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S.B. No. 2753

A BILL TO BE ENTITLED

AN ACT

relating to the integration of early voting by personal appearance and election day voting, including the manner in which election returns are processed and other related changes.

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) 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. Section 19.004(a), Election Code, is amended to read as follows:

(a) Except as provided by Subsection (d), state funds disbursed under this chapter may be used only to:

(1) defray expenses of the registrar's office in connection with voter registration, including additional expenses related to:

(A) implementation of the National Voter Registration Act of 1993 (52 U.S.C. Section 20501 et seq.);

(B) complying with weekly updating requirements;
and

1 (C) the employment of temporary voter
2 registration personnel for not more than 39 weeks in a state fiscal
3 year; and

4 (2) if the registrar's county has a population of less
5 than 55,000, defray the cost to the registrar's county of keeping
6 the polling places in the county open during the early voting period
7 as required under Section [~~Sections~~] 85.005(c) [~~, 85.006(e), and~~
8 ~~85.064(d)~~].

9 SECTION 3. Section 42.0051, Election Code, is amended to
10 read as follows:

11 Sec. 42.0051. COMBINING CERTAIN PRECINCTS. (a) If changes
12 in county election precinct boundaries to give effect to a
13 redistricting plan result in county election precincts with fewer
14 than 3,000 registered voters, a commissioners court for a general
15 or special election, or for a primary election, the county
16 executive committee of a political party conducting a primary
17 election, may combine county election precincts notwithstanding
18 Section 42.005 to avoid unreasonable expenditures for election
19 equipment, supplies, and personnel [~~This section applies only to a~~
20 ~~county with a population of less than 1.2 million that does not~~
21 ~~participate in the countywide polling place program described by~~
22 ~~Section 43.007~~].

23 (b) A combined precinct under Subsection (a) is subject to
24 the maximum population prescribed for a precinct under Section
25 42.006.

26 (c) [~~(a-1)~~] In a primary election, the county executive
27 committee of a political party conducting the primary election, or

1 for a general or special election for which use of county election
2 precincts is required, the commissioner's court of a county that
3 does not participate in the countywide polling place program
4 described by Section 43.007 may, on the recommendation of the
5 county election board, combine county election precincts
6 notwithstanding Section 42.005 if:

7 (1) the commissioners court cannot secure a suitable
8 polling place location under Section 43.031; and

9 (2) the location of the combined polling place
10 adequately serves the voters of the combined precinct.

11 (d) [(c)] A combined precinct under Subsection (c) ~~[this~~
12 ~~section]~~ may not contain more than 10,000 registered voters. If a
13 county has more than one combined precinct under Subsection (c),
14 the number of voters contained in the smallest combined precinct in
15 the county may not be less than 95 percent of the number of voters
16 contained in the largest combined precinct in the county.

17 (e) [(d)] A combined precinct may not be established if it:

18 (1) results in a dilution of voting strength of a group
19 covered by the federal Voting Rights Act (42 U.S.C. Section 1973c et
20 seq.);

21 (2) results in a dilution of representation of a group
22 covered by the Voting Rights Act in any political or electoral
23 process or procedure; or

24 (3) results in discouraging participation by a group
25 covered by the Voting Rights Act in any political or electoral
26 process or procedure because of the location of a polling place or
27 other factors.

1 (f) For the purposes of appointing a presiding election
2 judge and an alternate presiding judge to a county election
3 precinct combined under this section, the combined precinct shall
4 be considered a single precinct and the judges shall be appointed in
5 accordance with the procedures provided under Chapter 32.

6 SECTION 4. Subchapter A, Chapter 43, Election Code, is
7 amended by adding Section 43.0015 to read as follows:

8 Sec. 43.0015. DESIGNATION OF LOCATION: USE OF EARLY VOTING
9 POLLING PLACE ON ELECTION DAY. The authority responsible for
10 designating polling places under this subchapter shall, at a
11 minimum, designate as locations for polling places on election day:

12 (1) the location designated as the main early voting
13 polling place under Section 85.002;

14 (2) each location designated as a permanent branch
15 polling place under Section 85.061; and

16 (3) each location designated as a temporary branch
17 polling place under Section 85.062.

