or Chapter 114
3 may determine by telephone, by e-mail, or over the Internet
4 whether:

5 (1) the person's federal postcard application or other
6 registration or ballot application has been received and accepted;
7 and

8 (2) the person's ballot has been received and the
9 current status of the ballot.

10 SUBCHAPTER B. SUBMISSION OF FEDERAL POSTCARD APPLICATION

11 Sec. 101.051. FORM AND CONTENTS OF APPLICATION. An
12 application for a ballot to be voted under this subchapter must:

13 (1) be submitted on an official federal postcard
14 application form; and

15 (2) include the information necessary to indicate that
16 the applicant is eligible to vote in the election for which the
17 ballot is requested.

18 Sec. 101.052 [~~101.004~~]. SUBMITTING APPLICATION. (a) A
19 federal postcard application must be submitted to the early voting
20 clerk for the election who serves the election precinct of the
21 applicant's residence.

22 (a-1) A federal postcard application must be submitted by:

23 (1) mail; or

24 (2) electronic transmission of an image of the
25 application under procedures prescribed by the secretary of state.

26 (b) A federal postcard application may be submitted at any
27 time during the calendar year in which the election for which a

1 ballot is requested occurs, but not later than the deadline for
2 submitting a regular application for a ballot to be voted by mail.

3 (c) A federal postcard application requesting a ballot for
4 an election to be held in January or February may be submitted in
5 the preceding calendar year but not earlier than the earliest date
6 for submitting a regular application for a ballot to be voted by
7 mail.

8 (d) A timely application that is addressed to the wrong
9 early voting clerk shall be forwarded to the proper early voting
10 clerk not later than the day after the date it is received by the
11 wrong clerk.

12 (e) An applicant who otherwise complies with applicable
13 requirements is entitled to receive a full ballot to be voted by
14 mail under this chapter if:

15 (1) the applicant submits a federal postcard
16 application to the early voting clerk on or before the 20th day
17 before election day; and

18 (2) the application contains the information that is
19 required for registration under Title 2.

20 (f) The applicant is entitled to receive only a federal
21 ballot to be voted by mail under Chapter 114 if:

22 (1) the applicant submits the federal postcard
23 application to the early voting clerk after the date provided by
24 Subsection (e)(1) and before the sixth day before election day; and

25 (2) the application contains the information that is
26 required for registration under Title 2.

27 (g) An applicant who submits a federal postcard application

1 to the early voting clerk on or after the sixth day before election
2 day is not entitled to receive a ballot by mail for that election.

3 (h) If the applicant submits the federal postcard
4 application within the time prescribed by Subsection (f)(1) and is
5 a registered voter at the address contained on the application, the
6 applicant is entitled to receive a full ballot to be voted by mail
7 under this chapter.

8 (i) Except as provided by Subsections (l) and (m), for
9 purposes of determining the date a federal postcard application is
10 submitted to the early voting clerk, an application is considered
11 to be submitted on the date it is placed and properly addressed in
12 the United States mail. An application mailed from an Army/Air
13 Force Post Office (APO) or Fleet Post Office (FPO) is considered
14 placed in the United States mail. The date indicated by the post
15 office cancellation mark, including a United States military post
16 office cancellation mark, is considered to be the date the
17 application was placed in the mail unless proven otherwise. For
18 purposes of an application made under Subsection (e):

19 (1) an application that does not contain a
20 cancellation mark is considered to be timely if it is received by
21 the early voting clerk on or before the 15th day before election
22 day; and

23 (2) if the 20th day before the date of an election is a
24 Saturday, Sunday, or legal state or national holiday, an
25 application is considered to be timely if it is submitted to the
26 early voting clerk on or before the next regular business day.

27 (j) If the early voting clerk determines that an application

1 that is submitted before the time prescribed by Subsection (e)(1)
2 does not contain the information that is required for registration
3 under Title 2, the clerk shall notify the applicant of that fact.
4 If the applicant has provided a telephone number or an address for
5 receiving mail over the Internet, the clerk shall notify the
6 applicant by that medium.

7 (k) If the applicant submits the missing information before
8 the time prescribed by Subsection (e)(1), the applicant is entitled
9 to receive a full ballot to be voted by mail under this chapter. If
10 the applicant submits the missing information after the time
11 prescribed by Subsection (e)(1), the applicant is entitled to
12 receive a full ballot to be voted by mail for the next election that
13 occurs:

14 (1) in the same calendar year; and

15 (2) after the 30th day after the date the information
16 is submitted.

17 (l) For purposes of determining the end of the period that
18 an application may be submitted under Subsection (f)(1), an
19 application is considered to be submitted at the time it is received
20 by the early voting clerk.

21 (m) The secretary of state by rule shall establish the date
22 on which a federal postcard application is considered to be
23 electronically submitted to the early voting clerk.

24 Sec. 101.053 [~~101.0041~~]. ACTION BY EARLY VOTING CLERK ON
25 CERTAIN APPLICATIONS. The early voting clerk shall notify the
26 voter registrar of a federal postcard application submitted by an
27 applicant that states a voting residence address located outside

1 the registrar's county.

