

1-1 By: Denny (Senate Sponsor - Jackson) H.B. No. 57
1-2 (In the Senate - Received from the House April 20, 2005;
1-3 April 21, 2005, read first time and referred to Committee on State
1-4 Affairs; May 18, 2005, reported favorably, as amended, by the
1-5 following vote: Yeas 8, Nays 0; May 18, 2005, sent to printer.)

1-6 COMMITTEE AMENDMENT NO. 1 By: Jackson

1-7 Amend H.B. 57 as follows:

1-8 On page 2, line 53, insert new SECTION 11 as follows, and
1-9 renumber subsequent sections:

1-10 "SECTION 11. When used in Section 49.103(e), Water Code,
1-11 the phrase "prior statutory enactments" refers to statutory
1-12 enactments occurring prior to May 25, 1995."

1-13 A BILL TO BE ENTITLED
1-14 AN ACT

1-15 relating to the dates on which elections may be held and certain
1-16 procedures involving the uniform election held in May.

1-17 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-18 SECTION 1. Section 41.001(a), Election Code, as amended by
1-19 Section 1, Chapter 1, Acts of the 78th Legislature, 3rd Called
1-20 Session, 2003, is amended to read as follows:

1-21 (a) Except as otherwise provided by this subchapter, each
1-22 general or special election in this state shall be held on one of
1-23 the following dates:

1-24 (1) ~~[the first Saturday in February;~~
1-25 ~~[(2)] the second [first] Saturday in May;~~
1-26 ~~[(3) the second Saturday in September;]~~ or
1-27 (2) ~~[(4)]~~ the first Tuesday after the first Monday in
1-28 November.

1-29 SECTION 2. Section 41.001(b), Election Code, is amended to
1-30 read as follows:

1-31 (b) Subsection (a) does not apply to:

1-32 (1) a runoff election;
1-33 (2) ~~[an election for the issuance or assumption of
1-34 bonds for any purpose authorized by law relating to public schools
1-35 or colleges or the levy of a tax for the maintenance of a public
1-36 school or college, if the governing body of the political
1-37 subdivision having jurisdiction of the public school or college
1-38 issuing or assuming the bonds or levying the tax;~~

1-39 ~~[(A) by resolution, order, or ordinance, finds
1-40 that holding the election on a date other than a uniform election
1-41 date is in the public interest, which finding is conclusive and
1-42 incontestable; and~~

1-43 ~~[(B) the election is the only election of the type
1-44 described by this subdivision held by that political subdivision on
1-45 a date other than a uniform election date during the state fiscal
1-46 biennium;~~

1-47 ~~[(3)]~~ an election to resolve a tie vote;
1-48 (3) ~~[(4)]~~ an election held under an order of a court or
1-49 other tribunal;

1-50 (4) ~~[(5)]~~ an emergency election ordered under Section
1-51 41.0011;

1-52 (5) ~~[(6)]~~ an expedited election to fill a vacancy in
1-53 the legislature held under Section 203.013; or

1-54 (6) ~~[(7)]~~ an election held under a statute that
1-55 expressly provides that the requirement of Subsection (a) does not
1-56 apply to the election.

1-57 SECTION 3. Section 41.0052(a), Election Code, as amended by
1-58 Chapters 1074 and 1315, Acts of the 78th Legislature, Regular
1-59 Session, 2003, is reenacted and amended to read as follows:

1-60 (a) The governing body of a political subdivision other than
1-61 a county may, not later than December 31, 2005 ~~[2004]~~, change the
1-62 date on which it holds its general election for officers to another

2-1 authorized uniform election date.

2-2 SECTION 4. Section 41.253(b), Education Code, is amended to
2-3 read as follows:

2-4 (b) The transitional board of trustees shall divide the
2-5 consolidated district into nine single-member trustee districts in
2-6 accordance with the procedures provided by Section 11.052. The
2-7 transitional board shall order an election for the initial board of
2-8 trustees to be held on the first May [~~February~~] uniform election
2-9 date after the effective date of a consolidation order.

2-10 SECTION 5. Section 49.103(b), Water Code, is amended to
2-11 read as follows:

2-12 (b) An election shall be held on the uniform election date,
2-13 established by the Election Code, in [~~either February or~~] May of
2-14 each even-numbered year to elect the appropriate number of
2-15 directors.

2-16 SECTION 6. Section 56.804(a), Water Code, is amended to
2-17 read as follows:

2-18 (a) The election shall be held on a uniform election day in
2-19 [~~February or~~] May.

2-20 SECTION 7. Section 67.003, Election Code, is amended to
2-21 read as follows:

2-22 Sec. 67.003. TIME FOR LOCAL CANVASS. (a) Except as
2-23 provided by Subsection (b), each [~~Each~~] local canvassing authority
2-24 shall convene to conduct the local canvass at the time set by the
2-25 canvassing authority's presiding officer not earlier than the
2-26 eighth day or later than the 11th day after election day.

2-27 (b) For an election held on the uniform election date in
2-28 May, the local canvass must occur not later than the 11th day after
2-29 election day and not earlier than the later of:

2-30 (1) the third day after election day;

2-31 (2) the date on which the early voting ballot board has
2-32 verified and counted all provisional ballots, if a provisional
2-33 ballot has been cast in the election; or

2-34 (3) the date on which all timely received ballots cast
2-35 from addresses outside of the United States are counted, if a ballot
2-36 to be voted by mail in the election was provided to a person outside
2-37 of the United States.

2-38 SECTION 8. Section 85.001, Election Code, is amended by
2-39 adding Subsection (e) to read as follows:

2-40 (e) For an election held on the uniform election date in
2-41 May, the period for early voting by personal appearance begins on
2-42 the 12th day before election day and continues through the fourth
2-43 day before election day.

2-44 SECTION 9. Sections 41.001(d) and (e), Election Code, are
2-45 repealed.

2-46 SECTION 10. Not later than December 31, 2005, a political
2-47 subdivision that before October 1, 2005, held its general election
2-48 for officers on the February or September uniform election date
2-49 shall change the election date as permitted by Section 41.0052,
2-50 Election Code, as reenacted and amended by Section 3 of this Act, to
2-51 a date authorized by Section 41.001, Election Code, as amended by
2-52 Section 1 of this Act.

2-53 SECTION 11. This Act applies only to an election ordered on
2-54 or after October 1, 2005.

2-55 SECTION 12. This Act takes effect October 1, 2005.

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