Exhibit 5
Submission 2005-2705
The State of Texas

Elections Division
P.O. Box 12060
Austin, Texas 78711-2060
www.sos.state.tx.us

Roger Williams
Secretary of State

July 19, 2005

Mr. Joseph D. Rich
Chief, Voting Section
Civil Rights Division
Room 7254 - NWB
U.S. Department of Justice
950 Pennsylvania Ave., NW
Washington, D.C. 20530


Dear Mr. Rich:

The Legislature of the State of Texas has enacted House Bill 57, Chapter 471, 79th Legislature, 2005 (the “Act”), which relates to uniform election dates, exceptions to uniform election dates, the period for conducting a canvass for an election held on the May uniform election date, and the period for early voting by personal appearance for elections held on the May uniform election date.

Pursuant to the requirements of 28 C.F.R. § 51.27, the following information is submitted with respect to the Act:

(a) & (b) A copy of the Act is enclosed herewith.

(c) Section 1 of the Act amends Section 41.001(a) of the Texas Election Code to delete the February and September uniform election dates and shift the May uniform election date from the first Saturday in May to the second Saturday in May. Section 41.001 was added to the Code by House Bill 616, Chapter 211, 69th Legislature, 1985 and precleared on August 16, 1985. It was later amended by Senate Bill 4, Chapter 14, 69th Legislature, Third Called Session, 1986 (precleared on February 9, 1987), by House Bill 28, Chapter 60, 70th Legislature, Second Called Session, 1987 (precleared on November 16, 1987), by House Bill 2552, Chapter 389, 72nd Legislature, 1991 (precleared on September 23, 1991), by House Bill 565, Chapter 467, 73rd Legislature, 1993 (precleared on October 4, 1993), by House Bill 298, Chapter 1219, 75th Legislature, 1995 (precleared on September 2, 1995), by House Bill 331, Chapter 1349, 75th Legislature, 1997 (precleared on September 2, 1997), by Senate Bill 1368, Chapter 62, 76th Legislature, 1999 (a non-substantive change not subject to preclearance) by Senate Bill 79, Chapter 340, 77th
Legislature, 2001 (precleared on August 23, 2001), by House Bill 1549, Chapter 1315, 78th Legislature, 2001 (precleared on November 20, 2003), and by House Bill 1, Chapter 1, 78th Legislature, 3rd Called Session, 2003 (precleared on December 19, 2003).

Section 2 of the Act deletes Section 41.001(b) of the Code to eliminate the school bond/maintenance tax exception to the general requirement that elections be held on one of the uniform election dates. Section 41.001 was added to the Code by House Bill 616, Chapter 211, 69th Legislature, 1985 and precleared on August 16, 1985. It was later amended by Senate Bill 4, Chapter 14, 69th Legislature, Third Called Session, 1986 (precleared on February 9, 1987), by House Bill 28, Chapter 60, 70th Legislature, Second Called Session, 1987 (precleared on November 16, 1987), by House Bill 2552, Chapter 389, 72nd Legislature, 1991 (precleared on September 23, 1991), by House Bill 565, Chapter 467, 73rd Legislature, 1993 (precleared on October 4, 1993), by House Bill 298, Chapter 1219, 75th Legislature, 1995 (precleared on September 2, 1995), by House Bill 331, Chapter 1349, 75th Legislature, 1997 (precleared on September 2, 1997), by Senate Bill 1368, Chapter 62, 76th Legislature, 1999 (a non-substantive change not subject to preclearance) by Senate Bill 79, Chapter 340, 77th Legislature, 2001 (precleared on August 23, 2001), by House Bill 1549, Chapter 1315, 78th Legislature, 2001 (precleared on November 20, 2003), and by House Bill 1, Chapter 1, 78th Legislature, 3rd Called Session, 2003 (precleared on December 19, 2003).

Section 3 of the Act amends Section 41.0052(a) to open a short period of time for governing bodies of political subdivisions to change the date of their general elections. The period opens from the effective date of the act and closes on December 31, 2005. Section 41.0052 was added to the Code by House Bill 75, Chapter 728, 73rd Legislature, 1993 and precleared on September 13, 1993. It was later amended by House Bill 298, Chapter 1219, 75th Legislature, 1997 (precleared on September 2, 1997), by House Bill 3287, Chapter 1068, 76th Legislature, 1999 (precleared on September 13, 1999), and by House Bill 1549, Chapter 1315, 78th Legislature, 2001 (precleared on November 20, 2003).