2 Sec. 101.054 [~~101.005~~]. APPLYING FOR MORE THAN ONE ELECTION
3 IN SAME APPLICATION. (a) A person may apply with a single federal
4 postcard application for a ballot for any one or more elections in
5 which the early voting clerk to whom the application is submitted
6 conducts early voting.

7 (b) An application that does not identify the election for
8 which a ballot is requested shall be treated as if it requests a
9 ballot for:

10 (1) each general election in which the clerk conducts
11 early voting; and

12 (2) the general primary election if the application
13 indicates party preference and is submitted to the early voting
14 clerk for the primary.

15 (c) An application shall be treated as if it requests a
16 ballot for[+]

17 [~~(1)~~] a runoff election that results from an election
18 for which a ballot is requested[~~, and~~

19 [~~(2)~~] ~~each election for a federal office, including a~~
20 ~~primary or runoff election, that occurs on or before the date of the~~
21 ~~second general election for state and county officers that occurs~~
22 ~~after the date the application is submitted].~~

23 (d) An application requesting a ballot for more than one
24 election shall be preserved for the period for preserving the
25 precinct election records for the last election for which the
26 application is effective.

27 Sec. 101.055 [~~101.006~~]. FPCA VOTER REGISTRATION. (a) The

1 submission of a federal postcard application that complies with the
2 applicable requirements by an unregistered applicant constitutes
3 registration by the applicant:

4 (1) for the purpose of voting in the election for which
5 a ballot is requested; and

6 (2) under Title 2 unless the person indicates on the
7 application that the person is residing outside the United States
8 indefinitely.

9 (b) For purposes of registering to vote under this chapter,
10 a person shall provide the address of the last place of residence of
11 the person in this state or the last place of residence in this
12 state of the person's parent or legal guardian.

13 (c) The registrar shall register the person at the address
14 provided under Subsection (b) unless that address no longer is
15 recognized as a residential address, in which event the registrar
16 shall assign the person to an address under procedures prescribed
17 by the secretary of state [~~In this chapter, "FPCA registrant" means~~
18 ~~a person registered to vote under this section~~].

19 Sec. 101.056 [~~101.007~~]. METHOD OF PROVIDING BALLOT;
20 REQUIRED ADDRESS. (a) The balloting materials provided under this
21 subchapter [~~chapter~~] shall be airmailed to the voter free of United
22 States postage, as provided by the federal Uniformed and Overseas
23 Citizens Absentee Voting Act (42 U.S.C. Section 1973ff et seq.), in
24 an envelope labeled "Official Election Balloting Material - via
25 Airmail." The secretary of state shall provide early voting clerks
26 with instructions on compliance with this subsection.

27 (b) The address to which the balloting materials are sent to

1 a voter must be:

2 (1) an address outside the county of the voter's
3 residence; or

4 (2) an address in the United States for forwarding or
5 delivery to the voter at a location outside the United States.

6 (c) If the address to which the balloting materials are to
7 be sent is within the county served by the early voting clerk, the
8 federal postcard application must indicate that the balloting
9 materials will be forwarded or delivered to the voter at a location
10 outside the United States.

11 Sec. 101.057 [~~101.008~~]. RETURN OF VOTED BALLOT. A ballot
12 voted under this subchapter [~~chapter~~] may be returned to the early
13 voting clerk by mail, common or contract carrier, or courier.

14 [~~Sec. 101.009. NOTING FPCA REGISTRATION ON POLL LIST. For~~
15 ~~each FPCA registrant accepted to vote, a notation shall be made~~
16 ~~beside the voter's name on the early voting poll list indicating~~
17 ~~that the voter is an FPCA registrant.~~

18 [~~Sec. 101.010. NOTING FPCA REGISTRATION ON EARLY VOTING~~
19 ~~ROSTER. The entry on the early voting roster pertaining to a voter~~
20 ~~under this chapter who is an FPCA registrant must include a notation~~
21 ~~indicating that the voter is an FPCA registrant.~~

22 [~~Sec. 101.011. EXCLUDING FPCA REGISTRANT FROM PRECINCT~~
23 ~~EARLY VOTING LIST. A person to whom a ballot is provided under this~~
24 ~~chapter is not required to be included on the precinct early voting~~
25 ~~list if the person is an FPCA registrant.]~~

26 Sec. 101.058 [~~101.012~~]. OFFICIAL CARRIER ENVELOPE. The
27 officially prescribed carrier envelope for voting under this

1 subchapter [~~chapter~~] shall be prepared so that it can be mailed free
2 of United States postage, as provided by the federal Uniformed and
3 Overseas Citizens Absentee Voting Act (42 U.S.C. Section 1973ff et
4 seq.) [~~Federal Voting Assistance Act of 1955~~], and must contain the
5 label prescribed by Section 101.056(a) [~~101.007(a)~~] for the
6 envelope in which the balloting materials are sent to a voter. The
7 secretary of state shall provide early voting clerks with
8 instructions on compliance with this section.

9 SUBCHAPTER C. E-MAIL TRANSMISSION OF BALLOTING MATERIALS

10 Sec. 101.101. PURPOSE. The purpose of this subchapter is to
11 implement the federal Military and Overseas Voter Empowerment Act
12 (Pub. L. No. 111-84, Div. A, Title V, Subt. H).

