

## **BILL ANALYSIS**

Senate Research Center

H.B. 1151  
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State Affairs  
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Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Current state law requires mail ballots to be returned before the time the polls are required to close on election day in order to be counted. H.B. 1151 requires mail ballots to be accepted up to 5 p.m. on the day after election day, so long as the ballot was placed for delivery before election day. Interested parties contend that accepting mail ballots until the day after election day will ensure that a greater number of voters are able to cast a vote that is counted.

H.B. 1151 amends current law relating to the deadline for returning a ballot voted by mail.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

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

(a) Requires that a marked ballot, except as provided by Subsection (d) (relating to the requirements to count a certain marked ballot voted by mail), to arrive at the address on the carrier envelope by a certain time, including 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 and bears a cancellation mark of a common or contract carrier or a courier indicating a time not later than 7 p.m. at the location of the election on election day.

(d) Makes conforming and nonsubstantive changes.

(d-1) Creates this subsection from existing text. Provides that, if the deadline for the arrival of a ballot voted by mail falls on a Saturday, Sunday, or legal state or national holiday, then the deadline is extended to the next regular business day.

(e) Provides that a delivery under Subsection (a)(2) or (d), rather than Subsection (d)(2), is timely, with certain exceptions. Deletes existing text providing that a delivery under Subsection (d)(2) is timely, except under certain conditions, including, if applicable, the envelope containing the carrier envelope is sent from an address outside the United States. Makes nonsubstantive changes.

(f) Requires that the envelope bear the cancellation mark or receipt mark as required by Subsection (e)(2) to be timely under this section. Deletes existing text providing that, if the envelope does not bear the cancellation mark or receipt mark as required by Subsection (e)(3) (relating to a cancellation mark of a recognized postal service or a receipt mark of a common or contract carrier or a courier indicating a time before the deadline), a delivery under Subsection (d)(1) (relating to counting a marked balloted voted by mail that arrives after the prescribed time if the ballot was cast from an address outside the United States) is presumed to be timely if the other requirements under this

section are met. Deletes existing text providing that Section 1.006 (Effect of Weekend or Holiday) does not apply to Subsection (d)(3).

SECTION 2. Amends Section 87.125(a-1), Election Code, to include Section (d-1) among sections that describe ballots voted by mail.

SECTION 3. Effective date: September 1, 2017.