18 SECTION 5. Section 61.002(a), Election Code, is amended to
19 read as follows:

20 (a) Immediately before opening the polls for voting on the
21 first day of voting at a polling place during early voting or ~~[and]~~
22 on election day, the presiding election judge or alternate election
23 judge shall confirm that each voting machine has any public counter
24 reset to zero and shall print the tape that shows the counter was
25 set to zero for each candidate or measure on the ballot.

26 SECTION 6. Section 62.005, Election Code, is amended to
27 read as follows:

1 Sec. 62.005. EXAMINING BALLOT BOXES. On the first day of
2 voting at a polling place during early voting or on election day, an
3 ~~An~~ election officer shall open and examine the ballot boxes and
4 remove any contents from the boxes.

5 SECTION 7. Section 65.002(a), Election Code, is amended to
6 read as follows:

7 (a) Subject to Subsection (b), the presiding judge may
8 direct the counting of ballots to occur on election day at any time
9 after the polls have been open for one hour.

10 SECTION 8. Section 65.014(b), Election Code, is amended to
11 read as follows:

12 (b) The returns must state:

13 (1) the total number of voters who voted at the polling
14 place during early voting by personal appearance and on election
15 day as indicated by the poll list; and

16 (2) the total number of votes counted for each
17 candidate and for and against each measure.

18 SECTION 9. Sections 65.016(a) and (b), Election Code, are
19 amended to read as follows:

20 (a) A county that holds or provides election services for an
21 election and maintains an Internet website shall post on its public
22 Internet website for an election of public officials or of a
23 governmental entity authorized by law to impose a tax administered
24 by the county:

25 (1) the results of each election;

26 (2) the total number of votes cast;

27 (3) the total number of votes cast for each candidate

or for or against each measure;

(4) the total number of votes cast for each candidate or for or against each measure at each polling location;

(5) the total number of votes cast by personal appearance [~~on election day~~];

(6) [~~(5)~~] the total number of votes cast by personal appearance or mail [~~during the early voting period~~]; and

(7) [~~(6)~~] the total number of counted and uncounted provisional ballots cast.

(b) A city or independent school district that holds an election and maintains an Internet website shall post on its public Internet website for the city or independent school district, as applicable:

(1) the results of each election;

(2) the total number of votes cast;

(3) the total number of votes cast for each candidate or for or against each measure;

(4) the total number of votes cast for each candidate or for or against each measure at each polling location;

(5) the total number of votes cast by personal appearance [~~on election day~~];

(6) [~~(5)~~] the total number of votes cast by personal appearance or mail [~~during the early voting period~~]; and

(7) [~~(6)~~] the total number of counted and uncounted provisional ballots cast.

SECTION 10. The heading to Section 66.0021, Election Code, is amended to read as follows:

1 Sec. 66.0021. [~~ELECTION DAY~~] VOTE TOTAL FOR CERTAIN
2 ELECTIONS.

3 SECTION 11. Section 66.0021(b), Election Code, is amended
4 to read as follows:

5 (b) The general custodian of election records for a primary
6 election or the general election for state and county officers
7 shall maintain a list that states the total number of votes cast in
8 each precinct by personal appearance [~~on election day~~] that is
9 available for public inspection not later than the day after
10 election day.

11 SECTION 12. Sections 67.004(b) and (b-1), Election Code,
12 are amended to read as follows:

13 (b) The canvassing authority shall prepare a tabulation
14 stating for each candidate and for and against each measure:

15 (1) the total number of votes received in each
16 precinct; [~~and~~]

17 (2) the total number of votes received in each polling
18 location; and

19 (3) the the sum of the precinct totals tabulated under
20 Subdivision (1).

21 (b-1) The tabulation in Subsection (b) must also include for
22 each precinct and for each polling location the total number of
23 voters who cast a ballot for a candidate or for or against a measure
24 in the election. The secretary of state shall prescribe any
25 procedures necessary to implement this subsection.