13 Sec. 101.102. REQUEST FOR BALLOTING MATERIALS. (a) A
14 person eligible to vote under this chapter may request from the
15 appropriate early voting clerk e-mail transmission of balloting
16 materials under this subchapter.

17 (b) The early voting clerk shall grant a request made under
18 this section for the e-mail transmission of balloting materials if:

19 (1) the requestor has submitted a valid federal
20 postcard application and:

21 (A) if the requestor is a person described by
22 Section 101.001(2)(C), has provided a current mailing address that
23 is located outside the United States; or

24 (B) if the requestor is a person described by
25 Section 101.001(2)(A) or (B), has provided a current mailing
26 address that is located outside the requestor's county of
27 residence;

- 1 (2) the requestor provides an e-mail address:
2 (A) that corresponds to the address on file with
3 the requestor's federal postcard application; or
4 (B) stated on a newly submitted federal postcard
5 application;
6 (3) the request is submitted on or before the seventh
7 day before the date of the election; and
8 (4) a marked ballot for the election from the
9 requestor has not been received by the early voting clerk.

10 Sec. 101.103. CONFIDENTIALITY OF E-MAIL ADDRESS. An e-mail
11 address used under this subchapter to request balloting materials
12 is confidential and does not constitute public information for
13 purposes of Chapter 552, Government Code. An early voting clerk
14 shall ensure that a voter's e-mail address provided under this
15 subchapter is excluded from public disclosure.

16 Sec. 101.104. ELECTIONS COVERED. The e-mail transmission
17 of balloting materials under this subchapter is limited to:

- 18 (1) an election in which an office of the federal
19 government appears on the ballot, including a primary election;
20 (2) an election to fill a vacancy in the legislature
21 unless:
22 (A) the election is ordered as an emergency
23 election under Section 41.0011; or
24 (B) the election is held as an expedited election
25 under Section 203.013; or
26 (3) an election held jointly with an election
27 described by Subdivision (1) or (2).

1 Sec. 101.105. BALLOTING MATERIALS TO BE SENT BY E-MAIL.

2 Balloting materials to be sent by e-mail under this subchapter
3 include:

4 (1) the appropriate ballot;

5 (2) ballot instructions, including instructions that
6 inform a voter that the ballot must be returned by mail to be
7 counted;

8 (3) instructions prescribed by the secretary of state
9 on:

10 (A) how to print a return envelope from the
11 federal Voting Assistance Program website; and

12 (B) how to create a carrier envelope or signature
13 sheet for the ballot; and

14 (4) a list of certified write-in candidates, if
15 applicable.

16 Sec. 101.106. METHODS OF TRANSMISSION TO VOTER. (a) The
17 balloting materials may be provided by e-mail to the voter in PDF
18 format, through a scanned format, or by any other method of
19 electronic transmission authorized by the secretary of state in
20 writing.

21 (b) The secretary of state shall prescribe procedures for
22 the retransmission of balloting materials following an
23 unsuccessful transmission of the materials to a voter.

24 Sec. 101.107. RETURN OF BALLOT. (a) A voter described by
25 Section 101.001(2)(A) or (B) must be voting from outside the
26 voter's county of residence. A voter described by Section
27 101.001(2)(C) must be voting from outside the United States.

1 (b) A voter who receives a ballot under this subchapter must
2 return the ballot in the same manner as required under Section
3 101.057 and, except as provided by Chapter 105, may not return the
4 ballot by electronic transmission.

5 (c) A ballot that is not returned as required by Subsection
6 (b) is considered a ballot not timely returned and is not sent to
7 the early voting ballot board for processing.

8 (d) The deadline for the return of a ballot under this
9 section is the same deadline as provided in Section 86.007.

10 Sec. 101.108. TRACKING OF BALLOTING MATERIALS. The
11 secretary of state by rule shall create a tracking system under
12 which an FPCA registrant may determine whether a voted ballot has
13 been received by the early voting clerk. Each county that sends
14 ballots to FPCA registrants shall provide information required by
15 the secretary of state to implement the system.

16 Sec. 101.109. RULES. (a) The secretary of state may adopt
17 rules as necessary to implement this subchapter.

18 (b) The secretary of state may provide for an alternate
19 secure method of electronic ballot transmission under this
20 subchapter instead of transmission by e-mail

21 ~~[Sec. 101.013. DESIGNATION OF SECRETARY OF STATE. The~~
22 ~~secretary of state is designated as the state office to provide~~
23 ~~information regarding voter registration procedures and absentee~~
24 ~~ballot procedures, including procedures related to the federal~~
25 ~~write-in absentee ballot, to be used by persons eligible to vote~~
26 ~~under the federal Uniformed and Overseas Citizens Absentee Voting~~
27 ~~Act (42 U.S.C. Section 1973ff et seq.), as amended].~~

1 SECTION 2. Section 2.025, Election Code, is amended by
2 amending Subsection (a) and adding Subsection (d) to read as
3 follows:

4 (a) Except as provided by Subsection (d) or as otherwise
5 provided by this code, a runoff election shall be held not earlier
6 than the 20th or later than the 45th day after the date the final
7 canvass of the main election is completed.

