By: Paul H.B. No. 3281

Substitute the following for __.B. No. _____:

By: _____ C.S.H.B. No. 3281

A BILL TO BE ENTITLED

AN ACT

relating to practices and procedures for an early voting ballot voted by mail.

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

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

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

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

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

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

(a) Except as provided by Section 86.006(a-1) and Subsection (d), a carrier envelope containing a marked ballot voted by mail must:

(1) arrive at the address on the carrier envelope [~~:~~

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

[~~(2)~~] not later than 5 p.m. on the day before [~~after~~] election day;

(2) be [~~, if the carrier envelope was~~] placed for delivery by mail or common or contract carrier or a courier on or before the fourth day before election day; and

(3) bear [~~bears~~] a cancellation mark of a common or contract carrier or a courier indicating placement for delivery on or before the fourth day before [~~a time not later than 7 p.m. at the location of the election on~~] election day.

(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 polls are required to close on election day [~~time the ballot is required to arrive under Subsection (a)(1)~~]; and

(3) the ballot arrives at the address on the carrier envelope not later than the fifth day after the date of the election.

(e) A delivery under Subsection (a) [~~(a)(2)~~] or (d) is

timely, except as otherwise provided by this title, if the carrier envelope or, if applicable, the envelope containing the carrier envelope:

(1) is properly addressed with postage or handling charges prepaid; and

(2) bears a cancellation mark of a recognized postal service or a receipt mark of a common or contract carrier or a courier indicating a time before the deadline.

SECTION 4. Sections 87.0221 and 87.0222, Election Code, are amended to read as follows:

Sec. 87.0221. TIME OF DELIVERY: [~~PAPER~~] BALLOTS VOTED BY PERSONAL APPEARANCE. (a) The balloting [~~In an election in which regular paper ballots are used for early voting by personal appearance or by mail, the~~] materials for ballots voted by personal appearance may be delivered to the board between the end of the period for early voting by personal appearance and the closing of the polls on election day, or as soon after closing as practicable, at the time or times specified by the presiding judge of the board.

(b) The early voting clerk shall post notice of each delivery of balloting materials under this section that is to be made before the time for opening the polls on election day. The notice shall be posted at the main early voting polling place and on the Internet website of the entity conducting the election continuously for at least 24 hours immediately preceding the delivery. The notice must include the dates and times that the early voting ballot board will convene to review or count ballots, if that information is known at the time the early voting clerk

posts the notice.

(c) At least 24 hours before each delivery, the early voting clerk shall notify the county chair of each political party having a nominee on the ballot of the time the delivery is to be made. The clerk must provide notice under this subsection in writing, by e-mail, or by telephone.

Sec. 87.0222. TIME OF DELIVERY: BALLOTS VOTED BY MAIL. (a) Except as provided by Subsections (b) and (c), [~~Notwithstanding Section 87.024, in an election conducted by an authority of a county with a population of 100,000 or more or conducted jointly with such a county,~~] the jacket envelopes containing [~~the~~] early voting ballots voted by mail may be delivered to the board between the end of the 20th [~~ninth~~] day before the last day of the period for early voting by personal appearance and the closing of the polls on election day, or as soon after closing as practicable, at the time or times specified by the presiding judge of the board.

(b) The jacket envelopes of early voting ballots voted by mail that are hand delivered in accordance with Section 86.006(a-1) and received by the early voting clerk at or before 3 p.m. on election day shall be delivered to the presiding judge of the early voting ballot board as soon as practicable on election day.

(c) The jacket envelopes of early voting ballots voted by mail that are hand delivered in accordance with Section 86.006(a-1) and received by the early voting clerk after 3 p.m. on election day shall be delivered to the presiding judge of the early voting ballot board at the time ballots received under Section 86.007(d) are delivered to the presiding judge.

(d) The early voting clerk shall post notice of each delivery of balloting materials under Subsection (a) [~~this section~~] that is to be made before the time for opening the polls on election day. The notice shall be posted at the main early voting polling place and on the Internet website of the entity conducting the election continuously for at least 24 hours immediately preceding the delivery. The notice must include the dates and times that the early voting ballot board will convene to review or count ballots, if that information is known at the time the early voting clerk posts the notice.

(e) [~~(c)~~] At least 24 hours before each delivery under Subsection (a), the early voting clerk shall notify the county chair of each political party having a nominee on the ballot of the time the delivery is to be made. The clerk must provide notice under this subsection in writing, by e-mail, or by telephone.

SECTION 5. Section 87.125, Election Code, is amended by adding Subsection (a-2) to read as follows:

(a-2) The early voting ballot board shall count ballots that are hand delivered as provided by Section 87.0222(c) at the time that the ballot board convenes to count ballots under Section 86.007(d).

SECTION 6. Subchapter G, Chapter 87, Election Code, is amended by adding Section 87.128 to read as follows:

Sec. 87.128. VOTING RESULTS ACCUMULATION. (a) An early voting ballot board or officer of a central counting station may not accumulate the results of early voting ballots until:

(1) 12 p.m. on election day, if the entity conducting

the election will count the ballots by hand;

(2) 3 p.m. on election day, if the entity conducting the election:

(A) will not count the ballots by hand; and

(B) has a population of 150,000 or more; or

(3) 6 p.m. on election day, if the entity conducting the election:

(A) will not count the ballots by hand; and

(B) has a population of less than 150,000.

(b) An early voting ballot board or officer of a central counting station may not produce a printout or other tangible record of the early voting ballot count or accumulation of results until the closing of polls on election day.

(c) This section does not prevent an early voting ballot board or officer of a central counting station from performing preliminary procedures other than accumulating the results of early voting ballots or generating a report of the early voting ballot count or accumulation before the applicable times provided in this section.

SECTION 7. Subchapter A, Chapter 127, Election Code, is amended by adding Section 127.008 to read as follows:

Sec. 127.008. OPERATION OF CENTRAL COUNTING STATION. (a) The central counting station may operate at any time ballots may be processed or counted.

(b) Not later than 72 hours before the date that the central counting station manager plans to begin processing or counting early voting ballots, the central counting station manager shall

notify the presiding judge of the early voting ballot board of the time and place that the judge may deliver early voting ballots.

(c) Not later than 72 hours before the initial date and time that the central counting station begins operations in an election, the central counting station manager shall post notice of the dates and times that the central counting station will operate in the election in the place used for posting notice of meetings of the governing body of and on the Internet website of the entity conducting the election. For each date and time listed in the notice, the notice must identify whether the central counting station will be counting early voting ballots voted by mail or early voting ballots voted by personal appearance.

(d) In a general election for state and county officers, the notice under Subsection (c) must be provided to each county chair of a political party that has a nominee on the ballot.

(e) The secretary of state shall prescribe rules as necessary to implement this section.

SECTION 8. The following sections of the Election Code are repealed:

(1) Section 87.022;

(2) Section 87.023; and

(3) Section 87.024.

SECTION 9. This Act takes effect September 1, 2021.