

# SENATE AMENDMENTS

2<sup>nd</sup> Printing

By: Swanson, Manuel, Capriglione, Patterson,  
Morales of Maverick, et al.

H.B. No. 1217

A BILL TO BE ENTITLED

AN ACT

relating to the administration of and procedures relating to early  
voting by personal appearance.

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

SECTION 1. Section 19.004(a), Election Code, is amended to  
read as follows:

(a) Except as provided by Subsection (d), state funds  
disbursed under this chapter may be used only to:

(1) defray expenses of the registrar's office in  
connection with voter registration, including additional expenses  
related to:

(A) ~~[(1)]~~ implementation of the National Voter  
Registration Act of 1993 (52 U.S.C. Section 20501 et seq.) ~~[(42~~  
~~U.S.C. Section 1973gg et seq.)]~~;

(B) ~~[(2)]~~ complying with ~~[the]~~ weekly updating  
requirements ~~[prescribed by Section 18.063]~~; and

(C) ~~[(3)]~~ the employment of temporary voter  
registration personnel for not more than 39 weeks in a state fiscal  
year; and

(2) defray the cost to the registrar's county of  
keeping the polling places in the county open during the early  
voting period as required under Sections 85.005(c), 85.006(e), and  
85.064(d).

SECTION 2. Section 85.005(c), Election Code, is amended to

1 read as follows:

2 (c) Voting [~~In a county with a population of 55,000 or more,~~  
3 ~~the voting~~] in a primary election or the general election for state  
4 and county officers shall be conducted at the main early voting  
5 polling place for at least 12 hours on each weekday of the last week  
6 of the early voting period, and the voting in a special election  
7 ordered by the governor shall be conducted at the main early voting  
8 polling place for at least 12 hours on each of the last two days of  
9 the early voting period. Voting under this subsection may not be  
10 conducted earlier than 6 a.m. or later than 10 p.m. [~~Voting shall~~  
11 ~~be conducted in accordance with this subsection in those elections~~  
12 ~~in a county with a population under 55,000 on receipt by the early~~  
13 ~~voting clerk of a written request for the extended hours submitted~~  
14 ~~by at least 15 registered voters of the county. The request must be~~  
15 ~~submitted in time to enable compliance with Section 85.067.]~~

16 SECTION 3. Section 85.006(e), Election Code, is amended to  
17 read as follows:

18 (e) In a primary election or the general election for state  
19 and county officers [~~in a county with a population of 55,000 or~~  
20 ~~more~~], the early voting clerk shall order voting by personal  
21 appearance at the main early voting polling place to be conducted on  
22 the last Saturday of the early voting period for at least 12 hours,  
23 except that voting may not be conducted earlier than 6 a.m. or later  
24 than 10 p.m., and on the last Sunday of the early voting period for  
25 at least six hours, except that voting may not be conducted earlier  
26 than 9 a.m. or later than 10 p.m. [~~The early voting clerk shall~~  
27 ~~order voting to be conducted at those times in those elections in a~~

1 ~~county with a population under 55,000 on receipt of a written~~  
2 ~~request for those hours submitted by at least 15 registered voters~~  
3 ~~of the county. The request must be submitted in time to enable~~  
4 ~~compliance with Section 85.007.]~~ This subsection supersedes any  
5 provision of this subchapter to the extent of any conflict.

6 SECTION 4. The heading to Section 85.064, Election Code, is  
7 amended to read as follows:

8 Sec. 85.064. DAYS AND HOURS FOR VOTING: TEMPORARY BRANCH  
9 ~~[IN POPULOUS COUNTY]~~.

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

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

20 SECTION 6. Section 85.068(a), Election Code, is amended to  
21 read as follows:

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

27 SECTION 7. The following provisions of the Election Code

1 are repealed:

2 (1) Section 85.064(a); and

3 (2) Section 85.065.

4 SECTION 8. The changes in law made by this Act apply only to  
5 an election for which early voting begins on or after the effective  
6 date of this Act.

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

By: L. W. Kell T

Substitute the following for H.B. No. 1217

By: Bryan Hughes

**ADOPTED**

MAY 19 2023

H.B. No. 1217

L. S. H. S.  
Secretary of the Senate

H.B. No. 1217

A BILL TO BE ENTITLED

AN ACT

relating to the administration of and procedures relating to early voting by personal appearance.

