

1-1 By: Schofield (Senate Sponsor - Bettencourt) H.B. No. 1151
1-2 (In the Senate - Received from the House May 15, 2017;
1-3 May 15, 2017, read first time and referred to Committee on State
1-4 Affairs; May 19, 2017, reported favorably by the following vote:
1-5 Yeas 9, Nays 0; May 19, 2017, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	Huffman	X		
1-9	Hughes	X		
1-10	Birdwell	X		
1-11	Creighton	X		
1-12	Estes	X		
1-13	Lucio	X		
1-14	Nelson	X		
1-15	Schwertner	X		
1-16	Zaffirini	X		

1-17 A BILL TO BE ENTITLED
1-18 AN ACT

1-19 relating to the deadline for returning a ballot voted by mail.
1-20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
1-21 SECTION 1. Section 86.007, Election Code, is amended by
1-22 amending Subsections (a), (d), (e), and (f) and adding Subsection
1-23 (d-1) to read as follows:
1-24 (a) Except as provided by Subsection (d), a marked ballot
1-25 voted by mail must arrive at the address on the carrier envelope:
1-26 (1) before the time the polls are required to close on
1-27 election day; or
1-28 (2) not later than 5 p.m. on the day after election
1-29 day, if the carrier envelope was placed for delivery by mail or
1-30 common or contract carrier before election day and bears a
1-31 cancellation mark of a common or contract carrier or a courier
1-32 indicating a time not later than 7 p.m. at the location of the
1-33 election on election day.
1-34 (d) A marked ballot voted by mail that arrives after the
1-35 time prescribed by Subsection (a) shall be counted if:
1-36 (1) the ballot was cast from an address outside the
1-37 United States;
1-38 (2) the carrier envelope was placed for delivery
1-39 before the time the ballot is required to arrive under Subsection
1-40 (a)(1) [~~(a)~~]; and
1-41 (3) the ballot arrives at the address on the carrier
1-42 envelope not later than the fifth day after the date of the
1-43 election.
1-44 (d-1) If the deadline for the arrival of a ballot voted by
1-45 mail[, except that if that date] falls on a Saturday, Sunday, or
1-46 legal state or national holiday, then the deadline is extended to
1-47 the next regular business day.
1-48 (e) A delivery under Subsection (a)(2) or (d) [~~(d)(2)~~] is
1-49 timely, except as otherwise provided by this title, if the carrier
1-50 envelope or, if applicable, the envelope containing the carrier
1-51 envelope:
1-52 (1) is properly addressed with postage or handling
1-53 charges prepaid; and
1-54 (2) [is sent from an address outside the United
1-55 States; and
1-56 [~~(3)~~] bears a cancellation mark of a recognized postal
1-57 service or a receipt mark of a common or contract carrier or a
1-58 courier indicating a time before the deadline.
1-59 (f) The [~~If the~~] envelope must [~~does not~~] bear the
1-60 cancellation mark or receipt mark as required by Subsection (e)(2)
1-61 [~~(e)(3), a delivery under Subsection (d)(1) is presumed~~] to be

2-1 timely [~~if the other requirements~~] under this section [~~are met~~].
2-2 [~~Section 1.006 does not apply to Subsection (d)(3).~~]

2-3 SECTION 2. Section 87.125(a-1), Election Code, is amended
2-4 to read as follows:

2-5 (a-1) Notwithstanding Subsection (a), for an election held
2-6 on the date of the general election for state and county officers,
2-7 the early voting ballot board shall convene to count ballots voted
2-8 by mail described by Sections [~~Section~~] 86.007(d) and (d-1) not
2-9 later than the 13th day after the date of the election.

2-10 SECTION 3. This Act takes effect September 1, 2017.

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