26 SECTION 13. Section 67.017(a), Election Code, is amended to
27 read as follows:

1 (a) After each election for a statewide office or the office
2 of United States representative, state senator, or state
3 representative, a district office, a county office, or a precinct
4 office, the county clerk shall prepare a report of the number of
5 votes, including ~~[early voting]~~ votes cast by mail and ~~[early~~
6 ~~voting votes cast]~~ by personal appearance, received in each county
7 election precinct and in each polling location for each candidate
8 for each of those offices. In a presidential election year, the
9 report must include the number of votes received in each precinct
10 and in each polling location for each set of candidates for
11 president and vice-president of the United States.

12 SECTION 14. Section 84.032(c), Election Code, is amended to
13 read as follows:

14 (c) An applicant may submit a request ~~[after the close of~~
15 ~~early voting by personal appearance]~~ by appearing in person and:

16 (1) returning the ballot to be voted by mail to the
17 early voting clerk; or

18 (2) executing an affidavit that the applicant:

19 (A) has not received the ballot to be voted by
20 mail;

21 (B) never requested a ballot to be voted by mail;

22 or

23 (C) received notice of a defect under Section
24 87.0271(b) or (c) or 87.0411(b) or (c).

25 SECTION 15. Sections 85.001(a) and (e), Election Code, are
26 amended to read as follows:

27 (a) The period for early voting by personal appearance

begins on the 12th ~~[17th]~~ day before election day, ~~[and]~~ continues through the ~~[fourth]~~ day before election day, and includes Saturdays, Sundays, and holidays, except as otherwise provided by this 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 ninth ~~[12th]~~ day before election day, ~~[and]~~ continues through the ~~[fourth]~~ day before election day, and includes Saturdays, Sundays, and holidays.

SECTION 16. Sections 85.005(a), (b), and (c), Election Code, are amended to read as follows:

(a) Except as provided by Subsection (c), in an election in which a county clerk is the early voting clerk under Section 83.002, early voting by personal appearance at the main early voting polling place shall be conducted on each day ~~[weekday]~~ of the early voting period ~~[that is not a legal state holiday and]~~ for a period of at least nine hours, except that voting may not be conducted earlier than 6 a.m. or later than 10 p.m.

(b) In an election to which Subsection (a) does not apply, early voting by personal appearance at the main early voting polling place shall be conducted at least nine hours each day ~~[weekday]~~ of the early voting period ~~[that is not a legal state holiday]~~ unless the territory covered by the election has fewer than 1,000 registered voters. In that case, the voting shall be conducted at least four hours each day. The authority ordering the election, or the county clerk if that person is the early voting clerk, shall determine which hours the voting is to be conducted.

(c) Voting in a primary election, ~~[or]~~ the general election for state and county officers, or a special election ordered by the governor shall be conducted at the main early voting polling place for at least 12 consecutive hours on each ~~[weekday]~~ of the last four days ~~[week]~~ of the early voting period except that voting shall be conducted for at least nine consecutive hours on a Sunday~~[, and the voting in a special election ordered by the governor shall be conducted at the main early voting polling place for at least 12 consecutive hours on each of the last two days of the early voting period]~~. Voting under this subsection may not be conducted earlier than 6 a.m. or later than 10 p.m.

SECTION 17. Sections 85.007(a) and (b), Election Code, are amended to read as follows:

- (a) The election order and the election notice must state:
- (1) the date that early voting will begin if under Section 85.001(d) the early voting period is to begin later than the prescribed date; and
 - (2) the regular dates and hours that voting will be conducted under Section 85.005(b), including~~[, and~~
 - ~~[(3) the dates and hours that]~~ voting on Saturday or Sunday ~~[is ordered to be conducted under Section 85.006(a)]~~.

