

By: Bucy

H.B. No. 317

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 is the early
12 voting clerk under Section 83.002, only the early voting clerk may
13 order extended voting [~~on a Saturday or Sunday~~]. The clerk must do
14 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.

(e) In a primary election or the general election for state and county officers in a county with a population of 55,000 or more, the early voting clerk shall order voting by personal appearance at the main early voting polling place to be conducted on the last Saturday of the early voting period for at least 12 hours, except that voting may not be conducted earlier than 6 a.m. or later than 10 p.m., and on the last Sunday of the early voting period for at least six hours, except that voting may not be conducted earlier than 9 a.m. or later than 10 p.m. The early voting clerk shall order voting to be conducted at those times in those elections in a county with a population under 55,000 on receipt of a written request for those hours submitted by at least 15 registered voters of the county. The request must be submitted in time to enable compliance with Section 85.007. This subsection supersedes any provision of this subchapter to the extent of any conflict.

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

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

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

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

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

(3) the dates and hours that extended voting [~~on Saturday or Sunday~~] is ordered to be conducted under Section 85.006(a).

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

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

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

SECTION 6. Section 85.065(b), Election Code, is amended to read as follows:

(b) Except as provided by Subsection (c), voting at a temporary branch polling place may be conducted on any days and during any hours of the period for early voting by personal appearance, as determined by the authority establishing the branch. The authority authorized under Section 85.006 to order extended early voting [~~on a Saturday or Sunday~~] may also order, in the manner

1 prescribed by that section, extended early voting to be conducted
2 ~~[on a Saturday or Sunday]~~ at any one or more of the temporary branch
3 polling places.

4 SECTION 7. Section 85.068(a), Election Code, is amended to
5 read as follows:

6 (a) The early voting clerk shall post notice for each
7 election stating any dates and the hours that extended voting ~~[on~~
8 ~~Saturday or Sunday]~~ will be conducted under Section 85.064(d) or
9 85.065(b), if the early voting clerk is a county clerk or city
10 secretary under Section 83.002 or 83.005.

11 SECTION 8. Section 87.0241, Election Code, is amended by
12 amending Subsection (b) and adding Subsection (b-1) to read as
13 follows:

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

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

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

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

25 SECTION 9. This Act takes effect September 1, 2023.