

By: Paul

H.B. No. 3281

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to practices and procedures for an early voting ballot  
3 voted by mail.

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

5 SECTION 1. Section 84.007(c), Election Code, is amended to  
6 read as follows:

7 (c) Except as provided by Section 86.0015(b), an  
8 application may be submitted at any time in the year of the election  
9 for which a ballot is requested, but not later than the close of  
10 regular business in the early voting clerk's office or 12 noon,  
11 whichever is later, on the 15th [~~11th~~] day before election day  
12 unless that day is a Saturday, Sunday, or legal state or national  
13 holiday, in which case the last day is the first preceding regular  
14 business day.

15 SECTION 2. Section 86.0015(b-1), Election Code, is amended  
16 to read as follows:

17 (b-1) An application submitted under this section must be  
18 submitted before the close of regular business in the early voting  
19 clerk's office or 12 noon, whichever is later, on the 15th [~~11th~~]  
20 day before election day unless that day is a Saturday, Sunday, or  
21 legal state or national holiday, in which case the last day is the  
22 first preceding regular business day.

23 SECTION 3. Sections 86.007(a) and (d), Election Code, are  
24 amended to read as follows:

1 (a) Except as provided by Subsection (d), a marked ballot  
2 voted by mail must arrive at the address on the carrier envelope [+

3 ~~[(1) before the time the polls are required to close on~~  
4 ~~election day, or~~

5 ~~[(2)] not later than 5 p.m. on the fourth day before~~  
6 ~~[after] election day [if the carrier envelope was placed for~~  
7 ~~delivery by mail or common or contract carrier before election day~~  
8 ~~and bears a cancellation mark of a common or contract carrier or a~~  
9 ~~courier indicating a time not later than 7 p.m. at the location of~~  
10 ~~the election on election day].~~

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

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

15 (2) ~~[the carrier envelope was placed for delivery~~  
16 ~~before the time the ballot is required to arrive under Subsection~~  
17 ~~(a)(1), and]~~

18 ~~[(3)]~~ the ballot arrives at the address on the carrier  
19 envelope not later than the fifth day after the date of the  
20 election.

21 SECTION 4. Section 87.022, Election Code, is amended to  
22 read as follows:

23 Sec. 87.022. TIME OF DELIVERY: GENERAL RULE. Except as  
24 provided by Sections ~~[Section]~~ 87.0221 and ~~[7]~~ 87.0222, ~~[87.023, or~~  
25 87.024,] the materials shall be delivered to the early voting  
26 ballot board under this subchapter during the time the polls are  
27 open on election day, or as soon after the polls close as

1 practicable, at the time or times specified by the presiding judge  
2 of the board.

3 SECTION 5. Section 87.0221(a), Election Code, is amended to  
4 read as follows:

5 (a) In an election in which regular paper ballots are used  
6 for early voting by personal appearance [~~or by mail~~], the materials  
7 may be delivered to the board between the end of the period for  
8 early voting by personal appearance and the closing of the polls on  
9 election day, or as soon after closing as practicable, at the time  
10 or times specified by the presiding judge of the board.

11 SECTION 6. Section 87.0222(a), Election Code, is amended to  
12 read as follows:

13 (a) ~~The [Notwithstanding Section 87.024, in an election~~  
14 ~~conducted by an authority of a county with a population of 100,000~~  
15 ~~or more or conducted jointly with such a county, the]~~ jacket  
16 envelopes containing the early voting ballots voted by mail shall  
17 ~~[may]~~ be delivered to the board not earlier than the 20th day before  
18 election [between the end of the ninth] day and not later than 6  
19 p.m. on the fourth day before election day [before the last day of  
20 ~~the period for early voting by personal appearance and the closing~~  
21 ~~of the polls on election day, or as soon after closing as~~  
22 ~~practicable, at the time or times specified by the presiding judge~~  
23 ~~of the board]~~.

24 SECTION 7. Section 87.0241(b), Election Code, is amended to  
25 read as follows:

26 (b) The board may not count early voting ballots until 3  
27 p.m. [+]

1           ~~[(1) the polls open] on election day [; or~~  
2           ~~[(2) in an election conducted by an authority of a~~  
3 ~~county with a population of 100,000 or more or conducted jointly~~  
4 ~~with such a county, the end of the period for early voting by~~  
5 ~~personal appearance].~~

6           SECTION 8. Section 87.103, Election Code, is amended by  
7 adding Subsection (c) to read as follows:

8           (c) Early voting ballots may not be counted until 3 p.m. on  
9 election day.

10          SECTION 9. Section 87.1231, Election Code, is amended to  
11 read as follows:

12          Sec. 87.1231. COUNTING AND REPORTING EARLY VOTING VOTES  
13 ~~[REPORTED BY PRECINCT]~~. (a) Not later than the time of the local  
14 canvass, the early voting clerk shall deliver to the local  
15 canvassing authority a report of the total number of early voting  
16 votes for each candidate or measure by election precinct. The  
17 report may reflect the total for votes by mail and the total for  
18 votes by personal appearance.

19          (b) Notwithstanding any other law, early voting ballots  
20 voted by mail that are required to arrive at the address on the  
21 carrier envelope by the deadline under Section 86.007(a) must be  
22 counted not later than 7 p.m. on election day and released at 7 p.m.  
23 on election day.

24          SECTION 10. The following sections of the Election Code are  
25 repealed:

26                 (1) Sections 86.007(e) and (f);

27                 (2) Section 87.023;

1           (3) Section 87.024; and

2           (4) Section 87.0241(c).

3           SECTION 11. This Act takes effect September 1, 2021.