

By: Creighton

S.B. No. 2393

A BILL TO BE ENTITLED

AN ACT

relating to the time for delivery and acceptance by the early voting ballot board of early voting ballots voted by mail.

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

SECTION 1. Section 87.0222, Election Code, is amended to read as follows:

Sec. 87.0222. TIME OF DELIVERY: BALLOTS VOTED BY MAIL. (a) Except as provided by Subsection (a-1), not later than the seventh day before election day ~~[Notwithstanding Section 87.024, in an election conducted by an authority of a county with a population of 100,000 or more, or conducted jointly with such a county or conducted with such a county through a contract for election services]~~, the jacket envelopes containing ~~[the]~~ early voting ballots voted by mail shall ~~[may]~~ be delivered to the board ~~[between the end of the ninth day before the last day of the period for early voting by personal appearance and the closing of the polls on election day, or as soon after closing as practicable, at the time or times specified by the presiding judge of the board]~~.

(a-1) Any jacket envelopes of early voting ballots voted by mail returned after delivery of the ballots under Subsection (a) may be delivered to the presiding judge of the early voting ballot board between the end of the seventh day before election day and the closing of the polls on election day, or as soon after closing as practicable, at the time or times specified by the presiding judge.

1 (b) The early voting clerk shall post notice of each
2 delivery of balloting materials under this section that is to be
3 made before the time for opening the polls on election day. The
4 notice shall be posted at the main early voting polling place
5 continuously for at least 24 hours immediately preceding the
6 delivery.

7 (c) At least 24 hours before each delivery made before the
8 time for opening the polls on election day, the early voting clerk
9 shall notify the county chair of each political party having a
10 nominee on the ballot of the time the delivery is to be made.

11 SECTION 2. Sections 87.0241(a) and (c), Election Code, are
12 amended to read as follows:

13 (a) The early voting ballot board shall make its
14 determination [~~may determine~~] whether to accept early voting
15 ballots voted by mail in accordance with Section 87.041 [~~at any~~
16 ~~time~~] after the ballots are delivered to the board.

17 (c) The secretary of state shall prescribe any procedures
18 necessary for implementing this section [~~in regard to elections~~
19 ~~described by Subsection (b)(2)~~].

20 SECTION 3. Section 87.0241(b), Election Code, is repealed.

21 SECTION 4. This Act takes effect September 1, 2023.