

By: Nelson

S.B. No. 26

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the dates of certain elections, the procedures for
3 canvassing the ballots for an election, and the counting of certain
4 ballots voted by mail.

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

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

9 (b) The runoff primary election date is the second [~~first~~]
10 Tuesday in April following the general primary election.

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

14 Sec. 67.003. TIME FOR LOCAL CANVASS. Each local canvassing
15 authority shall convene to conduct the local canvass at the time set
16 by the canvassing authority's presiding officer[+]

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

18 [~~(A) the general election for state and county
19 officers, or~~

20 [~~(B) an election of a political subdivision that
21 is held jointly with an election of:~~

22 [~~(i) a county, or~~

23 [~~(ii) one or more other political
24 subdivisions under an election services contract with the county~~

1 ~~election officer, or~~

2 [~~2~~] not earlier than the eighth [~~third~~] day or later
3 than the 11th [~~sixth~~] day after election day [~~for an election other~~
4 ~~than an election described by Subdivision (1)~~].

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

8 (d) A marked ballot voted by mail that arrives after the
9 time prescribed by Subsection (a) shall be counted if:

10 (1) the ballot was cast from an address outside the
11 United States;

12 (2) the carrier envelope was placed for delivery
13 before the time the ballot is required to arrive under Subsection
14 (a); and

15 (3) the ballot arrives at the address on the carrier
16 envelope not later than~~+~~

17 [~~A~~] the fifth day after the date of the
18 election~~+~~

19 [~~(i) the general election for state and~~
20 ~~county officers, or~~

21 [~~(ii) an election of a political~~
22 ~~subdivision that is held jointly with an election of:~~

23 [(a) a county, or

24 [(b) one or more political
25 subdivisions under an election services contract with the county
26 election officer, or

27 [~~B~~] the second day after the date of an election

1 ~~other than an election described by Paragraph (A)].~~

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

5 (a) The early voting ballot board shall convene to count
6 ballots voted by mail described by Section 86.007(d) at the time set
7 by the presiding judge of the board[+

8 [~~(1)~~] on the sixth day after the date of an election[+

9 [~~(A) the general election for state and county~~
10 ~~officers; or~~

11 [~~(B) an election of a political subdivision that~~
12 ~~is held jointly with an election of:~~

13 [~~(i) a county; or~~

14 [~~(ii) one or more political subdivisions~~
15 ~~under an election services contract with the county election~~
16 ~~officer;~~

17 [~~(2) on the second day after the date of a primary~~
18 ~~election, at a time following the last mail delivery,~~] or on an
19 earlier day [~~or at an earlier time~~] if the early voting clerk
20 certifies that all ballots mailed from outside the United States
21 have been received[~~, or~~

22 [~~(3) not earlier than the third day or later than the~~
23 ~~fifth day after the date of an election other than an election~~
24 ~~described by Subdivision (1) or (2)].~~

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

27 SECTION 6. This Act takes effect September 1, 2003, if it

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1 receives a vote of two-thirds of all the members elected to each
2 house, as provided by Section 39, Article III, Texas Constitution.
3 If this Act does not receive the vote necessary for effect on that
4 date, this Act takes effect November 1, 2003.