

1-1 By: Denny (Senate Sponsor - Nelson) H.B. No. 16
1-2 (In the Senate - Received from the House July 11, 2003;
1-3 July 14, 2003, read first time and referred to Committee on State
1-4 Affairs; July 18, 2003, reported favorably by the following vote:
1-5 Yeas 5, Nays 0; July 18, 2003, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the dates of certain elections, the procedures for
1-9 canvassing the ballots for an election, and the counting of certain
1-10 ballots voted by mail.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Section 41.007(b), Election Code, as amended by
1-13 Section 1, H.B. No. 2496, Acts of the 78th Legislature, Regular
1-14 Session, 2003, is amended to read as follows:

1-15 (b) The runoff primary election date is the second [~~first~~]
1-16 Tuesday in April following the general primary election.

1-17 SECTION 2. Section 67.003, Election Code, as amended by
1-18 Section 17, H.B. No. 1695, Acts of the 78th Legislature, Regular
1-19 Session, 2003, is amended to read as follows:

1-20 Sec. 67.003. TIME FOR LOCAL CANVASS. Each local canvassing
1-21 authority shall convene to conduct the local canvass at the time set
1-22 by the canvassing authority's presiding officer on[+]

1-23 [~~(1) on the seventh day after election day for:~~

1-24 [~~(A) the general election for state and county~~
1-25 ~~officers; or~~

1-26 [~~(B) an election of a political subdivision that~~
1-27 ~~is held jointly with an election of:~~

1-28 [~~(i) a county; or~~

1-29 [~~(ii) one or more other political~~
1-30 ~~subdivisions under an election services contract with the county~~
1-31 ~~election officer; or~~

1-32 [~~(2) not earlier than the third day or later than] the~~
1-33 ~~11th [sixth] day after election day [for an election other than an~~
1-34 ~~election described by Subdivision (1)].~~

1-35 SECTION 3. Section 86.007(d), Election Code, as amended by
1-36 Section 24, H.B. No. 1695, Acts of the 78th Legislature, Regular
1-37 Session, 2003, is amended to read as follows:

1-38 (d) A marked ballot voted by mail that arrives after the
1-39 time prescribed by Subsection (a) shall be counted if:

1-40 (1) the ballot was cast from an address outside the
1-41 United States;

1-42 (2) the carrier envelope was placed for delivery
1-43 before the time the ballot is required to arrive under Subsection
1-44 (a); and

1-45 (3) the ballot arrives at the address on the carrier
1-46 envelope not later than[+]

1-47 [~~(A)] the fifth day after the date of the~~
1-48 ~~election[+]~~

1-49 [~~(i) the general election for state and~~
1-50 ~~county officers; or~~

1-51 [~~(ii) an election of a political~~
1-52 ~~subdivision that is held jointly with an election of:~~

1-53 [~~(a) a county; or~~

1-54 [~~(b) one or more political~~
1-55 ~~subdivisions under an election services contract with the county~~
1-56 ~~election officer; or~~

1-57 [~~(B) the second day after the date of an election~~
1-58 ~~other than an election described by Paragraph (A)].~~

1-59 SECTION 4. Section 87.125(a), Election Code, as amended by
1-60 Section 30, H.B. No. 1695, Acts of the 78th Legislature, Regular
1-61 Session, 2003, is amended to read as follows:

1-62 (a) The early voting ballot board shall convene to count
1-63 ballots voted by mail described by Section 86.007(d) at the time set
1-64 by the presiding judge of the board[+]

2-1 [~~(1)~~] on the sixth day after the date of an election[~~+~~
2-2 [~~(A)~~ the general election for state and county
2-3 ~~officers; or~~

2-4 [~~(B)~~ an election of a political subdivision that
2-5 ~~is held jointly with an election of:~~
2-6 [~~(i)~~ a county; or
2-7 [~~(ii)~~ one or more political subdivisions
2-8 ~~under an election services contract with the county election~~
2-9 ~~officer;~~

2-10 [~~(2)~~ on the second day after the date of a primary
2-11 ~~election, at a time following the last mail delivery,~~ or on an
2-12 earlier day [~~or at an earlier time~~] if the early voting clerk
2-13 certifies that all ballots mailed from outside the United States
2-14 have been received[~~, or~~

2-15 [~~(3)~~ not earlier than the third day or later than the
2-16 ~~fifth day after the date of an election other than an election~~
2-17 ~~described by Subdivision (1) or (2)].~~

2-18 SECTION 5. Sections 14, 16, and 42, H.B. No. 1549, Acts of
2-19 the 78th Legislature, Regular Session, 2003, are repealed.

2-20 SECTION 6. This Act takes effect September 1, 2003, if it
2-21 receives a vote of two-thirds of all the members elected to each
2-22 house, as provided by Section 39, Article III, Texas Constitution.
2-23 If this Act does not receive the vote necessary for effect on that
2-24 date, this Act takes effect November 1, 2003.

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