8 (d) A runoff election for a special election to fill a
9 vacancy in Congress or a special election to fill a vacancy in the
10 legislature to which Section 101.104 applies shall be held not
11 earlier than the 70th day or later than the 77th day after the date
12 the final canvass of the main election is completed.

13 SECTION 3. Subsection (c), Section 3.005, Election Code, is
14 amended to read as follows:

15 (c) For an election to be held on:

16 (1) the date of the general election for state and
17 county officers, the election shall be ordered not later than the
18 78th [70th] day before election day; and

19 (2) a uniform election date other than the date of the
20 general election for state and county officers, the election shall
21 be ordered not later than the 71st day before election day.

22 SECTION 4. Section 41.001, Election Code, is amended by
23 amending Subsection (a) and adding Subsection (d) to read as
24 follows:

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

1 (1) the second Saturday in May in an odd-numbered
2 year;

3 (2) the second Saturday in May in an even-numbered
4 year, for an election held by a political subdivision other than a
5 county; or

6 (3) [~~2~~] the first Tuesday after the first Monday in
7 November.

8 (d) Notwithstanding Section 31.093, a county elections
9 administrator is not required to enter into a contract to furnish
10 election services for an election held on the date described by
11 Subsection (a)(2).

12 SECTION 5. Section 41.0052, Election Code, is amended to
13 read as follows:

14 Sec. 41.0052. CHANGING GENERAL ELECTION DATE. (a) [~~The~~
15 ~~governing body of a political subdivision other than a county may,~~
16 ~~not later than December 31, 2005, change the date on which it holds~~
17 ~~its general election for officers to another authorized uniform~~
18 ~~election date.~~

19 [~~a-1~~] The governing body of a political subdivision,
20 other than a county, that holds its general election for officers on
21 a date other than the November uniform election date may, not later
22 than December 31, 2012 [~~2010~~], change the date on which it holds its
23 general election for officers to the November uniform election
24 date.

25 (b) A governing body changing an election date under this
26 section shall adjust the terms of office to conform to the new
27 election date.

1 (c) A home-rule city may implement the change authorized by
2 Subsection (a) or provide for the election of all members of the
3 governing body at the same election through the adoption of a
4 resolution. The change contained in the resolution supersedes a
5 city charter provision that requires a different general election
6 date or that requires the terms of members of the governing body to
7 be staggered.

8 (d) The holdover of a member of a governing body of a city in
9 accordance with Section 17, Article XVI, Texas Constitution, so
10 that a term of office may be conformed to a new election date chosen
11 under this section does not constitute a vacancy for purposes of
12 Section 11(b), Article XI, Texas Constitution.

13 SECTION 6. Subsection (b), Section 41.007, Election Code,
14 is amended to read as follows:

15 (b) The runoff primary election date is the fourth Tuesday
16 in May [~~second Tuesday in April~~] following the general primary
17 election.

18 SECTION 7. Section 65.051, Election Code, is amended by
19 adding Subsection (c) to read as follows:

20 (c) Section 1.006 does not apply to this section.

21 SECTION 8. Subsection (b), Section 86.004, Election Code,
22 is amended to read as follows:

23 (b) For an election to which Section 101.104 applies [~~the~~
24 ~~general election for state and county officers~~], the balloting
25 materials for a voter who indicates on the application for a ballot
26 to be voted by mail or the federal postcard application that the
27 voter is eligible to vote early by mail as a consequence of the

1 voter's being outside the United States shall be mailed on or before
2 the later of the 45th day before election day or the seventh
3 calendar day after the date the clerk receives the application.
4 However, if it is not possible to mail the ballots by the deadline
5 of the 45th day before election day, the clerk shall notify the
6 secretary of state within 24 hours of knowing that the deadline will
7 not be met. The secretary of state shall monitor the situation and
8 advise the clerk, who shall mail the ballots as soon as possible in
9 accordance with the secretary of state's guidelines.

10 SECTION 9. Subsection (b), Section 86.011, Election Code,
11 is amended to read as follows:

12 (b) If the return is timely, the clerk shall enclose the
13 carrier envelope and the voter's early voting ballot application in
14 a jacket envelope. The clerk shall also include in the jacket
15 envelope:

16 (1) a copy of the voter's federal postcard application
17 if the ballot is voted under Chapter 101; and

18 (2) the signature cover sheet, if the ballot is voted
19 under Chapter 105.

20 SECTION 10. Subchapter B, Chapter 87, Election Code, is
21 amended by adding Section 87.0223 to read as follows:

22 Sec. 87.0223. TIME OF DELIVERY: BALLOTS SENT OUT BY REGULAR
23 MAIL AND E-MAIL. (a) If the early voting clerk has provided a
24 voter a ballot to be voted by mail by both regular mail and e-mail
25 under Subchapter C, Chapter 101, the clerk may not deliver a jacket
26 envelope containing the early voting ballot voted by mail by the
27 voter to the board until:

1 (1) both ballots are returned; or
2 (2) the deadline for returning marked ballots under
3 Section 86.007 has passed.

4 (b) If both the ballot provided by regular mail and the
5 ballot provided by e-mail are returned before the deadline, the
6 early voting clerk shall deliver only the jacket envelope
7 containing the ballot provided by e-mail to the board. The ballot
8 provided by regular mail is considered to be a ballot not timely
9 returned.

