

1-1 By: Nelson S.B. No. 26
1-2 (In the Senate - Filed July 2, 2003; July 3, 2003, read
1-3 first time and referred to Committee on State Affairs;
1-4 July 10, 2003, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 5, Nays 0; July 10, 2003,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 26 By: Nelson

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the dates of certain elections, the procedures for
1-11 canvassing the ballots for an election, and the counting of certain
1-12 ballots voted by mail.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. Subsection (b), Section 41.007, Election Code,
1-15 as amended by Section 1, House Bill No. 2496, Acts of the 78th
1-16 Legislature, Regular Session, 2003, is amended to read as follows:

1-17 (b) The runoff primary election date is the second [~~first~~]
1-18 Tuesday in April following the general primary election.

1-19 SECTION 2. Section 67.003, Election Code, as amended by
1-20 Section 17, House Bill No. 1695, Acts of the 78th Legislature,
1-21 Regular Session, 2003, is amended to read as follows:

1-22 Sec. 67.003. TIME FOR LOCAL CANVASS. Each local canvassing
1-23 authority shall convene to conduct the local canvass at the time set
1-24 by the canvassing authority's presiding officer on[+]

1-25 [~~(1) on the seventh day after election day for:~~

1-26 [~~(A) the general election for state and county
1-27 officers; or~~

1-28 [~~(B) an election of a political subdivision that
1-29 is held jointly with an election of:~~

1-30 [~~(i) a county; or~~

1-31 [~~(ii) one or more other political
1-32 subdivisions under an election services contract with the county
1-33 election officer; or~~

1-34 [~~(2) not earlier than the third day or later than] the
1-35 11th [~~sixth~~] day after election day [~~for an election other than an
1-36 election described by Subdivision (1)].~~~~

1-37 SECTION 3. Subsection (d), Section 86.007, Election Code,
1-38 as amended by Section 24, House Bill No. 1695, Acts of the 78th
1-39 Legislature, Regular Session, 2003, is amended to read as follows:

1-40 (d) A marked ballot voted by mail that arrives after the
1-41 time prescribed by Subsection (a) shall be counted if:

1-42 (1) the ballot was cast from an address outside the
1-43 United States;

1-44 (2) the carrier envelope was placed for delivery
1-45 before the time the ballot is required to arrive under Subsection
1-46 (a); and

1-47 (3) the ballot arrives at the address on the carrier
1-48 envelope not later than[+]

1-49 [~~(A)] the fifth day after the date of the
1-50 election[+]~~

1-51 [~~(i) the general election for state and
1-52 county officers; or~~

1-53 [~~(ii) an election of a political
1-54 subdivision that is held jointly with an election of:~~

1-55 [~~(a) a county; or~~

1-56 [~~(b) one or more political
1-57 subdivisions under an election services contract with the county
1-58 election officer; or~~

1-59 [~~(B) the second day after the date of an election
1-60 other than an election described by Paragraph (A)].~~

1-61 SECTION 4. Subsection (a), Section 87.125, Election Code,
1-62 as amended by Section 30, House Bill No. 1695, Acts of the 78th
1-63 Legislature, Regular Session, 2003, is amended to read as follows:

2-1 (a) The early voting ballot board shall convene to count
2-2 ballots voted by mail described by Section 86.007(d) at the time set
2-3 by the presiding judge of the board[+
2-4

2-5 [~~(1)~~] on the sixth day after the date of an election[+
2-6 [~~(A) the general election for state and county~~
2-7 ~~officers; or~~

2-8 [~~(B) an election of a political subdivision that~~
2-9 ~~is held jointly with an election of:~~

2-10 [~~(i) a county; or~~
2-11 [~~(ii) one or more political subdivisions~~
2-12 ~~under an election services contract with the county election~~
2-13 ~~officer;~~

2-14 [~~(2) on the second day after the date of a primary~~
2-15 ~~election, at a time following the last mail delivery,~~] or on an
2-16 earlier day [~~or at an earlier time~~] if the early voting clerk
2-17 certifies that all ballots mailed from outside the United States
2-18 have been received[+ ~~or~~

2-19 [~~(3) not earlier than the third day or later than the~~
2-20 ~~fifth day after the date of an election other than an election~~
2-21 ~~described by Subdivision (1) or (2)].~~

2-22 SECTION 5. Sections 14, 16, and 42, House Bill No. 1549,
2-23 Acts of the 78th Legislature, Regular Session, 2003, are repealed.

2-24 SECTION 6. This Act takes effect September 1, 2003, if it
2-25 receives a vote of two-thirds of all the members elected to each
2-26 house, as provided by Section 39, Article III, Texas Constitution.
2-27 If this Act does not receive the vote necessary for effect on that
2-28 date, this Act takes effect November 1, 2003.

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