

AN ACT

relating to the dates of and procedures for certain elections, the procedures for canvassing the ballots for an election, and the counting of certain ballots voted by mail.

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

SECTION 1. Effective January 1, 2005, Section 41.001(a), Election Code, as amended by Section 14, Chapter 1315, Acts of the 78th Legislature, Regular Session, 2003, is amended to read as follows:

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

- (1) the first Saturday in February;
- (2) the first [~~third~~] Saturday in May;
- (3) the second Saturday in September; or
- (4) the first Tuesday after the first Monday in November.

SECTION 2. Section 41.007(b), Election Code, as amended by Section 1, Chapter 292, and Section 16, Chapter 1315, Acts of the 78th Legislature, Regular Session, 2003, is reenacted and amended to read as follows:

(b) The runoff primary election date is the second [~~third~~] Tuesday in April following the general primary election.

SECTION 3. Section 67.003, Election Code, as amended by

1 Section 42, Chapter 1315, and Section 17, Chapter 1316, Acts of the
2 78th Legislature, Regular Session, 2003, is reenacted and amended
3 to read as follows:

4 Sec. 67.003. TIME FOR LOCAL CANVASS. Each local canvassing
5 authority shall convene to conduct the local canvass at the time set
6 by the canvassing authority's presiding officer[+]

7 [~~(1) on the seventh day after election day for:~~

8 [~~(A) the general election for state and county~~
9 ~~officers; or~~

10 [~~(B) an election of a political subdivision that~~
11 ~~is held jointly with an election of:~~

12 [~~(i) a county; or~~

13 [~~(ii) one or more other political~~
14 ~~subdivisions under an election services contract with the county~~
15 ~~election officer; or~~

16 [~~(2)~~] not earlier than the eighth [~~third~~] day or later
17 than the 11th [~~sixth~~] day after election day [~~for an election other~~
18 ~~than an election described by Subdivision (1)].~~

19 SECTION 4. Section 86.007(d), Election Code, as amended by
20 Section 24, Chapter 1316, Acts of the 78th Legislature, Regular
21 Session, 2003, is amended to read as follows:

22 (d) A marked ballot voted by mail that arrives after the
23 time prescribed by Subsection (a) shall be counted if:

24 (1) the ballot was cast from an address outside the
25 United States;

26 (2) the carrier envelope was placed for delivery
27 before the time the ballot is required to arrive under Subsection

1 (a); and

2 (3) the ballot arrives at the address on the carrier
3 envelope not later than[+]

4 [~~(A)~~] the fifth day after the date of the
5 election[+]

6 [~~(i) the general election for state and~~
7 ~~county officers; or~~

8 [~~(ii) an election of a political~~
9 ~~subdivision that is held jointly with an election of:~~

10 [(a) a county; or

11 [(b) one or more political
12 subdivisions under an election services contract with the county
13 election officer; or

14 [(B) the second day after the date of an election
15 other than an election described by Paragraph (A)].

16 SECTION 5. Section 87.125(a), Election Code, as amended by
17 Section 30, Chapter 1316, Acts of the 78th Legislature, Regular
18 Session, 2003, is amended to read as follows:

19 (a) The early voting ballot board shall convene to count
20 ballots voted by mail described by Section 86.007(d) at the time set
21 by the presiding judge of the board[+]

22 [~~(1)~~] on the sixth day after the date of an election[+]

23 [~~(A) the general election for state and county~~
24 ~~officers; or~~

25 [~~(B) an election of a political subdivision that~~
26 ~~is held jointly with an election of:~~

27 [(i) a county; or

1 ~~[(ii) one or more political subdivisions~~
2 ~~under an election services contract with the county election~~
3 ~~officer,~~

4 ~~[(2) on the second day after the date of a primary~~
5 ~~election, at a time following the last mail delivery,]~~ or on an
6 earlier day ~~[or at an earlier time]~~ if the early voting clerk
7 certifies that all ballots mailed from outside the United States
8 have been received~~;~~ ~~or~~

9 ~~[(3) not earlier than the third day or later than the~~
10 ~~fifth day after the date of an election other than an election~~
11 ~~described by Subdivision (1) or (2)].~~

12 SECTION 6. (a) To allow for the use of the districts
13 established by H.B. No. 3 as enacted by the 78th Legislature, 3rd
14 Called Session, 2003, in the 2004 general primary election, if the
15 effective date of H.B. No. 3 occurs after December 3, 2003:

16 (1) an application for a place on the ballot for the
17 2004 general primary election for the office of United States
18 Representative must:

19 (A) be filed with the appropriate authority
20 described by Section 172.022, Election Code, not later than 6 p.m.
21 on January 16, 2004; and

22 (B) relate to a congressional district as
23 constituted by H.B. No. 3;

24 (2) the date of the 2004 general primary election and
25 the 2004 presidential primary election is March 9, 2004; and

26 (3) the date of the 2004 runoff primary election is
27 April 13, 2004.

1 (b) An application for a place on the ballot for the 2004
2 general primary election for the office of United States
3 Representative filed on or after December 3, 2003, and before 6 p.m.
4 on January 2, 2004, is considered to have been filed on or after the
5 effective date of this Act and before the deadline prescribed by
6 Subsection (a)(1)(A) of this section.

7 (c) This section does not affect other requirements of the
8 Election Code relating to the validity of an application for a place
9 on the general primary election ballot or the holding of the general
10 primary, presidential primary, and runoff primary elections that
11 are not in conflict with this section.

12 (d) This section expires January 1, 2005.

13 SECTION 7. This Act takes effect on the 91st day after the
14 last day of the legislative session.

President of the Senate

Speaker of the House

I certify that H.B. No. 1 was passed by the House on September 17, 2003, by a non-record vote; that the House refused to concur in Senate amendments to H.B. No. 1 on October 2, 2003, and requested the appointment of a conference committee to consider the differences between the two houses; and that the House adopted the conference committee report on H.B. No. 1 on October 10, 2003, by the following vote: Yeas 77, Nays 52, 1 present, not voting.

Chief Clerk of the House

H.B. No. 1

I certify that H.B. No. 1 was passed by the Senate, with amendments, on September 25, 2003, by the following vote: Yeas 18, Nays 11; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; and that the Senate adopted the conference committee report on H.B. No. 1 on October 10, 2003, by the following vote: Yeas 19, Nays 12.

Secretary of the Senate

APPROVED: _____

Date

Governor