Section 4 of the Act amends Section 41.253(b) of the Texas Education Code, deleting a reference to a February election for the initial board of trustees in a consolidated independent school district. This election will now be held on the May uniform election date. Section 41.253 was added to the Education Code by Senate Bill 1, Chapter 260, 74th Legislature, 1995 (precleared on December 11, 1995). It was later amended by Senate Bill 79, Chapter 340, 77th Legislature, 2001 (precleared on August 23, 2001).

Section 5 of the Act amends Section 49.103(b) of the Texas Water Code to delete February as an authorized date for water district board elections. Water district board elections will now be held only on the May uniform election date in each even-numbered year. Section 49.103 was added to the Water Code by Senate Bill 626, Chapter 715, 74th Legislature, 1995 and precleared on June 6, 1996. It was later amended by Senate Bill 1865, Chapter 1070, 75th Legislature, 1997 (precleared on August 8, 1998) and by House Bill 1541, Chapter 248, 78th Legislature, 2003 (precleared on November 23, 2003).
Section 6 of the Act amends Section 56.804 of the Texas Water Code to delete the February uniform date as a date for Drainage District consolidation elections, leaving May as the only authorized uniform election date for the elections. Section 56.804 was added to the Water Code by House Bill 2332, Chapter 222, 76th Legislature, 1999 and was precleared on November 16, 1999. It was later amended by Senate Bill 79, Chapter 340, 77th Legislature, 2001 (precleared on August 23, 2001).

Section 7 of the Act adds Section 67.003(b) to the Code to create a separate canvass period for elections held on the May uniform date. The longer canvass period added to state law in 2003 was a reflection of the additional time needed to process provisional votes and ballots arriving from outside the United States. In many local elections, there are no overseas ballots to wait for and the number of provisional votes is small enough that the voter registrar is able to review the voters status and return the ballot to the custodian of election records either on election night or within one business day after the election. Many entities were prepared to conduct their canvass within the 3rd day after election but because of the new law had to wait until the 8th day, which delayed new officers from taking office. The change in law allows the canvass to take place earlier if the ballots have been resolved. The first day the canvass may be held is the later of the 3rd day after election day, the date the early voting ballot board has met and resolved all the provisional ballots or the date on which ballots mailed from addresses outside the United States are counted, if a ballot was provided for a person outside the United States. The last day to conduct the canvass remains the 11th day after Election Day. Section 67.003 was added to the Code by House Bill 616, Chapter 211, 69th Legislature, 1985 and precleared on August 16, 1985. It was amended by House Bill 75, Chapter 728, 73rd Legislature, 1993 (precleared on September 13, 1993), House Bill 331, Chapter 1349, 75th Legislature, 1997 (precleared on September 2, 1997), House Bill 1549, Chapter 1315, 78th Legislature, 2001 (precleared on November 20, 2003) and by House Bill 1, Chapter 1, 78th Legislature, 3rd Called Session, 2003 (precleared on December 19, 2003).

Section 8 of the Act adds Section 85.001(e) to the Code. The new subsection creates a new period for early voting by personal appearance specifically for elections held on the May uniform date, which begins on the 12th day before election day and continues to the 4th day before election day. Under prior law, the early voting period for elections held on the May uniform election date began on the 17th day before election day. The shorter period for May elections reflects that many smaller political subdivisions hold their elections on this date and the longer period has represented a hardship in terms of supplying personnel to run often poorly attended early voting sites. Section 85.001 was added to the Code by Senate Bill 616, Chapter 211, 69th Legislature, 1985 and precleared on August 16, 1985. It was amended by Senate Bill 292, Chapter 115, 75th Legislature, 1997 (precleared on September 5, 1997), and House Bill 1695, Chapter 1316, 78th Legislature, 2003 (precleared on November 20, 2003).

Section 9 of the Act repeals Section 41.001(d), which had stated that general elections of a city, school district, junior college district, or hospital district could not be held on the February or September uniform election dates, and Section 41.001(e), which stated that an election for an office in which a majority vote is required could not be held on the September or February uniform election date. These sections have now become
unnecessary since the February and September dates have been deleted from the list of authorized uniform election dates.

Section 10 of the Act requires political subdivisions who hold their general election on the February or September uniform election dates to change the date to one of the 2 remaining uniform election dates (i.e., May or November) as permitted under Section 41.0052 no later than December 31, 2005.

Section 11 of the Act states that the phrase “prior statutory enactments” in Water Code Section 49.103(e) refers to statutory enactments prior to May 25, 1995, which was the date the Section became legally effective.

Under Section 12, the changes in the Act apply only to elections held on or after October 1, 2005.

(d) The submitting authority is the Honorable Roger Williams, Secretary of State of Texas, in his capacity as chief elections officer of Texas. The Secretary of State’s office may be reached at P.O. Box 12060, Austin, Texas 78711-2060, (512) 463-5650.

(e) Not applicable.

