

By: Denny

H.B. No. 1

A BILL TO BE ENTITLED

AN ACT

1  
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 on [+

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 third day or later than] the~~  
3  ~~11th [sixth] day after election day [for an election other than an~~  
4  ~~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, or

1 immediately, whichever time is later, if this Act receives a vote of  
2 two-thirds of all the members elected to each house, as provided by  
3 Section 39, Article III, Texas Constitution. If this Act does not  
4 receive the vote necessary for effect at that time, this Act takes  
5 effect on the 91st day after the last day of the legislative  
6 session.