

By: Paul, et al.

H.B. No. 1091

Substitute the following for H.B. No. 1091:

By: Shaheen

C.S.H.B. No. 1091

A BILL TO BE ENTITLED

AN ACT

relating to early voting and to related practices and procedures.

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) and (g), Election Code, are amended to read as follows:

(a) Except as provided by Section 101.083 [~~Subsection (d)~~],

1 a marked ballot voted by mail must arrive at the address on the
2 carrier envelope[+]

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

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

11 (g) The secretary of state shall prescribe procedures as
12 necessary to implement this section [~~Subsection (d)~~].

13 SECTION 4. Section [86.009](#)(f), Election Code, is amended to
14 read as follows:

15 (f) A ballot to be voted by mail under Chapter [101](#) corrected
16 under this section may be counted if it is timely returned as
17 required by Section [101.083](#) [~~[101.057](#)~~].

18 SECTION 5. Section [87.0221](#), Election Code, is amended to
19 read as follows:

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

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

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

16 SECTION 6. Section [87.0222](#), Election Code, is amended by
17 amending Subsections (b) and (c) and adding Subsection (d) to read
18 as follows:

19 (b) The jacket envelopes of early voting ballots voted by
20 mail that are hand delivered in accordance with Section [86.006](#)(a-1)
21 shall be delivered to the presiding judge of the early voting ballot
22 board as soon as practicable on election day.

23 (c) The The early voting clerk shall post notice of each
24 delivery of balloting materials under Subsection (a) or (a-1) [~~this~~
25 section] that is to be made before the time for opening the polls on
26 election day. The notice shall be posted at the main early voting
27 polling place and on the Internet website of the entity conducting

1 the election continuously for at least 24 hours immediately
2 preceding the delivery. The notice must include the dates and times
3 that the early voting ballot board will convene to review or count
4 ballots, if that information is known at the time the early voting
5 clerk posts the notice.

6 (d) ~~[(c)]~~ At least 24 hours before each delivery under
7 Subsection (a) or (a-1) made before the time for opening the polls
8 on election day, the early voting clerk shall notify the county
9 chair of each political party having a nominee on the ballot of the
10 time the delivery is to be made. The clerk must provide notice
11 under this subsection in writing, by e-mail, or by telephone.

12 SECTION 7. Section 87.125, Election Code, is amended to
13 read as follows:

14 Sec. 87.125. COUNTING OF CERTAIN LATE BALLOTS VOTED BY
15 MAIL. (a) The early voting ballot board shall ~~[convene to]~~ count
16 ballots voted by mail under Chapter 101 that arrive after the time
17 the polls are required to close on election day and before the time
18 described by Section 101.083 as provided by this section.

19 (b) The board shall convene to count votes described by
20 Subsection (a) ~~[described by Section 86.007(d)]~~ at the time set by
21 the presiding judge of the board:

22 (1) ~~[on the ninth day after the date of an election or~~
23 ~~on an earlier day if the early voting clerk certifies that all~~
24 ~~ballots mailed from outside the United States have been received.~~

25 ~~[(a-1) Notwithstanding Subsection (a),]~~ for an election
26 held on the date of the general election for state and county
27 officers, ~~[the early voting ballot board shall convene to count~~

1 ~~ballots voted by mail described by Sections 86.007(d) and (d-1)]~~
2 not later than the 13th day after the date of the election;

3 (2) for any other election, on the ninth day after the
4 date of the election; or

5 (3) if the early voting clerk certifies that all
6 ballots mailed from outside the United States have been received,
7 on an earlier day.

8 (c) [(b)] On counting the ballots under Subsection (a), the
9 early voting ballot board shall report the results to the local
10 canvassing authority for the election.

11 (d) [(c)] If the date prescribed by Subsection (b) [(a)] for
12 convening the early voting ballot board is a Saturday, Sunday, or
13 legal state or national holiday, the early voting ballot board
14 shall convene on the next regular business day.