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

SECTION 18. Section 85.032, Election Code, is amended by amending Subsection (d) and adding Subsection (g) to read as follows:

(d) Each custodian shall retain possession of the key entrusted to the custodian until it is delivered to, as applicable, the presiding judge of:

(1) the central counting station;

(2) the early voting ballot board; or

(3) an election day polling place.

(g) Voted early voting ballots to be counted manually shall be kept in a separate ballot box from voted early voting ballots to be counted using automatic tabulating equipment.

SECTION 19. Section 85.033, Election Code, is amended to read as follows:

Sec. 85.033. SECURITY OF VOTING MACHINE. At the close of early voting each day, the early voting clerk shall secure each voting machine used for early voting in the manner prescribed by the secretary of state so that its unauthorized operation is prevented. The clerk shall unsecure the machine before the beginning of ~~early~~ voting the following day.

SECTION 20. Section 85.071, Election Code, is amended to read as follows:

Sec. 85.071. DELIVERY OF BALLOTS TO MAIN POLLING PLACE. (a) During the period for early voting by personal appearance, the ballots voted at a branch polling place~~[, other than those cast on a voting machine]~~ shall be:

(1) retained securely at the branch polling place in a locked room accessible only to election officers; or

(2) delivered by an election officer or designated law enforcement officer to the main early voting polling place at the

close of voting each day.

(b) The unvoted ballots at the branch polling place~~[, other than voting machine ballots,]~~ shall be retained or delivered with the voted ballots of the same ballot style but in a separate locked container.

(c) At ~~[All voted and unvoted ballots shall be delivered by an election officer or designated law enforcement officer to the main polling place at]~~ the close of early voting ~~[on the last day of voting]~~ at a ~~[the]~~ branch polling place:

(1) unvoted ballots shall be retained or delivered in the manner described by Subsection (b);

(2) voted ballots to be counted using automatic tabulating equipment shall be retained or delivered in the manner described by Subsection (a); and

(3) voted ballots to be counted manually shall be:

(A) delivered by an election officer or designated law enforcement officer to the main early voting polling place; and

(B) set aside for subsequent delivery to the early voting ballot board under Section [87.021](#).

(d) At the close of the polls on election day, voted early voting ballots to be counted using automatic tabulating equipment shall be delivered with the ballots voted on election day at the same polling place to the central counting station according to Section [87.129](#) and the procedures under Subchapter [C](#), Chapter [127](#).

SECTION 21. Section [87.021](#), Election Code, is amended to read as follows:

1 Sec. 87.021. BALLOTS AND OTHER MATERIALS DELIVERED TO
2 BOARD. The early voting clerk shall deliver to the early voting
3 ballot board:

4 (1) in an election in which regular paper ballots are
5 used for early voting by personal appearance, each ballot box, in
6 accordance with Section 85.032(b), containing the early voting
7 ballots voted by personal appearance to be counted manually and the
8 clerk's key to each box;

9 (2) the jacket envelopes containing the early voting
10 ballots voted by mail, regardless of the ballot type or voting
11 system used;

12 (3) the poll lists prepared in connection with early
13 voting by personal appearance;

14 (4) the list of registered voters used in conducting
15 early voting; and

16 (5) a ballot transmittal form that includes a
17 statement of the number of early voting ballots voted by mail,
18 regardless of the ballot type or voting system used, that are
19 delivered to the early voting ballot board, and in an election in
20 which regular paper ballots are used for early voting by personal
21 appearance, the number of names appearing on the poll lists
22 prepared in connection with early voting by personal appearance.

23 SECTION 22. Section 87.022, Election Code, is amended to
24 read as follows:

25 Sec. 87.022. TIME OF DELIVERY: GENERAL RULE. Except as
26 provided by Section 87.0221 or [7] 87.0222, [~~87.023, or 87.024~~], the
27 materials shall be delivered to the early voting ballot board under

1 this subchapter during the time the polls are open on election day,
2 or as soon after the polls close as practicable, at the time or
3 times specified by the presiding judge of the board.