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

SECTION 1. Section 19.004(a), Election Code, is amended to read as follows:

(a) Except as provided by Subsection (d), state funds disbursed under this chapter may be used only to:

(1) defray expenses of the registrar's office in connection with voter registration, including additional expenses related to:

(A) ~~[(1)]~~ implementation of the National Voter Registration Act of 1993 (52 U.S.C. Section 20501 et seq.) ~~[(42 U.S.C. Section 1973gg et seq.)]~~;

(B) ~~[(2)]~~ complying with ~~[the]~~ weekly updating requirements ~~[prescribed by Section 18.063]~~; and

(C) ~~[(3)]~~ the employment of temporary voter registration personnel for not more than 39 weeks in a state fiscal year; and

(2) if the registrar's county has a population of less than 55,000, defray the cost to the registrar's county of keeping the polling places in the county open during the early voting period as required under Sections 85.005(c), 85.006(e), and 85.064(d).

SECTION 2. Section 85.005(c), Election Code, is amended to

1 read as follows:

2 (c) Voting [~~In a county with a population of 55,000 or more,~~  
3 ~~the voting~~] in a primary election or the general election for state  
4 and county officers shall be conducted at the main early voting  
5 polling place for at least 12 consecutive hours on each weekday of  
6 the last week of the early voting period, and the voting in a  
7 special election ordered by the governor shall be conducted at the  
8 main early voting polling place for at least 12 consecutive hours on  
9 each of the last two days of the early voting period. Voting under  
10 this subsection may not be conducted earlier than 6 a.m. or later  
11 than 10 p.m. [~~Voting shall be conducted in accordance with this~~  
12 ~~subsection in those elections in a county with a population under~~  
13 ~~55,000 on receipt by the early voting clerk of a written request for~~  
14 ~~the extended hours submitted by at least 15 registered voters of the~~  
15 ~~county. The request must be submitted in time to enable compliance~~  
16 ~~with Section 85.067.~~]

17 SECTION 3. Section 85.006(e), Election Code, is amended to  
18 read as follows:

19 (e) In a primary election or the general election for state  
20 and county officers [~~in a county with a population of 55,000 or~~  
21 ~~more~~], the early voting clerk shall order voting by personal  
22 appearance at the main early voting polling place to be conducted on  
23 the last Saturday of the early voting period for at least 12 hours,  
24 except that voting may not be conducted earlier than 6 a.m. or later  
25 than 10 p.m., and on the last Sunday of the early voting period for  
26 at least six hours, except that voting may not be conducted earlier  
27 than 9 a.m. or later than 10 p.m. [~~The early voting clerk shall~~

1 ~~order voting to be conducted at those times in those elections in a~~  
2 ~~county with a population under 55,000 on receipt of a written~~  
3 ~~request for those hours submitted by at least 15 registered voters~~  
4 ~~of the county. The request must be submitted in time to enable~~  
5 ~~compliance with Section 85.007.]~~ This subsection supersedes any  
6 provision of this subchapter to the extent of any conflict.

7 SECTION 4. The heading to Section 85.064, Election Code, is  
8 amended to read as follows:

9 Sec. 85.064. DAYS AND HOURS FOR VOTING: TEMPORARY BRANCH  
10 ~~[IN POPULOUS COUNTY]~~.

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

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

21 SECTION 6. Section 85.068(a), Election Code, is amended to  
22 read as follows:

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

1           SECTION 7. The following provisions of the Election Code  
2 are repealed:

3                   (1) Section 85.064(a); and

4                   (2) Section 85.065.

5           SECTION 8. The changes in law made by this Act apply only to  
6 an election for which early voting begins on or after the effective  
7 date of this Act.

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



ADOPTED

VV  
MAY 19 2023

*Lately Law*  
Secretary of the Senate

FLOOR AMENDMENT NO. 1

BY: *L. W. Kell*

1 Amend C.S.H.B. 1217 (senate committee report) in SECTION 3 of  
2 the bill, amending Section 85.006(e), Election Code, as follows:

3 (1) On page 2, line 9, between "12" and "hours", insert  
4 "consecutive".

