

By: Schofield

H.B. No. 1151

A BILL TO BE ENTITLED

AN ACT

relating to the deadline for returning a ballot voted by mail.

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

SECTION 1. Section 86.007, Election Code, is amended by amending Subsections (a), (d), (e), and (f) and adding Subsection (d-1) to read as follows:

(a) Except as provided by Subsection (d), a marked ballot voted by mail must 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 after election day, if the carrier envelope was placed for delivery by mail or common or contract carrier before 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 ballot is required to arrive under Subsection (a)(1) ~~[(a)]~~; and

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

(d-1) If the deadline for the arrival of a ballot voted by

1 mail~~[, except that if that date]~~ falls on a Saturday, Sunday, or  
2 legal state or national holiday, then the deadline is extended to  
3 the next regular business day.

4 (e) A delivery under Subsection (a)(2) or (d) ~~[(d)(2)]~~ is  
5 timely, except as otherwise provided by this title, if the carrier  
6 envelope or, if applicable, the envelope containing the carrier  
7 envelope:

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

10 (2) ~~[is sent from an address outside the United~~  
11 ~~States; and~~

12 ~~[(3)]~~ bears a cancellation mark of a recognized postal  
13 service or a receipt mark of a common or contract carrier or a  
14 courier indicating a time before the deadline.

15 (f) If the envelope does not bear the cancellation mark or  
16 receipt mark as required by Subsection (e)(2) ~~[(e)(3)]~~, a delivery  
17 under Subsection (a)(2) or (d) ~~[(d)(1)]~~ is presumed to be timely if  
18 the other requirements under this section are met. ~~[Section 1.006~~  
19 ~~does not apply to Subsection (d)(3).]~~

20 SECTION 2. This Act takes effect September 1, 2017.