

By: Deshotel

H.B. No. 2354

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the time of the local canvass and the counting of
3 certain early voting mail ballots in certain elections.

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

5 SECTION 1. Section 67.003, Election Code, is amended to
6 read as follows:

7 Sec. 67.003. TIME FOR LOCAL CANVASS. Each local canvassing
8 authority shall convene to conduct the local canvass at the time set
9 by the canvassing authority's presiding officer:

10 (1) on the seventh day after election day for:

11 (A) the general election for state and county
12 officers; or

13 (B) an election of a political subdivision that
14 is held jointly with the general election for state and county
15 officers; or

16 (2) not earlier than the third day or later than the
17 sixth day after election day for an election other than an [~~the~~
18 ~~general~~] election described by Subdivision (1) [~~for state and~~
19 ~~county officers~~].

20 SECTION 2. Section 86.007(d), Election Code, is amended to
21 read as follows:

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

24 (1) the ballot was cast from an address outside the

1 United States;

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

5 (3) the ballot arrives at the address on the carrier
6 envelope not later than:

7 (A) the fifth day after the date of:

8 (i) the general election for state and
9 county officers; or

10 (ii) an election of a political subdivision
11 that is held jointly with the general election for state and county
12 officers; or

13 (B) the second day after the date of an election
14 other than an ~~[the general]~~ election described by Paragraph (A)
15 ~~[for state and county officers]~~.

16 SECTION 3. Section 87.125(a), Election Code, is amended to
17 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 ~~[on]~~:

21 (1) on the sixth day after the date of:

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

24 (B) an election of a political subdivision that
25 is held jointly with the general election for state and county
26 officers;

27 (2) on the second ~~[fifth]~~ day after the date of a

1 primary [~~or special~~] election, at a time following the last mail
2 delivery, or on an earlier day or at an earlier time if the early
3 voting clerk certifies that all ballots mailed from outside the
4 United States have been received; or

5 (3) not earlier than the third day or later than the
6 fifth day after the date of an election other than an election
7 described by Subdivision (1) or (2).

8 SECTION 4. This Act takes effect September 1, 2003.