10 SECTION 11. Section 87.041, Election Code, is amended by
11 adding Subsection (f) to read as follows:

12 (f) In making the determination under Subsection (b)(2) for
13 a ballot cast under Chapter 101 or 105, the board shall compare the
14 signature on the carrier envelope or signature cover sheet with the
15 signature of the voter on the federal postcard application.

16 SECTION 12. Section 87.043, Election Code, is amended by
17 amending Subsection (a) and adding Subsection (d) to read as
18 follows:

19 (a) The early voting ballot board shall place the carrier
20 envelopes containing rejected ballots in an envelope and shall seal
21 the envelope. More than one envelope may be used if necessary. The
22 board shall keep a record of the number of rejected ballots in each
23 envelope.

24 (d) A notation must be made on the carrier envelope of any
25 ballot that was rejected after the carrier envelope was opened and
26 include the reason the envelope was opened and the ballot was
27 rejected.

1 SECTION 13. Section 87.0431, Election Code, is amended to
2 read as follows:

3 Sec. 87.0431. NOTICE OF REJECTED BALLOT. Not later than the
4 10th day after election day, the presiding judge of the early voting
5 ballot board shall deliver written notice of the reason for the
6 rejection of a ballot to the voter at the residence address on the
7 ballot application. If the ballot was transmitted to the voter by
8 e-mail under Subchapter C, Chapter 101, the presiding judge shall
9 also provide the notice to the e-mail address to which the ballot
10 was sent.

11 SECTION 14. Subsection (a), Section 87.044, Election Code,
12 is amended to read as follows:

13 (a) The early voting ballot board shall place each
14 application for a ballot voted by mail in its corresponding jacket
15 envelope. For a ballot voted under Chapter 101 or 105, the board
16 shall also place the copy of the voter's federal postcard
17 application or signature cover sheet in the same location as the
18 carrier envelope. If the voter's ballot was accepted, the board
19 shall also place the carrier envelope in the jacket envelope.
20 However, if the jacket envelope is to be used in a subsequent
21 election, the carrier envelope shall be retained elsewhere.

22 SECTION 15. Section 105.003, Election Code, is amended to
23 read as follows:

24 Sec. 105.003. USE OF FEDERAL WRITE-IN ABSENTEE BALLOT FOR
25 ELECTIONS FOR FEDERAL OFFICE. The secretary of state shall
26 prescribe procedures to allow a voter who qualifies to vote by a
27 federal write-in absentee ballot to vote through use of a federal

1 write-in absentee ballot in:

2 (1) any general, special, primary, or runoff election
3 for federal office; or

4 (2) an election for any office for which balloting
5 materials may be sent under Section 101.104.

6 SECTION 16. Subsection (b), Section 142.010, Election Code,
7 is amended to read as follows:

8 (b) Not later than the 68th [~~55th~~] day before general
9 election day, the certifying authority shall deliver the
10 certification to the authority responsible for having the official
11 ballot prepared in each county in which the candidate's name is to
12 appear on the ballot.

13 SECTION 17. Subsection (c), Section 143.007, Election Code,
14 is amended to read as follows:

15 (c) For an election to be held on:

16 (1) the date of the general election for state and
17 county officers, the day of the filing deadline is the 78th [~~70th~~]
18 day before election day; and

19 (2) a uniform election date other than the date of the
20 general election for state and county officers, the day of the
21 filing deadline is the 71st day before election day.

22 SECTION 18. Subsection (d), Section 144.005, Election Code,
23 is amended to read as follows:

24 (d) For an election to be held on:

25 (1) the date of the general election for state and
26 county officers, the day of the filing deadline is the 78th [~~70th~~]
27 day before election day; and

1 (2) a uniform election date other than the date of the
2 general election for state and county officers, the day of the
3 filing deadline is the 71st day before election day.

4 SECTION 19. Subsection (b), Section 144.006, Election Code,
5 is amended to read as follows:

6 (b) For an election to be held on:

7 (1) the date of the general election for state and
8 county officers, the day of the filing deadline is the 78th [67th]
9 day before election day; and

10 (2) a uniform election date other than the date of the
11 general election for state and county officers, the day of the
12 filing deadline is the 71st day before election day.

13 SECTION 20. Subsection (e), Section 145.037, Election Code,
14 is amended to read as follows:

15 (e) The certification must be delivered not later than 5
16 p.m. of the 71st [70th] day before election day.

17 SECTION 21. Subsection (b), Section 145.038, Election Code,
18 is amended to read as follows:

19 (b) The state chair must deliver the certification of the
20 replacement nominee not later than 5 p.m. of the 69th [67th] day
21 before election day.

22 SECTION 22. Subsection (f), Section 145.092, Election Code,
23 is amended to read as follows:

24 (f) A candidate in an election for which the filing deadline
25 for an application for a place on the ballot is not later than 5 p.m.
26 of the 78th [70th] day before election day may not withdraw from the
27 election after 5 p.m. of the 71st [67th] day before election day.

