

By: Cole

H.B. No. 1273

A BILL TO BE ENTITLED

AN ACT

relating to the days and hours during which the polls are open for early voting by personal appearance.

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

SECTION 1. Section 12.004(d), Election Code, is amended to read as follows:

(d) The [~~If early voting by personal appearance is required to be conducted for extended hours under Section 85.005(c) or for weekend hours under Section 85.006(e), the~~] registrar's office shall remain open for providing voter registration information during the [~~extended hours or weekend~~] hours that the main early voting polling place is open for voting.

SECTION 2. Sections 85.001(a) and (e), Election Code, are amended to read as follows:

(a) The period for early voting by personal appearance begins on the 17th day before election day and continues through the fourth day before election day, except as otherwise provided by this subchapter [~~section~~].

(e) For an election held on the uniform election date in May and any resulting runoff election, 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, except as otherwise provided by this subchapter.

SECTION 3. Section 85.006, Election Code, is amended to

1 read as follows:

2           Sec. 85.006. EXTENDED VOTING [~~ON SATURDAY OR SUNDAY~~]. (a)  
3 Except as provided by Subsection (b), the authority ordering an  
4 election may order early voting by personal appearance at the main  
5 early voting polling place to be conducted:

6           (1) on one or more Saturdays or Sundays during the  
7 early voting period; or

8           (2) during an extended early voting period continuing  
9 for any number of consecutive days up to and including the day  
10 before election day.

11           (b) In an election in which a county clerk is the early  
12 voting clerk under Section 83.002, only the early voting clerk may  
13 order extended voting [~~on a Saturday or Sunday~~]. The clerk must do  
14 so by written order.

15           (c) Except as otherwise provided by this section, the [~~The~~]  
16 authority ordering extended voting [~~on a Saturday or Sunday~~] shall  
17 determine the hours during which voting is to be conducted.

18           (d) The authority authorized to order extended early voting  
19 [~~on a Saturday or Sunday~~] under Subsection (a) or (b) shall order  
20 [~~the~~] voting on a Saturday or Sunday under the applicable  
21 subsection on receipt of a written request submitted by at least 15  
22 registered voters of the territory covered by the election. The  
23 request must be submitted in time to enable compliance with Section  
24 85.007. The authority is not required to order the voting on a  
25 particular date specified by the request but shall order the voting  
26 on at least one Saturday if a Saturday is requested and on at least  
27 one Sunday if a Sunday is requested.

1           (e) In a primary election or the general election for state  
2 and county officers in a county with a population of 55,000 or more,  
3 the early voting clerk shall order voting by personal appearance at  
4 the main early voting polling place to be conducted on the last  
5 Saturday of the early voting period for at least 12 hours, except  
6 that voting may not be conducted earlier than 6 a.m. or later than  
7 10 p.m., and on the last Sunday of the early voting period for at  
8 least six hours, except that voting may not be conducted earlier  
9 than 9 a.m. or later than 10 p.m. The early voting clerk shall  
10 order voting to be conducted at those times in those elections in a  
11 county with a population under 55,000 on receipt of a written  
12 request for those hours submitted by at least 15 registered voters  
13 of the county. The request must be submitted in time to enable  
14 compliance with Section 85.007. This subsection supersedes any  
15 provision of this subchapter to the extent of any conflict.

16           (f) An authority authorized to order extended early voting  
17 under Subsection (a) or (b) that orders the voting during an  
18 extended early voting period shall order personal appearance voting  
19 at the main early voting polling place to be conducted for at least  
20 12 hours on any weekday or Saturday and for at least five hours on  
21 any Sunday of the extended early voting period.

22           SECTION 4. Sections 85.007(a) and (b), Election Code, are  
23 amended to read as follows:

24           (a) The election order and the election notice must state:

25                   (1) the date that early voting will begin if under  
26 Section 85.001(d) the early voting period is to begin later than the  
27 prescribed date;

1           (2) the regular dates and hours that voting will be  
2 conducted under Section 85.005(b); and

3           (3) the dates and hours that extended voting [~~on~~  
4 ~~Saturday or Sunday~~] is ordered to be conducted under Section  
5 85.006(a).

6           (b) The early voting clerk shall post notice for each  
7 election stating the dates and hours that extended voting [~~on a~~  
8 ~~Saturday or Sunday~~] is ordered to be conducted under Section  
9 85.006(b).

10          SECTION 5. Section 85.064(d), Election Code, is amended to  
11 read as follows:

12           (d) The authority authorized under Section 85.006 to order  
13 extended early voting [~~on a Saturday or Sunday~~] may also order, in  
14 the manner prescribed by that section, extended early voting to be  
15 conducted [~~on a Saturday or Sunday~~] at any one or more of the  
16 temporary branch polling places. In addition, the early voting  
17 clerk of a county covered by Section 85.006(e) shall order such  
18 voting in accordance with that subsection at each temporary branch  
19 polling place established under Section 85.062(d).

20          SECTION 6. Section 85.065(b), Election Code, is amended to  
21 read as follows:

22           (b) Except as provided by Subsection (c), voting at a  
23 temporary branch polling place may be conducted on any days and  
24 during any hours of the period for early voting by personal  
25 appearance, as determined by the authority establishing the branch.  
26 The authority authorized under Section 85.006 to order extended  
27 early voting [~~on a Saturday or Sunday~~] may also order, in the manner

1 prescribed by that section, extended early voting to be conducted  
2 [~~on a Saturday or Sunday~~] at any one or more of the temporary branch  
3 polling places.

4 SECTION 7. Section 85.068(a), Election Code, is amended to  
5 read as follows:

6 (a) The early voting clerk shall post notice for each  
7 election stating any dates and the hours that extended voting [~~on~~  
8 ~~Saturday or Sunday~~] will be conducted under Section 85.064(d) or  
9 85.065(b), if the early voting clerk is a county clerk or city  
10 secretary under Section 83.002 or 83.005.

11 SECTION 8. Section 87.1231, Election Code, is amended to  
12 read as follows:

13 Sec. 87.1231. EARLY VOTING VOTES REPORTED BY PRECINCT. (a)  
14 Not later than the time of the local canvass, the early voting clerk  
15 shall deliver to the local canvassing authority a report of the  
16 total number of early voting votes cast during the period specified  
17 under Section 85.001(a) for each candidate or measure by election  
18 precinct. The report may reflect the total for votes by mail and  
19 the total for votes by personal appearance.

20 (b) A county may include votes cast during an extended early  
21 voting period established under Section 85.006 in the report under  
22 Subsection (a).

23 SECTION 9. This Act takes effect September 1, 2023.