(f) Not applicable.

(g) The authority responsible for the passage of the Act was the Texas Legislature.

(h) The Act was adopted pursuant to the provisions of Tex. Const. art. III, § 30.

(i) The Act was passed by the Texas House on April 19, 2005, and by the Texas Senate on May 20, 2005. The Act was signed by Governor Perry on June 17, 2005.

(j) The Act takes effect on October 1, 2005.

(k) The provisions of the Act have not been implemented.

(l) These procedures will affect the residents of the state of Texas.

(m) The reason for the changes provided for in the Act is to consolidate elections onto the dates that have traditionally provided for greater public awareness and turnout, shorten the early voting period for elections held on the May uniform date to decrease the administrative burden for the election authorities holding May elections, expand the canvass period to allow earlier canvasses for local political subdivisions holding elections on the May date as to minimize unnecessary delay in swearing in new officers, and to create a period of time for political subdivisions to shift the dates of their general elections as necessary to comply with the Act’s changes.

(n) The Act will not affect members of any racial or linguistic minority differently from the way the general public is affected. The Act does not have the intent and will not have the
effect of diluting the voting strength of any racial or linguistic minority. For more information please contact:

Irving, Texas 75061
Lancaster, Texas 75146

Houston, Texas 77085
The Woodlands, Texas 77381

(o) There is no past or pending litigation concerning the subject matter of the Act.

(p) The procedure for the adoption of the change is not subject to preclearance.

If you have any questions or need additional information, please contact Paul Miles, Staff Attorney, Elections Division, at (512) 463-5650.

Sincerely,

[Signature]

Ann McGeehan
Director of Elections

Enclosure

AM:PM:sf
CHAPTER 47

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
(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

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(2) [the second first] Saturday in May;
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school or college, if the governing body of the political
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(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
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issuing or assuming the bonds or levying the tax,

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

(B) the election is the only election of the type
described by this subdivision held by that political subdivision on
a date other than a uniform election date during the state fiscal
biennium,

(3) an election to resolve a tie vote;

(4) an election held under an order of a court or
other tribunal;

(5) an emergency election ordered under Section
41.0011;

(6) an expedited election to fill a vacancy in
the legislature held under Section 203.013; or

(6) an election held under a statute that
expressly provides that the requirement of Subsection (a) does not
apply to the election.

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

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

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

2
H.B. No. 57

read as follows:

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

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

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

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

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

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

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

(b) For an election held on the uniform election date in May, the local canvass must occur not later than the 11th day after election day and not earlier than the later of:
H.B. No. 57

(1) the third day after election day;

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

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

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

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

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

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

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

SECTION 12. This Act applies only to an election ordered on
H.B. No. 57

1 or after October 1, 2005.

2 SECTION 13. This Act takes effect October 1, 2005.
H.B. No. 57

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: 17 JUNE 05

Governor

FILED IN THE OFFICE OF THE SECRETARY OF STATE
11:20 A.M. O'LOCK

JUN 17 2005

Secretary of State
September 22, 2005

Ann McGeehan, Esq.
Director of Elections
Secretary of State’s Office
P.O. Box 12060
Austin, Texas 78711-2060

Dear Ms. McGeehan:

This refers to the Chapter 471 (House Bill 57) (2005), which relates to uniform election date changes, and changes to the period for early voting by personal appearance and canvassing for elections held in May; and Chapter 123 (Senate Bill 1621) (2005), which amends the referendum requirement for emergency services districts located in certain populous counties, for the State of Texas, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act, 42 U.S.C. 1973c. We received your submissions on July 26 and August 4, 2005.

The Attorney General does not interpose any objection to the specified changes. However, we note that Section 5 expressly provides that the failure of the Attorney General to object does not bar subsequent litigation to enjoin the enforcement of the changes. In addition, as authorized by Section 5, we reserve the right to reexamine these submissions if additional information that would otherwise require an objection comes to our attention during the remainder of the sixty-day review period. Procedures for the Administration of Section 5 of the Voting Rights Act (28 C.F.R. 51.41 and 51.43).

Sincerely,

[Signature]

John Talamo
Chief, Voting Section
Memorandum of Telephonic Communication

Date: 8/29/05  Attorney/Analyst: T. Shaffer  File No.: 2005-2704, 2005-2705, & 2005-2884

Other Party: Paul Miles  Race:  Tel. No.: 512/463-5650

Title/Organization: Staff Attorney, Elections Division

Jurisdiction: State of Texas

Subject: House Bill 57, Chapter 471; Senate Bill 1621, Chapter 123; and House Bill 719, Chapter 510, 79th Legislature, 2005

I informed him that the submissions have been received and of the 60th due out dates.