1-1 Denny, Madden, Howard (Senate Sponsor - Nelson) H.B. No. 1 By: (In the Senate - Received from the House September 17, 2003; September 17, 2003, read first time and referred to Committee on Jurisprudence; September 22, 2003, reported adversely, with favorable Committee Substitute by the following vote: Yeas 4, Nays 3; September 22, 2003, sent to printer.) 1-2 1-3 1-4 1-5 1-6 COMMITTEE SUBSTITUTE FOR H.B. No. 1 1 - 7By: Averitt 1-8 A BILL TO BE ENTITLED 1-9 AN ACT relating to the dates of certain elections, the procedures for canvassing the ballots for an election, and the counting of certain 1-10 1-11 ballots voted by mail. 1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS: 1-13 SECTION 1. Section 41.001(a), Election Code, as amended by Section 14, Chapter 1315, Acts of the 78th Legislature, Regular Session, 2003, is amended to read as follows: 1**-**14 1**-**15 1-16 1-17 (a) Except as otherwise provided by this subchapter, each general or special election in this state shall be held on one of 1-18 1-19 1-20 the following dates: (1) the the first Saturday in February; 1-21 the <u>first</u> [third] Saturday in May; (2)the second Saturday in September; or the first Tuesday after the first Monday in 1-22 (3) (4) 1-23 1-24 1-25 November. SECTION 2. Section 41.007(b), Election Code, as amended by Section 1, Chapter 292, and Section 16, Chapter 1315, Acts of the 1-26 78th Legislature, Regular Session, 2003, is reenacted and amended 1-27 1-28 to read as follows: (b) The runoff primary election date is the <u>second</u> [third]
Tuesday in April following the general primary election.
SECTION 3. Section 67.003, Election Code, as amended by 1-29 1-30 1-31 Section 42, Chapter 1315, and Section 17, Chapter 1316, Acts of the 78th Legislature, Regular Session, 2003, is reenacted and amended 1-32 1-33 1-34 to read as follows: 1-35 Sec. 67.003. TIME FOR LOCAL CANVASS. Each local canvassing 1-36 authority shall convene to conduct the local canvass at the time set 1-37 by the canvassing authority's presiding officer[+ on the seventh day after election day for: [(A) the general election for state and county [(1)]1-38 1-39 1-40 officers; or 1-41 [(B) an election of a political subdivision that th an election of: 1-42 held jointly [(i) a county; or 1-43 [(ii) one or more 1-44 political -other 1-45 an election services contract with the county subdivisions under 1-46 election officer; or [(2)] not earlier than the <u>eighth</u> [third] day or later 1-47 than the <u>11th</u> [sixth] day after election day [for an election other than an election described by Subdivision (1)]. 1-48 1-49 SECTION 4. Section 86.007(d), Election Code, as amended by 1-50 Section 24, Chapter 1316, Acts of the 78th Legislature, Regular 1-51 1-52 Session, 2003, is amended to read as follows: 1-53 (d) A marked ballot voted by mail that arrives after the 1-54 time prescribed by Subsection (a) shall be counted if: 1-55 (1) the ballot was cast from an address outside the 1-56 United States; 1-57 (2) the carrier envelope was placed for delivery 1-58 before the time the ballot is required to arrive under Subsection 1-59 (a); and 1-60 (3) the ballot arrives at the address on the carrier 1-61 envelope not later than[+ 1-62 $\left[\frac{(\Lambda)}{(\Lambda)}\right]$ the fifth day after the date of the 1-63 election[+

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county officers; or of -political [(ii) electionan jointly with an election of: subdivision that [(a) a county; or [(b) one or more political -contract with the subdivisions under election services county an election officer; or the second day after the date of an election [(B) other than an election described by Paragraph (A)]. SECTION 5. Section 87.125(a), Election Code, as amended by Section 30, Chapter 1316, Acts of the 78th Legislature, Regular Session, 2003, is amended to read as follows: (a) The early voting ballot board shall convene to count ballots voted by mail described by Section 86.007(d) at the time set by the presiding judge of the board[+ [(1)] on the sixth day after the date of <u>an election</u>[+ [(A) the general election for state and county officers; or [(B) an election of a political subdivision that is held jointly with an election of: [(i) a county; or [(ii) one or more political subdivisions under an election services contract with the county election officer; [(2) on the second day after the date of a primary election, at a time following the last mail delivery,] or on an earlier day [or at an earlier time] if the early voting clerk certifies that all ballots mailed from outside the United States have been received[; or [(3) not earlier than the third day or later than the the date of an election other than an election fifth day after described by Subdivision (1) or (2)]. SECTION 6. (a) If the effective date of H.B. No. 3 as enacted by the 78th Legislature, 3rd Called Session, occurs after December 3, 2003, an application for a place on the ballot for the 2004 general primary election for the office of United States Representative must: (1) be filed with the appropriate authority described by Section 172.022, Election Code, not earlier than the effective date of this Act and not later than 6 p.m. on January 9, 2004; and (2) relate to a congressional district as constituted by H.B. No. 3. (b) An application for a place on the ballot for the 2004 general primary election for the office of United States Representative that does not meet the requirements of Subsection (a) of this section is not valid. (c) This section does not affect other requirements of the Election Code relating to the validity of an application for a place on the general primary election ballot that are not in conflict with this section. (d) This section expires January 1, 2005. SECTION 7. This Act takes effect on the 91st day after the last day of the legislative session.

[(i) the general election

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