



TEXAS MUNICIPAL LEAGUE
Empowering Texas cities to serve their citizens

President **David Rutledge**, Mayor, Bridge City
Executive Director **Bennett Sandlin**

March 30, 2023

The Honorable Bryan Hughes
Chairman, State Affairs Committee
Texas State Senate
PO Box 12068
Austin, Texas 78711-2068

Dear Chairman Hughes:

The purpose of this letter is to inform you of the Texas Municipal League's opposition to **Senate Bill 946** by **Senator Sparks**. S.B. 946 would require debt and certain tax elections to be held on the November uniform election date. While we understand the author's motivation to move debt elections to higher-turnout election dates, like in November of even-numbered years, doing so would limit city flexibility at a time the state can ill-afford to do so.

Prior to 2005, most city elections had to be held on one of four uniform election dates. Those four dates were taken down to two in 2005, which is where we still stand today. Currently a city can hold an election, including a debt or tax election, on either the first Saturday in May or the first Tuesday after the first Monday in November. S.B. 946 would cut the number of available uniform election dates for a special election on debt or a tax to one.

As Texas cities continue to lead the nation in population growth, now is the wrong time to eliminate the use of the May uniform election date for bond elections. Texas cities must be able to finance the transportation infrastructure costs and other capital improvement expenditures necessary to adequately accommodate such fast growth. Limiting cities' flexibility to pay for necessary infrastructure would prove harmful to Texas businesses and families alike, both of whom rely on local governments to provide the quality-of-life amenities that make Texas so attractive in the first place.

Data from the Texas Bond Review Board shows that over the past ten years the passage rate for city bond propositions in May as compared to November is nearly identical, and cities have actually held significantly more bond elections in November than on the May election date over the same time period. There is no evidence that Texas cities are deliberately stacking bond elections in May to avoid higher turnout elections in November of even-numbered years. The data actually indicates the opposite is true.

In addition to the impact on debt elections, the bill also forecloses the May uniform election date for a tax increase election. This would mean that cities could not hold certain sales tax elections in May, including necessary reauthorization elections for dedicated sales taxes like the street maintenance sales tax and a crime control and prevention district sales tax that are already synched up with the May uniform election date.

Further, the bill would require a property tax approval election under Tax Code Sec. 26.075 to be held on the November uniform election date. This is in direct conflict with S.B. 2 from 2019, which authorizes a petitioned-for property tax election in a city under 30,000 population on the May uniform election date. If the May uniform election date were eliminated for these elections, cities (and city taxpayers) would have to wait over a year—until after the tax year ends—to hold a petitioned-for election on a property tax rate. Due to the uniqueness of certain sales tax and property tax elections, we believe May elections for tax elections must be preserved.

The availability of both uniform election dates is imperative to give cities and voters more opportunities to consider how to best address the needs of the community. For this reason, we are opposed to S.B. 946.

Sincerely,

A handwritten signature in black ink, appearing to read "Monty Wynn". The signature is fluid and cursive, with a large, stylized "M" and "W".

Monty Wynn
Director, Grassroots and Legislative Services
Texas Municipal League