1 SECTION 23. Subsection (a), Section 145.094, Election Code,
2 is amended to read as follows:

3 (a) The name of a candidate shall be omitted from the ballot
4 if the candidate:

5 (1) dies before the second day before the date of the
6 deadline for filing the candidate's application for a place on the
7 ballot;

8 (2) withdraws or is declared ineligible before 5 p.m.
9 of the second day before the beginning of early voting by personal
10 appearance, in an election subject to Section 145.092(a);

11 (3) withdraws or is declared ineligible before 5 p.m.
12 of the 53rd day before election day, in an election subject to
13 Section 145.092(b); or

14 (4) withdraws or is declared ineligible before 5 p.m.
15 of the 71st [~~67th~~] day before election day, in an election subject
16 to Section 145.092(f).

17 SECTION 24. Subsection (a), Section 145.096, Election Code,
18 is amended to read as follows:

19 (a) Except as provided by Subsection (b), a candidate's name
20 shall be placed on the ballot if the candidate:

21 (1) dies on or after the second day before the deadline
22 for filing the candidate's application for a place on the ballot;

23 (2) is declared ineligible after 5 p.m. of the second
24 day before the beginning of early voting by personal appearance, in
25 an election subject to Section 145.092(a);

26 (3) is declared ineligible after 5 p.m. of the 53rd day
27 before election day, in an election subject to Section 145.092(b);

1 or

2 (4) is declared ineligible after 5 p.m. of the 71st
3 [~~67th~~] day before election day, in an election subject to Section
4 145.092(f).

5 SECTION 25. Subsections (a) and (b), Section 146.025,
6 Election Code, are amended to read as follows:

7 (a) A declaration of write-in candidacy must be filed not
8 later than 5 p.m. of the 78th [~~70th~~] day before general election
9 day, except as otherwise provided by this code. A declaration may
10 not be filed earlier than the 30th day before the date of the
11 regular filing deadline.

12 (b) If a candidate whose name is to appear on the general
13 election ballot dies or is declared ineligible after the third day
14 before the date of the filing deadline prescribed by Subsection
15 (a), a declaration of write-in candidacy for the office sought by
16 the deceased or ineligible candidate may be filed not later than 5
17 p.m. of the 75th [~~67th~~] day before election day.

18 SECTION 26. Subsection (c), Section 146.029, Election Code,
19 is amended to read as follows:

20 (c) Not later than the 68th [~~62nd~~] day before election day,
21 the certifying authority shall deliver the certification to the
22 authority responsible for having the official ballot prepared in
23 each county in which the office sought by the candidate is to be
24 voted on.

25 SECTION 27. Subsection (b), Section 146.054, Election Code,
26 is amended to read as follows:

27 (b) For an election to be held on:

1 (1) the date of the general election for state and
2 county officers, the day of the filing deadline is the 74th ~~[67th]~~
3 day before election day; and

4 (2) a uniform election date other than the date of the
5 general election for state and county officers, the day of the
6 filing deadline is the 71st day before election day.

7 SECTION 28. Subsection (b), Section 161.008, Election Code,
8 is amended to read as follows:

9 (b) Not later than the 68th ~~[62nd]~~ day before general
10 election day, the secretary of state shall deliver the
11 certification to the authority responsible for having the official
12 general election ballot prepared in each county in which the
13 candidate's name is to appear on the ballot.

14 SECTION 29. Subsection (a), Section 172.023, Election Code,
15 is amended to read as follows:

16 (a) An application for a place on the general primary
17 election ballot must be filed not later than 6 p.m. on the second
18 Monday in December of an odd-numbered year ~~[January 2 in the primary~~
19 ~~election year]~~ unless the filing deadline is extended under
20 Subchapter C.

21 SECTION 30. Subsection (d), Section 171.0231, Election
22 Code, is amended to read as follows:

23 (d) A declaration of write-in candidacy must be filed not
24 later than 6 ~~[5]~~ p.m. of the fifth ~~[62nd]~~ day after the date of the
25 filing deadline for the ~~[before]~~ general primary election ~~[day-~~
26 ~~However, if a candidate whose name is to appear on the ballot for~~
27 ~~the office of county chair or precinct chair dies or is declared~~

1 ~~ineligible after the third day before the date of the regular filing~~
2 ~~deadline prescribed by this subsection, a declaration of write-in~~
3 ~~candidacy for the office sought by the deceased or ineligible~~
4 ~~candidate may be filed not later than 5 p.m. of the 59th day before~~
5 ~~election day].~~

6 SECTION 31. Subsection (b), Section 172.028, Election Code,
7 is amended to read as follows:

8 (b) Not later than the 81st [~~57th~~] day before general
9 primary election day, the state chair shall deliver the
10 certification to the county chair in each county in which the
11 candidate's name is to appear on the ballot.

12 SECTION 32. Subsection (a), Section 172.052, Election Code,
13 is amended to read as follows:

14 (a) A candidate for nomination may not withdraw from the
15 general primary election after the 79th [~~62nd~~] day before general
16 primary election day.

