



Memorandum

DATE April 9, 2014
TO The Honorable Chair and Members of the Charter Review Commission
SUBJECT Changing the City Council Election Date

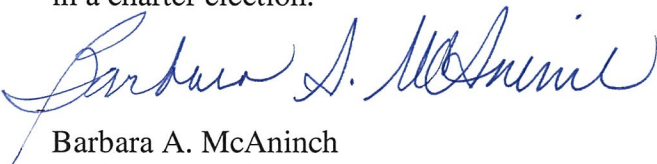
At the April 8, 2014 meeting, the Charter Review Commission asked staff to draft language to change the city council election date from the May to November.

The Texas Election Code Section 41.0052 (a), changing the general election date, provides:

“The governing body of a political subdivision, other than a county, that holds its general election for officers on a date other than the November uniform election date may, not later than December 31, 2012, change the date on which it holds its general election for officers to the November uniform election date.”

The Texas Attorney General ruled that the Texas Election Code clearly establishes a deadline after which a home-rule municipality may not change the standing date for its general election. A charter amendment changing the date of the election enacted after that statutory deadline conflicts with state law and is, therefore, preempted by the statute.¹

The Dallas City Council did not change the date of the City’s May general election prior to December 31, 2012. Therefore, Dallas may not change its election date from May to November in a charter election.


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¹ Tex. Atty. Gen. Op. GA-0342 (2005)