

By: Deshotel

H.B. No. 3056

A BILL TO BE ENTITLED

AN ACT

relating to the determination and clarification of certain dates,
deadlines, and procedures under the Election Code.

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

SECTION 1. Section 1.006, Election Code, is amended to read
as follows:

Sec. 1.006. EFFECT OF WEEKEND OR HOLIDAY. (a) If the last
day for performance of an act is a Saturday, Sunday, or legal state
or national holiday, the act is timely if performed on the next
regular business day, except as otherwise provided by this code.

(b) If the last day for performance of an act is extended
under Subsection (a), the extended date is used to determine any
other dates and deadlines, and the dates or times of any related
procedures, that are expressly required to be made on a date or at a
time determined in relation to the last day for performance of the
act.

SECTION 2. 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

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

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

8 SECTION 3. Section 86.007(d), Election Code, is amended to
9 read as follows:

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

12 (1) the ballot was cast from an address outside the
13 United States;

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

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

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

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

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

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

1 SECTION 4. Section 87.125(a), Election Code, is amended to
2 read as follows:

3 (a) The early voting ballot board shall convene to count
4 ballots voted by mail described by Section 86.007(d) at the time set
5 by the presiding judge of the board ~~[on]~~:

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

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

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

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

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

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

22 (a) A city charter may prescribe requirements in connection
23 with a candidate's application for a place on the ballot for an
24 office of a home-rule city. This section does not authorize a city
25 charter requirement in connection with the timely filing of an
26 application, and any charter requirement related to an
27 application's timely filing is superseded by Section 143.007 and

1 other applicable filing provisions prescribed by this code.

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