17 SECTION 33. Subsections (a) and (b), Section 172.054,
18 Election Code, are amended to read as follows:

19 (a) The deadline for filing an application for a place on
20 the general primary election ballot is extended as provided by this
21 section if a candidate who has made an application that complies
22 with the applicable requirements:

23 (1) dies on or after the fifth day before the date of
24 the regular filing deadline and on or before the 79th [~~62nd~~] day
25 before general primary election day;

26 (2) holds the office for which the application was
27 made and withdraws or is declared ineligible on or after the date of

1 the regular filing deadline and on or before the 79th [~~62nd~~] day
2 before general primary election day; or

3 (3) withdraws or is declared ineligible during the
4 period prescribed by Subdivision (2), and at the time of the
5 withdrawal or declaration of ineligibility no other candidate has
6 made an application that complies with the applicable requirements
7 for the office sought by the withdrawn or ineligible candidate.

8 (b) An application for an office sought by a withdrawn,
9 deceased, or ineligible candidate must be filed not later than 6
10 p.m. of the 81st [~~60th~~] day before general primary election day. An
11 application filed by mail with the state chair is not timely if
12 received later than 5 p.m. of the 81st [~~60th~~] day before general
13 primary election day.

14 SECTION 34. Section 172.057, Election Code, is amended to
15 read as follows:

16 Sec. 172.057. WITHDRAWN, DECEASED, OR INELIGIBLE
17 CANDIDATE'S NAME OMITTED FROM GENERAL PRIMARY BALLOT. A
18 candidate's name shall be omitted from the general primary election
19 ballot if the candidate withdraws, dies, or is declared ineligible
20 on or before the 79th [~~62nd~~] day before general primary election
21 day.

22 SECTION 35. Subsection (a), Section 172.058, Election Code,
23 is amended to read as follows:

24 (a) If a candidate who has made an application for a place on
25 the general primary election ballot that complies with the
26 applicable requirements dies or is declared ineligible after the
27 79th [~~62nd~~] day before general primary election day, the

1 candidate's name shall be placed on the ballot and the votes cast
2 for the candidate shall be counted and entered on the official
3 election returns in the same manner as for the other candidates.

4 SECTION 36. Subsection (a), Section 172.059, Election Code,
5 is amended to read as follows:

6 (a) A candidate for nomination may not withdraw from the
7 runoff primary election after 5 p.m. of the 8th [~~10th~~] day after
8 general primary election day.

9 SECTION 37. Subsection (c), Section 172.082, Election Code,
10 is amended to read as follows:

11 (c) The drawing shall be conducted at the county seat not
12 later than the third Tuesday in December of an odd-numbered year
13 [~~53rd day before general primary election day~~].

14 SECTION 38. Subsection (b), Section 192.033, Election Code,
15 is amended to read as follows:

16 (b) The secretary of state shall deliver the certification
17 to the authority responsible for having the official ballot
18 prepared in each county before the later of the 68th [~~62nd~~] day
19 before presidential election day or the second business day after
20 the date of final adjournment of the party's national presidential
21 nominating convention.

22 SECTION 39. Subsection (b), Section 201.051, Election Code,
23 is amended to read as follows:

24 (b) For a vacancy to be filled by a special election to be
25 held on the date of the general election for state and county
26 officers, the election shall be ordered not later than the 78th
27 [~~70th~~] day before election day.

1 SECTION 40. Subsection (f), Section 201.054, Election Code,
2 is amended to read as follows:

3 (f) For a special election to be held on the date of the
4 general election for state and county officers, the day of the
5 filing deadline is the 75th [~~67th~~] day before election day.

6 SECTION 41. Section 501.109, Election Code, is amended to
7 read as follows:

8 Sec. 501.109. ELECTION IN [~~CERTAIN~~] MUNICIPALITIES.

9 (a) This section applies only to an election to permit or prohibit
10 the legal sale of alcoholic beverages of one or more of the various
11 types and alcoholic contents in a municipality [~~that is located in~~
12 ~~more than one county~~].

13 (b) An election to which this section applies shall be
14 conducted by the municipality instead of a county [~~the counties~~].
15 For the purposes of an election conducted under this section, a
16 reference in this chapter to:

17 (1) the county is considered to refer to the
18 municipality;

19 (2) the commissioners court is considered to refer to
20 the governing body of the municipality;

21 (3) the county clerk or voter registrar is considered
22 to refer to the secretary of the municipality or, if the
23 municipality does not have a secretary, to the person performing
24 the functions of a secretary of the municipality; and

25 (4) the county judge is considered to refer to the
26 mayor of the municipality or, if the municipality does not have a
27 mayor, to the presiding officer of the governing body of the

1 municipality.

2 (c) The municipality shall pay the expense of the election.

3 (d) An action to contest the election under Section 501.155
4 may be brought in the district court of any county in which the
5 municipality is located.

6 SECTION 42. Subsections (a) and (c), Section 11.055,
7 Education Code, are amended to read as follows:

8 (a) Except as provided by Subsection (c), an application of
9 a candidate for a place on the ballot must be filed not later than 5
10 p.m. of the 71st [~~62nd~~] day before the date of the election. An
11 application may not be filed earlier than the 30th day before the
12 date of the filing deadline.

13 (c) For an election to be held on the date of the general
14 election for state and county officers, the day of the filing
15 deadline is the 78th [~~70th~~] day before election day.