15 SECTION 8. Subchapter G, Chapter 87, Election Code, is
16 amended by adding Section 87.129 to read as follows:

17 Sec. 87.129. VOTING RESULTS ACCUMULATION. (a) An early
18 voting ballot board or officer of a central counting station may not
19 accumulate the results of early voting ballots until:

20 (1) 12 p.m. on election day, if the entity conducting
21 the election will count the ballots by hand;

22 (2) 3 p.m. on election day, if the entity conducting
23 the election:

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

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

26 (3) 6 p.m. on election day, if the entity conducting
27 the election:

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

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

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

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

13 SECTION 9. Chapter 101, Election Code, is amended by adding
14 Subchapter B-1 and a subchapter heading to read as follows:

15 SUBCHAPTER B-1. CONDUCT OF VOTING

16 SECTION 10. Sections 101.056, 101.058, and 101.057,
17 Election Code, are transferred to Subchapter B-1, Chapter 101,
18 Election Code, as added by this Act, redesignated as Sections
19 101.081, 101.082, and 101.083, Election Code, and amended to read
20 as follows:

21 Sec. 101.081 ~~[101.056]~~. METHOD OF PROVIDING BALLOT;
22 REQUIRED ADDRESS. (a) The balloting materials provided under this
23 chapter ~~[subchapter]~~ shall be airmailed to the voter free of United
24 States postage, as provided by the federal Uniformed and Overseas
25 Citizens Absentee Voting Act (52 U.S.C. Sections 20301 through
26 20311), in an envelope labeled "Official Election Balloting
27 Material - via Airmail." The secretary of state shall provide early

1 voting clerks with instructions on compliance with this subsection.

2 (b) The address to which the balloting materials are sent to
3 a voter must be:

4 (1) an address outside the county of the voter's
5 residence; or

6 (2) an address in the United States for forwarding or
7 delivery to the voter at a location outside the United States.

8 (c) If the address to which the balloting materials are to
9 be sent is within the county served by the early voting clerk, the
10 federal postcard application must indicate that the balloting
11 materials will be forwarded or delivered to the voter at a location
12 outside the United States.

13 Sec. 101.082 [~~101.058~~]. OFFICIAL CARRIER ENVELOPE. The
14 officially prescribed carrier envelope for voting under this
15 chapter [~~subchapter~~] shall be prepared so that it can be mailed free
16 of United States postage, as provided by the federal Uniformed and
17 Overseas Citizens Absentee Voting Act (52 U.S.C. Sections 20301
18 through 20311), and must contain the label prescribed by Section
19 101.081(a) [~~101.056(a)~~] for the envelope in which the balloting
20 materials are sent to a voter. The secretary of state shall provide
21 early voting clerks with instructions on compliance with this
22 section.

23 Sec. 101.083 [~~101.057~~]. RETURN OF VOTED BALLOT. (a) A
24 ballot voted under this chapter [~~subchapter~~] may be returned to the
25 early voting clerk by mail, common or contract carrier, or courier.

26 (b) A ballot voted under this chapter [~~by a voter described~~
27 ~~by Section 101.001(2)(A), (B), or (B-1)]~~] shall be counted if the

1 ballot arrives at the address on the carrier envelope not later than
2 the sixth day after the date of the election, except that if that
3 date falls on a Saturday, Sunday, or legal state or national
4 holiday, then the deadline is extended to the next regular business
5 day.

6 SECTION 11. Section 101.107(d), Election Code, is amended
7 to read as follows:

8 (d) The deadline for the return of a ballot under this
9 section is the same deadline as provided in Section 101.083
10 [~~86.007~~].

11 SECTION 12. Subchapter A, Chapter 127, Election Code, is
12 amended by adding Section 127.012 to read as follows:

13 Sec. 127.012. OPERATION OF CENTRAL COUNTING STATION. (a)
14 The central counting station may operate at any time ballots may be
15 processed or counted.

16 (b) Not later than 72 hours before the date that the central
17 counting station manager plans to begin processing or counting
18 early voting ballots, the central counting station manager shall
19 notify the presiding judge of the early voting ballot board of the
20 time and place that the judge may deliver early voting ballots.

21 (c) Not later than 72 hours before the initial date and time
22 that the central counting station begins operations in an election,
23 the central counting station manager shall post notice of the dates
24 and times that the central counting station will operate in the
25 election in the place used for posting notice of meetings of the
26 governing body of and on the Internet website of the entity
27 conducting the election. For each date and time listed in the

1 notice, the notice must identify whether the central counting
2 station will be counting early voting ballots voted by mail or early
3 voting ballots voted by personal appearance.

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

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

9 SECTION 13. The following provisions of the Election Code
10 are repealed:

- 11 (1) Sections 86.007(d), (e), and (f);
12 (2) Section 87.022;
13 (3) Section 87.023; and
14 (4) Section 87.024.

15 SECTION 14. This Act takes effect September 1, 2025.