

By: Faircloth

H.B. No. 3122

A BILL TO BE ENTITLED

AN ACT

relating to ballots counted by the early voting ballot board.

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

SECTION 1. Section 65.051(a), Election Code, is amended to read as follows:

(a) The early voting ballot board shall verify and count provisional ballots as provided by this subchapter not later than the 13th [~~seventh~~] day after the date of an election.

SECTION 2. Section 67.003, Election Code, is amended to read as follows:

Sec. 67.003. TIME FOR LOCAL CANVASS. (a) Except as provided by Subsection (b) [~~or (c)~~], each local canvassing authority shall convene to conduct the local canvass at the time set by the canvassing authority's presiding officer not earlier than the eighth day or later than the 14th [~~11th~~] day after election day.

(b) For an election held on the uniform election date in May, the local canvass must occur not later than the 14th [~~11th~~] day after election day and not earlier than the later of:

(1) the third day after election day;

(2) the date on which the early voting ballot board has verified and counted all provisional ballots, if a provisional ballot has been cast in the election; or

(3) the date on which all timely received ballots cast from addresses outside of the United States are counted, if a ballot

1 to be voted by mail in the election was provided to a person outside  
2 of the United States.

3 ~~[(c) In an election described by Section 65.051(a-1), the~~  
4 ~~time for the local canvass may be set not later than the 14th day~~  
5 ~~after election day.]~~

6 SECTION 3. Subchapter G, Chapter 87, Election Code, is  
7 amended by adding Section 87.127 to read as follows:

8 Sec. 87.127. RESOLUTION OF INCORRECT DETERMINATION BY EARLY  
9 VOTING BALLOT BOARD. If a county election officer, as defined by  
10 Section 31.091, determines a ballot was incorrectly rejected by the  
11 early voting ballot board before the time set for convening the  
12 canvassing authority, the county election officer may petition a  
13 district court for injunctive or other relief as the court  
14 determines appropriate.

15 SECTION 4. This Act takes effect September 1, 2015.