5 (2) On page 2, line 12, between "six" and "hours", insert  
6 "consecutive".

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION**

**May 20, 2023**

**TO:** Honorable Dade Phelan, Speaker of the House, House of Representatives

**FROM:** Jerry McGinty, Director, Legislative Budget Board

**IN RE: HB1217** by Swanson (Relating to the administration of and procedures relating to early voting by personal appearance.), **As Passed 2nd House**

<b>No significant fiscal implication to the State is anticipated.</b>
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It is assumed that any costs associated with the bill could be absorbed using existing resources.

**Local Government Impact**

There could be an impact on certain less populous counties related to expanding the required hours during which early voting by personal appearance is conducted. Some portion of that impact could be offset by state funds to defray the cost to a voter registrar's county of keeping polling places open, as would be authorized by the bill.

**Source Agencies:**

**LBB Staff:** JMc, SD, SMAT, CMA, NTh, MOc

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION**

**May 16, 2023**

**TO:** Honorable Bryan Hughes, Chair, Senate Committee on State Affairs

**FROM:** Jerry McGinty, Director, Legislative Budget Board

**IN RE: HB1217** by Swanson (relating to the administration of and procedures relating to early voting by personal appearance.), **Committee Report 2nd House, Substituted**

<b>No significant fiscal implication to the State is anticipated.</b>
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It is assumed that any costs associated with the bill could be absorbed using existing resources.

**Local Government Impact**

There could be an impact on certain less populous counties related to expanding the required hours during which early voting by personal appearance is conducted. Some portion of that impact could be offset by state funds to defray the cost to a voter registrar's county of keeping polling places open, as would be authorized by the bill.

**Source Agencies:**

**LBB Staff:** JMc, SMAT, CMA, NTh, MOc

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION**

**May 14, 2023**

**TO:** Honorable Bryan Hughes, Chair, Senate Committee on State Affairs

**FROM:** Jerry McGinty, Director, Legislative Budget Board

**IN RE: HB1217** by Swanson (Relating to the administration of and procedures relating to early voting by personal appearance.), **As Engrossed**

<b>No significant fiscal implication to the State is anticipated.</b>
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It is assumed that any costs associated with the bill could be absorbed using existing resources.

**Local Government Impact**

There could be an impact on certain less populous counties related to expanding the required hours during which early voting by personal appearance is conducted. Some portion of that impact could be offset by state funds to defray the cost to a voter registrar's county of keeping polling places open, as would be authorized by the bill.

**Source Agencies:**

**LBB Staff:** JMc, SMAT, NTh, MOc, CMA

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION

April 18, 2023

**TO:** Honorable Reggie Smith, Chair, House Committee on Elections

**FROM:** Jerry McGinty, Director, Legislative Budget Board

**IN RE: HB1217** by Swanson (relating to the administration of and procedures relating to early voting by personal appearance.), **Committee Report 1st House, Substituted**

**No significant fiscal implication to the State is anticipated.**

It is assumed that any costs associated with the bill could be absorbed using existing resources.

**Local Government Impact**

There could be an impact on certain less populous counties related to expanding the required hours during which early voting by personal appearance is conducted. Some portion of that impact could be offset by state funds to defray the cost to a voter registrar's county of keeping polling places open, as would be authorized by the bill.

**Source Agencies:**

**LBB Staff:** JMc, MOc, CMA, NTh

**LEGISLATIVE BUDGET BOARD**

Austin, Texas

**FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION**

**March 28, 2023**

**TO:** Honorable Reggie Smith, Chair, House Committee on Elections

**FROM:** Jerry McGinty, Director, Legislative Budget Board

**IN RE: HB1217** by Swanson (Relating to the hours during which early voting by personal appearance is conducted.), **As Introduced**

**No significant fiscal implication to the State is anticipated.**

It is assumed that any costs associated with the bill could be absorbed using existing resources.

**Local Government Impact**

There could be an impact on certain less populous counties related to expanding the required hours during which early voting by personal appearance is conducted.

**Source Agencies:**

**LBB Staff:** JMc, MOc, CMA, NTh