

By: Campbell

S.B. No. 961

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the authority of the board of trustees of a school
3 district to exclude the use of district buildings as polling places
4 and to the designation of days a school district campus is used as a
5 polling place as staff development days.

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

7 SECTION 1. Subchapter D, Chapter 11, Education Code, is
8 amended by adding Section 11.187 to read as follows:

9 Sec. 11.187. POLICY EXCLUDING USE OF DISTRICT BUILDINGS AS
10 POLLING PLACES. The board of trustees of an independent school
11 district may adopt a policy excluding the use of a building owned or
12 controlled by the district as a polling place under Section 43.031,
13 Election Code.

14 SECTION 2. Subchapter C, Chapter 25, Education Code, is
15 amended by adding Section 25.0813 to read as follows:

16 Sec. 25.0813. SCHOOL CAMPUS DESIGNATED AS POLLING PLACE.
17 If a school campus is selected for use as a polling place under
18 Section 43.031, Election Code, the school district shall designate
19 the day the campus serves as a polling place as a staff development
20 day.

21 SECTION 3. Section 37.108(e), Education Code, is amended to
22 read as follows:

23 (e) A school district shall include in its multihazard
24 emergency operations plan a policy for school district property

1 selected for use as a polling place under Section 43.031, Election
2 Code. In developing the policy under this subsection, the board of
3 trustees may consult with the local law enforcement agency with
4 jurisdiction over the school district property selected as a
5 polling place regarding reasonable security accommodations that
6 may be made to the property. This subsection may not be interpreted
7 to require the board of trustees to obtain or contract for the
8 presence of law enforcement or security personnel for the purpose
9 of securing a polling place located on school district
10 property. Failure to comply with this subsection does not affect
11 the requirement, if applicable, of the board of trustees to make a
12 school facility available for use as a polling place under Section
13 43.031, Election Code.

14 SECTION 4. Section 43.031, Election Code, is amended by
15 amending Subsection (c) and adding Subsection (c-1) to read as
16 follows:

17 (c) The building selected for a polling place shall be a
18 public building if practicable. Except as provided by Subsection
19 (c-1), the [~~The~~] entity that owns or controls a public building
20 shall make the building available for use as a polling place in any
21 election that covers territory in which the building is located. If
22 more than one authority requests the use of the building for the
23 same day and simultaneous use is impracticable, the entity that
24 owns or controls the building shall determine which authority may
25 use the building.

26 (c-1) If the board of trustees of a school district adopts a
27 policy excluding the use as a polling place of a building owned or

1 controlled by the district as provided by Section 11.187, Education
2 Code, the building may not be designated as a polling place under
3 this chapter for any election during the period in which the
4 district's policy is in effect.

5 SECTION 5. The changes in law made by this Act by adding
6 Sections 11.187 and 25.0813, Education Code, and by amending
7 Section 37.108(e), Education Code, apply beginning with the
8 2023-2024 school year.

9 SECTION 6. This Act takes effect immediately if it receives
10 a vote of two-thirds of all the members elected to each house, as
11 provided by Section 39, Article III, Texas Constitution. If this
12 Act does not receive the vote necessary for immediate effect, this
13 Act takes effect September 1, 2023.