

BILL ANALYSIS

H.B. 361
By: Aycock
Elections
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Insurance policies and other measures are currently implemented when political parties rent a facility for primary election day to protect the facility from financial harm while the party is conducting election activities. However, political parties are not protected from civil liability during this time.

H.B. 361 provides that a political party holding a primary election is immune from civil liability for certain acts or omissions on an election day.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 361 amends the Election Code to provide that a political party holding a primary election is immune from civil liability for any act or omission resulting in death, damage, or injury that occurs at a polling place used for voting or a precinct convention site on primary election day, or at a polling place used for voting on a runoff primary election day, unless the act or omission is intentional, willfully negligent, or done with conscious indifference or reckless disregard for the safety of others. The bill provides that a political party holding a primary election is liable to a person for death, damage, or injury to the person or the person's property that is proximately caused by any act or omission arising from the operation and use of any motor-driven equipment to the extent insurance coverage is required by the Motor Vehicle Safety Responsibility Act and to the extent of any existing insurance coverage applicable to the act or omission.

EFFECTIVE DATE

September 1, 2009.