

By: Jetton

H.B. No. 1128

Substitute the following for H.B. No. 1128:

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C.S.H.B. No. 1128

A BILL TO BE ENTITLED

1 AN ACT

2 relating to persons permitted to be in a polling place or a place
3 where ballots are being counted.

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

5 SECTION 1. Section 61.001, Election Code, is amended by
6 amending Subsection (a) and adding Subsection (a-1) to read as
7 follows:

8 (a) Except as permitted by this code and as described by
9 Subsection (a-1), a person may not be in the polling place from the
10 time the presiding judge arrives there on election day to make the
11 preliminary arrangements until the precinct returns have been
12 certified and the election records have been assembled for
13 distribution following the election.

14 (a-1) Under this code, a person may be lawfully present in a
15 polling place during the time described by Subsection (a) if the
16 person is:

17 (1) an election judge or clerk;

18 (2) a watcher;

19 (3) a state inspector;

20 (4) a person admitted to vote;

21 (5) a child under 18 years of age who is accompanying a
22 parent who has been admitted to vote;

23 (6) a person providing assistance to a voter under
24 Section 61.032 or 64.032;

1 (7) a special peace officer appointed by the presiding
2 judge under Section 32.075;

3 (8) the county chair of a political party conducting a
4 primary election, as authorized by Section 172.1113;

5 (9) a voting system technician, as authorized by
6 Section 125.010;

7 (10) the county election officer, as defined by
8 Section 31.091, as necessary to perform tasks related to the
9 administration of the election; or

10 (11) a person whose presence has been authorized by
11 the presiding judge in accordance with this code.

12 SECTION 2. Section 87.026, Election Code, is amended to
13 read as follows:

14 Sec. 87.026. BYSTANDERS EXCLUDED. (a) Except as permitted
15 by this code and as described by Subsection (b), a person may not be
16 in the meeting place of an early voting ballot board during the time
17 of the board's operations.

18 (b) Under this code, a person may be lawfully present in the
19 meeting place of an early voting ballot board during the time of the
20 board's operations if the person is:

21 (1) a presiding judge or member of the board;

22 (2) a watcher;

23 (3) a state inspector;

24 (4) a voting system technician, as authorized by
25 Section 125.010;

26 (5) the county election officer, as defined by Section
27 31.091, as necessary to perform tasks related to the administration

1 of the election; or

2 (6) a person whose presence has been authorized by the
3 presiding judge in accordance with this code.

4 SECTION 3. Subchapter A, Chapter 127, Election Code, is
5 amended by adding Section 127.008 to read as follows:

6 Sec. 127.008. BYSTANDERS EXCLUDED. (a) Except as permitted
7 by this code and as described by Subsection (b), a person may not be
8 in a central counting station while ballots are being counted.

9 (b) Under this code, a person may be lawfully present in the
10 central counting station while ballots are being counted if the
11 person is:

12 (1) a counting station manager, tabulation
13 supervisor, assistant to the tabulation supervisor, presiding
14 judge, or clerk;

15 (2) a watcher;

16 (3) a state inspector;

17 (4) a voting system technician, as authorized by
18 Section 125.010;

19 (5) the county election officer, as defined by Section
20 31.091, as necessary to perform tasks related to the administration
21 of the election; or

22 (6) a person whose presence has been authorized by the
23 counting station manager in accordance with this code.

24 SECTION 4. This Act takes effect immediately if it receives
25 a vote of two-thirds of all the members elected to each house, as
26 provided by Section 39, Article III, Texas Constitution. If this
27 Act does not receive the vote necessary for immediate effect, this

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1 Act takes effect September 1, 2021.