

AN ACT

relating to the dates on which elections may be held and certain procedures involving the uniform election held in May.

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

SECTION 1. Section 41.001(a), Election Code, as amended by Section 1, Chapter 1, Acts of the 78th Legislature, 3rd Called 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 second ~~[first]~~ Saturday in May;

~~(3) the second Saturday in September,~~] or

(2) ~~(4)]~~ the first Tuesday after the first Monday in November.

SECTION 2. Section 41.001(b), Election Code, is amended to read as follows:

(b) Subsection (a) does not apply to:

(1) a runoff election;

~~(2) [an election for the issuance or assumption of bonds for any purpose authorized by law relating to public schools or colleges or the levy of a tax for the maintenance of a public school or college, if the governing body of the political subdivision having jurisdiction of the public school or college~~

1 ~~issuing or assuming the bonds or levying the tax:~~

2 ~~[(A) by resolution, order, or ordinance, finds~~
3 ~~that holding the election on a date other than a uniform election~~
4 ~~date is in the public interest, which finding is conclusive and~~
5 ~~incontestable, and~~

6 ~~[(B) the election is the only election of the type~~
7 ~~described by this subdivision held by that political subdivision on~~
8 ~~a date other than a uniform election date during the state fiscal~~
9 ~~biennium;~~

10 ~~[(3)]~~ an election to resolve a tie vote;

11 (3) ~~[(4)]~~ an election held under an order of a court or
12 other tribunal;

13 (4) ~~[(5)]~~ an emergency election ordered under Section
14 41.0011;

15 (5) ~~[(6)]~~ an expedited election to fill a vacancy in
16 the legislature held under Section 203.013; or

17 (6) ~~[(7)]~~ an election held under a statute that
18 expressly provides that the requirement of Subsection (a) does not
19 apply to the election.

20 SECTION 3. Section 41.0052(a), Election Code, as amended by
21 Chapters 1074 and 1315, Acts of the 78th Legislature, Regular
22 Session, 2003, is reenacted and amended to read as follows:

23 (a) The governing body of a political subdivision other than
24 a county may, not later than December 31, 2005 ~~[2004]~~, change the
25 date on which it holds its general election for officers to another
26 authorized uniform election date.

27 SECTION 4. Section 41.253(b), Education Code, is amended to

1 read as follows:

2 (b) The transitional board of trustees shall divide the
3 consolidated district into nine single-member trustee districts in
4 accordance with the procedures provided by Section 11.052. The
5 transitional board shall order an election for the initial board of
6 trustees to be held on the first May [~~February~~] uniform election
7 date after the effective date of a consolidation order.

8 SECTION 5. Section 49.103(b), Water Code, is amended to
9 read as follows:

10 (b) An election shall be held on the uniform election date,
11 established by the Election Code, in [~~either February or~~] May of
12 each even-numbered year to elect the appropriate number of
13 directors.

14 SECTION 6. Section 56.804(a), Water Code, is amended to
15 read as follows:

16 (a) The election shall be held on a uniform election day in
17 [~~February or~~] May.

18 SECTION 7. Section 67.003, Election Code, is amended to
19 read as follows:

20 Sec. 67.003. TIME FOR LOCAL CANVASS. (a) Except as
21 provided by Subsection (b), each [~~Each~~] local canvassing authority
22 shall convene to conduct the local canvass at the time set by the
23 canvassing authority's presiding officer not earlier than the
24 eighth day or later than the 11th day after election day.

25 (b) For an election held on the uniform election date in
26 May, the local canvass must occur not later than the 11th day after
27 election day and not earlier than the later of:

1 (1) the third day after election day;

2 (2) the date on which the early voting ballot board has
3 verified and counted all provisional ballots, if a provisional
4 ballot has been cast in the election; or

5 (3) the date on which all timely received ballots cast
6 from addresses outside of the United States are counted, if a ballot
7 to be voted by mail in the election was provided to a person outside
8 of the United States.

9 SECTION 8. Section 85.001, Election Code, is amended by
10 adding Subsection (e) to read as follows:

11 (e) For an election held on the uniform election date in
12 May, the period for early voting by personal appearance begins on
13 the 12th day before election day and continues through the fourth
14 day before election day.

15 SECTION 9. Sections 41.001(d) and (e), Election Code, are
16 repealed.

17 SECTION 10. Not later than December 31, 2005, a political
18 subdivision that before October 1, 2005, held its general election
19 for officers on the February or September uniform election date
20 shall change the election date as permitted by Section 41.0052,
21 Election Code, as reenacted and amended by Section 3 of this Act, to
22 a date authorized by Section 41.001, Election Code, as amended by
23 Section 1 of this Act.

24 SECTION 11. When used in Section 49.103(e), Water Code, the
25 phrase "prior statutory enactments" refers to statutory enactments
26 occurring prior to May 25, 1995.

27 SECTION 12. This Act applies only to an election ordered on

1 or after October 1, 2005.

2 SECTION 13. This Act takes effect October 1, 2005.

President of the Senate

Speaker of the House

I certify that H.B. No. 57 was passed by the House on April 19, 2005, by a non-record vote; and that the House concurred in Senate amendments to H.B. No. 57 on May 23, 2005, by a non-record vote.

Chief Clerk of the House

I certify that H.B. No. 57 was passed by the Senate, with amendments, on May 20, 2005, by the following vote: Yeas 30, Nays 1.

Secretary of the Senate

APPROVED: _____

Date

Governor