

By: Denny, Madden, Howard

H.B. No. 1

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 41.001(a), Election Code, as amended by
7 Section 14, Chapter 1315, Acts of the 78th Legislature, Regular
8 Session, 2003, is amended to read as follows:

9 (a) Except as otherwise provided by this subchapter, each
10 general or special election in this state shall be held on one of
11 the following dates:

- 12 (1) the first Saturday in February;
- 13 (2) the first [~~third~~] Saturday in May;
- 14 (3) the second Saturday in September; or
- 15 (4) the first Tuesday after the first Monday in
16 November.

17 SECTION 2. Section 41.007(b), Election Code, as amended by
18 Section 1, Chapter 292, and Section 16, Chapter 1315, Acts of the
19 78th Legislature, Regular Session, 2003, is reenacted and amended
20 to read as follows:

21 (b) The runoff primary election date is the second [~~third~~]
22 Tuesday in April following the general primary election.

23 SECTION 3. Section 67.003, Election Code, as amended by
24 Section 42, Chapter 1315, and Section 17, Chapter 1316, Acts of the

1 78th Legislature, Regular Session, 2003, is reenacted and amended
2 to read as follows:

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

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

7 [~~(A) the general election for state and county
8 officers; or~~

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

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

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

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

18 SECTION 4. Section 86.007(d), Election Code, as amended by
19 Section 24, Chapter 1316, Acts of the 78th Legislature, Regular
20 Session, 2003, is amended to read as follows:

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

23 (1) the ballot was cast from an address outside the
24 United States;

25 (2) the carrier envelope was placed for delivery
26 before the time the ballot is required to arrive under Subsection
27 (a); and

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

3 [~~(A)~~] the fifth day after the date of the
4 election[+]

5 [~~(i) the general election for state and~~
6 ~~county officers; or~~

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

9 [~~(a) a county; or~~

10 [~~(b) one or more political~~
11 ~~subdivisions under an election services contract with the county~~
12 ~~election officer; or~~

13 [~~(B) the second day after the date of an election~~
14 ~~other than an election described by Paragraph (A)].~~

15 SECTION 5. Section 87.125(a), Election Code, as amended by
16 Section 30, Chapter 1316, Acts of the 78th Legislature, Regular
17 Session, 2003, is amended to read as follows:

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

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

22 [~~(A) the general election for state and county~~
23 ~~officers; or~~

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

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

27 [~~(ii) one or more political subdivisions~~

1 ~~under an election services contract with the county election~~
2 ~~officer,~~

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

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

11 SECTION 6. This Act takes effect on the 91st day after the
12 last day of the legislative session.