

By: Bucy

H.B. No. 59

A BILL TO BE ENTITLED

AN ACT

relating to the days and hours during which the polls are open for early voting by personal appearance.

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

SECTION 1. Section 12.004(d), Election Code, is amended to read as follows:

(d) The [~~If early voting by personal appearance is required to be conducted for extended hours under Section 85.005(c) or for weekend hours under Section 85.006(e), the~~] registrar's office shall remain open for providing voter registration information during the [~~extended hours or weekend~~] hours that the main early voting polling place is open for voting.

SECTION 2. Sections 85.001(a) and (e), Election Code, are amended to read as follows:

(a) The period for early voting by personal appearance begins on the 17th day before election day and continues through the fourth day before election day, except as otherwise provided by this subchapter [~~section~~].

(e) For an election held on the uniform election date in May and any resulting runoff election, the period for early voting by personal appearance begins on the 12th day before election day and continues through the fourth day before election day, except as otherwise provided by this subchapter.

SECTION 3. Section 85.006, Election Code, is amended to

1 read as follows:

2 Sec. 85.006. EXTENDED VOTING [~~ON SATURDAY OR SUNDAY~~]. (a)
3 Except as provided by Subsection (b), the authority ordering an
4 election may order early voting by personal appearance at the main
5 early voting polling place to be conducted:

6 (1) on one or more Saturdays or Sundays during the
7 early voting period; or

8 (2) during an early voting period extended from the
9 fourth day before election day for any number of consecutive days up
10 to and including the day before election day.

11 (b) In an election in which a county clerk or city secretary
12 is the early voting clerk under Section 83.002 or 83.005, only the
13 early voting clerk may order extended voting [~~on a Saturday or~~
14 ~~Sunday~~]. The clerk must do so by written order.

15 (c) Except as otherwise provided by this section, the [~~The~~]
16 authority ordering extended voting [~~on a Saturday or Sunday~~] shall
17 determine the hours during which voting is to be conducted.

18 (d) The authority authorized to order extended early voting
19 [~~on a Saturday or Sunday~~] under Subsection (a) or (b) shall order
20 [~~the~~] voting on a Saturday or Sunday under the applicable
21 subsection on receipt of a written request submitted by at least 15
22 registered voters of the territory covered by the election. The
23 request must be submitted in time to enable compliance with Section
24 85.007. The authority is not required to order the voting on a
25 particular date specified by the request but shall order the voting
26 on at least one Saturday if a Saturday is requested and on at least
27 one Sunday if a Sunday is requested.

1 (e) In a primary election or the general election for state
2 and county officers in a county with a population of 100,000 or
3 more, the early voting clerk shall order personal appearance voting
4 at the main early voting polling place to be conducted for at least
5 12 hours on the last Saturday and for at least five hours on the last
6 Sunday of the early voting period. The early voting clerk shall
7 order voting to be conducted at those times in those elections in a
8 county with a population under 100,000 on receipt of a written
9 request for those hours submitted by at least 15 registered voters
10 of the county. The request must be submitted in time to enable
11 compliance with Section 85.007. This subsection supersedes any
12 provision of this subchapter to the extent of any conflict.

13 (f) An authority authorized to order extended early voting
14 under Subsection (a) or (b) that orders the voting during an
15 extended early voting period shall order personal appearance voting
16 at the main early voting polling place to be conducted for at least
17 12 hours on any weekday or Saturday and for at least five hours on
18 any Sunday of the extended early voting period.

19 SECTION 4. Sections 85.007(a) and (b), Election Code, are
20 amended to read as follows:

21 (a) The election order and the election notice must state:

22 (1) the date that early voting will begin if under
23 Section 85.001(d) the early voting period is to begin later than the
24 prescribed date;

25 (2) the regular dates and hours that voting will be
26 conducted under Section 85.005(b); and

27 (3) the dates and hours that extended voting [~~on~~

1 ~~Saturday or Sunday~~] is ordered to be conducted under Section
2 85.006(a).

3 (b) The early voting clerk shall post notice for each
4 election stating the dates and hours that extended voting [~~on a~~
5 ~~Saturday or Sunday~~] is ordered to be conducted under Section
6 85.006(b).

7 SECTION 5. Section 85.064(d), Election Code, is amended to
8 read as follows:

9 (d) The authority authorized under Section 85.006 to order
10 extended early voting [~~on a Saturday or Sunday~~] may also order, in
11 the manner prescribed by that section, extended early voting to be
12 conducted [~~on a Saturday or Sunday~~] at any one or more of the
13 temporary branch polling places. In addition, the early voting
14 clerk of a county covered by Section 85.006(e) shall order such
15 voting in accordance with that subsection at each temporary branch
16 polling place established under Section 85.062(d).

17 SECTION 6. Section 85.065(b), Election Code, as effective
18 September 1, 2021, is amended to read as follows:

19 (b) Except as provided by Subsection (c), voting at a
20 temporary branch polling place may be conducted on any days and
21 during any hours of the period for early voting by personal
22 appearance, as determined by the authority establishing the branch.
23 The authority authorized under Section 85.006 to order extended
24 early voting [~~on a Saturday or Sunday~~] may also order, in the manner
25 prescribed by that section, extended early voting to be conducted
26 [~~on a Saturday or Sunday~~] at any one or more of the temporary branch
27 polling places.

1 SECTION 7. Section 85.068(a), Election Code, as effective
2 September 1, 2021, is amended to read as follows:

3 (a) The early voting clerk shall post notice for each
4 election stating any dates and the hours that extended voting [~~on~~
5 ~~Saturday or Sunday~~] will be conducted under Section 85.064(d) or
6 85.065(b), if the early voting clerk is a county clerk or city
7 secretary under Section 83.002 or 83.005.

8 SECTION 8. Section 87.0241, Election Code, as effective
9 September 1, 2021, is amended by amending Subsection (b) and adding
10 Subsection (b-1) to read as follows:

11 (b) The board may not count early voting ballots until:

12 (1) the polls open on election day; or

13 (2) in an election conducted by an authority of a
14 county with a population of 100,000 or more, or conducted jointly
15 with such a county or conducted with such a county through a
16 contract for election services, the time the polls close on the
17 fourth day before election day [~~end of the period for early voting~~
18 ~~by personal appearance~~].

19 (b-1) The board may not count early voting ballots voted by
20 personal appearance after the fourth day before election day until
21 the end of the extended early voting period.

22 SECTION 9. This Act takes effect on the 91st day after the
23 last day of the legislative session.