4 SECTION 23. Section 87.0241(b), Election Code, is amended
5 to read as follows:

6 (b) The board may not count early voting ballots until:

7 (1) the polls open on election day; or

8 (2) in an election conducted by an authority of a
9 county with a population of 100,000 or more, or conducted jointly
10 with such a county or conducted with such a county through a
11 contract for election services, the fourth day before election day
12 ~~[end of the period for early voting by personal appearance]~~.

13 SECTION 24. Section 87.103, Election Code, is amended to
14 read as follows:

15 Sec. 87.103. COUNTING BALLOTS AND PREPARING RETURNS. (a)
16 The ~~[early voting electronic system ballots counted at a central~~
17 ~~counting station, the]~~ ballots cast by personal appearance ~~[at~~
18 ~~precinct polling places,]~~ and the ballots voted by mail shall be
19 tabulated separately and shall be separately reported on the
20 returns.

21 (b) The ~~[early voting]~~ returns prepared at the central
22 counting station must include any ~~[early voting]~~ results obtained
23 by the early voting ballot board under Subchapter D.

24 SECTION 25. Section 87.104, Election Code, is amended to
25 read as follows:

26 Sec. 87.104. DISPOSITION OF EARLY VOTING BALLOT BOARD
27 RETURNS AND OTHER RECORDS. Returns ~~[Early voting returns]~~ or other

1 early voting election records to be delivered to the central
2 counting station under Section 87.063(b) [~~or 87.084(b)~~] shall be
3 delivered to the appropriate authorities with the counting station
4 records.

5 SECTION 26. Section 87.1231, Election Code, is amended to
6 read as follows:

7 Sec. 87.1231. EARLY VOTING BY MAIL VOTES REPORTED BY
8 PRECINCT. Not later than the time of the local canvass, the early
9 voting clerk shall deliver to the local canvassing authority a
10 report of the total number of early voting votes by mail for each
11 candidate or measure by election precinct. [~~The report may reflect~~
12 ~~the total for votes by mail and the total for votes by personal~~
13 ~~appearance.~~]

14 SECTION 27. Subchapter G, Chapter 87, Election Code, is
15 amended by adding Section 87.129 to read as follows:

16 Sec. 87.129. DISPOSITION OF CERTAIN BALLOTS VOTED BY
17 PERSONAL APPEARANCE. Voted early voting ballots retained or
18 delivered to the main early voting polling place under Section
19 85.071(c)(2) shall be treated as ballots voted on election day at
20 the same polling place for purposes of processing and tabulation
21 under Chapter 65.

22 SECTION 28. Section 102.003(b), Election Code, is amended
23 to read as follows:

24 (b) An application must [~~may~~] be submitted [~~after the last~~
25 ~~day of the period for early voting by personal appearance and~~
26 before 5 p.m. on election day.

27 SECTION 29. Section 127.131(a), Election Code, is amended

to read as follows:

(a) After the automatic counting of ballots [~~for each precinct~~] is completed, the presiding judge of the central counting station shall prepare the election returns for each [that] precinct and each polling location and sign the returns to certify their accuracy.

SECTION 30. Section 172.124(a), Election Code, is amended to read as follows:

(a) For each primary election, the county clerk shall prepare a report of the number of votes[, ~~including early voting votes,~~] received in each county election precinct by each candidate for an office, other than a party office, as provided by Section 67.017 for the report of precinct results for a general election.

SECTION 31. The following provisions of the Election Code are repealed:

- (1) Chapter 103;
- (2) Section 43.007(i);
- (3) Section 85.006;
- (4) Section 85.008;
- (5) Section 85.064(d);
- (6) Section 85.068;
- (7) Section 87.023;
- (8) Section 87.024;
- (9) Section 113.004(c); and
- (10) Section 129.057.

SECTION 32. The changes in law made by this Act apply only to an election ordered on or after the effective date of this Act.

1 SECTION 33. This Act takes effect immediately if it
2 receives a vote of two-thirds of all the members elected to each
3 house, as provided by Section 39, Article III, Texas Constitution.
4 If this Act does not receive the vote necessary for immediate
5 effect, this Act takes effect September 1, 2025.