

By: Deshotel

H.B. No. 2630

A BILL TO BE ENTITLED

AN ACT

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

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

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

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

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

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

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

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

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

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

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

United States;

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

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

(A) the fifth day after the date of:

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

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

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

SECTION 3. Section 87.125(a), Election Code, 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 [on]:

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

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

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

(B) the second day after the date of an election

1 other than an ~~[the general]~~ election described by Paragraph (A)
2 ~~[for state and county officers]~~.

3 SECTION 4. Section 87.125(a), Election Code, is amended to
4 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 ~~[on]~~:

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

9 (A) the [a] general election for state and county
10 officers; or

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

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

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

22 SECTION 5. Section 143.005(a), Election Code, is amended to
23 read as follows:

24 (a) A city charter may prescribe requirements in connection
25 with a candidate's application for a place on the ballot for an
26 office of a home-rule city. This section does not authorize a city
27 charter requirement in connection with the timely filing of an

1 application, and any charter requirement related to an
2 application's timely filing is superseded by Section 143.007 and
3 other applicable filing provisions prescribed by this code.

4 SECTION 6. This Act takes effect September 1, 2003, except
5 that Sections 1 and 5 of this Act take effect immediately if this
6 Act receives a vote of two-thirds of all the members elected to each
7 house, as provided by Section 39, Article III, Texas Constitution.
8 If this Act does not receive the vote necessary for immediate
9 effect, Sections 1 and 5 take effect September 1, 2003.