16 SECTION 43. Subsection (b), Section 11.056, Education Code,
17 is amended to read as follows:

18 (b) A [~~Except as provided by Subsection (e), a~~] declaration
19 of write-in candidacy must be filed not later than the deadline
20 prescribed by Section 146.054, Election Code, for a write-in
21 candidate in a city election [~~5 p.m. of the fifth day after the date~~
22 ~~an application for a place on the ballot is required to be filed].~~

23 SECTION 44. Subsection (e), Section 11.059, Education Code,
24 is amended to read as follows:

25 (e) Not later than December 31, 2011 [~~2007~~], the board of
26 trustees may adopt a resolution changing the length of the terms of
27 its trustees. The resolution must provide for staggered terms [a

1 ~~term~~] of either three or four years and specify the manner in which
2 the transition from the length of the former term to the modified
3 term is made. The transition must begin with the first regular
4 election for trustees that occurs after January 1, 2012 [2008], and
5 a trustee who serves on that date shall serve the remainder of that
6 term. This subsection expires January 1, 2017 [2013].

7 SECTION 45. Subsection (b), Section 130.0825, Education
8 Code, is amended to read as follows:

9 (b) A [~~Except as provided by Subsection (c), a~~] declaration
10 of write-in candidacy must be filed not later than the deadline
11 prescribed by Section 146.054, Election Code, for a write-in
12 candidate in a city election [~~5 p.m. of the fifth day after the date~~
13 ~~an application for a place on the ballot is required to be filed~~].

14 SECTION 46. Subsection (d), Section 285.131, Health and
15 Safety Code, is amended to read as follows:

16 (d) A [~~Except as provided by Subsection (g), a~~] declaration
17 of write-in candidacy must be filed not later than the deadline
18 prescribed by Section 146.054, Election Code, for a write-in
19 candidate in a city election [~~5 p.m. of the fifth day after the date~~
20 ~~an application for a place on the ballot is required to be filed~~].

21 SECTION 47. Subchapter A, Chapter 21, Local Government
22 Code, is amended by adding Section 21.004 to read as follows:

23 Sec. 21.004. CHANGE OF LENGTH OR STAGGERING OF TERMS IN
24 GENERAL-LAW MUNICIPALITY. (a) This section applies only to a
25 general-law municipality whose governing body is composed of
26 members that serve:

27 (1) a term of one or three years; or

1 (2) staggered terms.

2 (b) Not later than December 31, 2012, the governing body of
3 the general-law municipality may adopt a resolution:

4 (1) changing the length of the terms of its members to
5 two years; or

6 (2) providing for the election of all members of the
7 governing body at the same election.

8 (c) The resolution must specify the manner in which the
9 transition in the length of terms is made. The transition must
10 begin with the first regular election for members of the governing
11 body that occurs after January 1, 2013, and a member who serves on
12 that date shall serve the remainder of that term.

13 (d) This section expires January 1, 2016.

14 SECTION 48. Subsection (d), Section 63.0945, Water Code, is
15 amended to read as follows:

16 (d) A ~~[Except as provided by Subsection (f), a]~~ declaration
17 of write-in candidacy must be filed not later than the deadline
18 prescribed by Section 146.054, Election Code, for a write-in
19 candidate in a city election ~~[5 p.m. of the fifth day after the date~~
20 ~~an application for a place on the ballot is required to be filed]~~.

21 SECTION 49. To the extent of any conflict, this Act prevails
22 over another Act of the 82nd Legislature, Regular Session, 2011,
23 regardless of the relative dates of enactment.

24 SECTION 50. The secretary of state shall adopt rules as
25 necessary to implement this Act, including the adjustment or
26 modification of any affected date, deadline, or procedure.

27 SECTION 51. The following are repealed:

1 (1) Section 41.0053, Election Code;

2 (2) Subsection (e), Section 11.056, and Subsection
3 (e), Section 130.0825, Education Code;

4 (3) Subsection (g), Section 285.131, Health and Safety
5 Code; and

6 (4) Subsection (f), Section 63.0945, Water Code.

7 SECTION 52. (a) This section applies only to a political
8 subdivision that elects the members of its governing body to a term
9 that consists of an odd number of years.

10 (b) Not later than December 31, 2012, the governing body of
11 the political subdivision may adopt a resolution changing the
12 length of the terms of its members to an even number of years. The
13 resolution must specify the manner in which the transition from the
14 length of the former term to the modified term is made. The
15 transition must begin with the first regular election for members
16 of the governing body that occurs after January 1, 2013, and a
17 member who serves on that date shall serve the remainder of that
18 term.

19 (c) This section expires January 1, 2020.

20 SECTION 53. The changes in law made by this Act do not apply
21 to an election held on November 8, 2011.

22 SECTION 54. This Act takes effect September 1, 2011.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 100 passed the Senate on April 14, 2011, by the following vote: Yeas 29, Nays 1; May 27, 2011, Senate refused to concur in House amendments and requested appointment of Conference Committee; May 27, 2011, House granted request of the Senate; May 29, 2011, Senate adopted Conference Committee Report by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 100 passed the House, with amendments, on May 25, 2011, by the following vote: Yeas 143, Nays 1, two present not voting; May 27, 2011, House granted request of the Senate for appointment of Conference Committee; May 29, 2011, House adopted Conference Committee Report by the following vote: Yeas 147, Nays 0, one present not voting.

Chief Clerk of the House

Approved:

Date

Governor