

By: Hall, Bettencourt
Parker

S.B. No. 397

A BILL TO BE ENTITLED

AN ACT

relating to the procedures for closing a polling place.

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

SECTION 1. Section 61.002, Election Code, is amended by amending Subsections (a), (c), and (d) and adding Subsections (e) and (f) to read as follows:

(a) Immediately before opening the polls for voting on the first day of early voting and on election day, the presiding election judge or alternate presiding ~~[election]~~ judge shall confirm that each voting machine has any public counter reset to zero and shall print the tape that shows the counter was set to zero for each candidate or measure on the ballot.

(c) Immediately after closing the polls for voting on election day and on the last day of early voting by personal appearance, the presiding election judge or alternate presiding ~~[election]~~ judge shall print the tape to show the number of votes cast for each candidate or ballot measure for each voting machine.

(d) The presiding ~~[Each]~~ election judge and ~~[or]~~ alternate presiding ~~[election]~~ judge ~~[present]~~ shall sign a tape printed under this section.

(e) When closing the polls on the last day of early voting, the presiding election judge and alternate presiding judge shall place a tape printed under this section in envelope no. 2.

(f) When closing the polls for voting on election day, any

1 watcher present, but not more than three, may sign a tape printed
2 under this section.

3 SECTION 2. Section 61.007, Election Code, is amended by
4 adding Subsection (d) to read as follows:

5 (d) A person who prints a tape under Section 61.002 does not
6 commit an offense under this section.

7 SECTION 3. Section 66.023, Election Code, is amended to
8 read as follows:

9 Sec. 66.023. CONTENTS OF ENVELOPE NO. 2. Envelope no. 2
10 must contain:

- 11 (1) a copy of the precinct returns;
- 12 (2) a tally list;
- 13 (3) the original of the poll list;
- 14 (4) the signature roster;
- 15 (5) the precinct early voting list;
- 16 (6) any affidavits completed at the polling place
17 except affidavits required to be placed in envelope no. 4; ~~and~~
- 18 (7) any certificates of appointment of watchers; and
- 19 (8) any voting machine tape printed for the purpose of
20 showing the number of votes cast.

21 SECTION 4. This Act takes effect September 1, 2023.