



OFFICE OF THE SECRETARY OF STATE

DAVID A. DEAN
SECRETARY OF STATE

STATE CAPITOL
P.O. Box 12697
AUSTIN, TEXAS 78711

June 17, 1982

Mr. Albert DeLaRosa
City Attorney
708 Colorado
P. O. Box 1088
Austin, Texas 78767

Election Law Opinion No. DAD-30
Re: Holding a referendum election
on an unauthorized date.

Dear Mr. DeLaRosa:

This opinion is in response to your inquiry of June 1, 1982.

This official election law opinion is rendered by me as chief election officer of the State in accordance with Tex. Elec. Code Ann. art. 1.03, subd. 1 (Vernon Supp. 1982).

You have asked whether a nuclear arms freeze referendum may be included in the official ballot of a special election called for the purpose of submitting bond propositions to the voters. The bond election is tentatively scheduled for September 11, 1982.

Tex. Elec. Code Ann. art. 2.01b(a) (Vernon Supp. 1982) requires that ". . . every general (regular) or special election held by the state or by any county, city, school district, water district, or any other political subdivision or agency of this state. . ." be held on one of the following uniform dates: ". . . the third Saturday in January, the first Saturday in April, the second Saturday in August, or the first Tuesday after the first Monday in November." Id. (Emphasis added.)

Bond elections are exempt from the uniform date requirements of Art. 2.01b(a). "This requirement does not apply to. . . elections for bonds. . . ." Id. Non-binding referendum elections called for the purpose of permitting voters to express an opinion are not exempt from the uniform election date requirements listed in the Election Code.

Thus, the City of Austin is prohibited by Tex. Elec. Code Ann. art. 2.01b(a) (Vernon Supp. 1982) from calling a referendum election to be held in conjunction with a statutorily authorized bond election scheduled for Saturday, September 11, 1982. Any election held on an unauthorized date is void. (Id.)

SUMMARY

The City of Austin may not call a referendum election for a date not authorized by Tex. Elec. Code Ann. art. 2.01b(a) (Vernon Supp. 1982).

Sincerely,



David A. Dean
Secretary of State

Willis Whatley
Counsel to the Secretary of State

Charles C. Bailey
Special Assistant for Elections

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APPROVED:
OPINION COMMITTEE

Karen Gladney, Chairman
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August Toudouze
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Election Law Opinion No. DAD- 30

Request from Albert DeLaRosa, City Attorney, Austin,
concerning the holding of a referendum election by the City
of Austin on an unauthorized date.

SUMMARY

The City of Austin may not call a referendum election for a
date not authorized by Tex. Elec. Code Ann. art. 2.01b(a)
(Vernon Supp. 1982).