

## **BILL ANALYSIS**

C.S.H.B. 2194  
By: Taylor, Larry  
Elections  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

There is concern that current provisions of the Election Code contain gaps that compromise the integrity of elections in Texas and impede the orderly operation of those elections. C.S.H.B. 2194 seeks to close those gaps by addressing certain issues with the election process and clarifying other provisions.

### **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**

C.S.H.B. 2194 amends the Election Code to authorize the presiding judge or alternate presiding judge for an election precinct to observe assistance being provided to a voter to ensure compliance with the oath taken by the person selected to provide assistance and that statutory provisions governing unlawful assistance are not being violated if the judge has reason to believe that a person assisting a voter is giving unlawful assistance or violating the oath taken.

C.S.H.B. 2194 requires two election officers affiliated or aligned with different political parties, or two election officers affiliated or aligned with the same party if there are not two or more election officers serving the polling place who are aligned with different parties, to observe the assistance provided to a voter to ensure that the person assisting the voter complies with the oath taken and does not give unlawful assistance if an appointed watcher requests the observation and the election officers agree that there is a reasonable basis for the poll watcher's belief that a person assisting a voter is giving unlawful assistance or not complying with the oath taken. The bill prohibits an election officer from observing assistance being provided to a voter in a manner that violates the secrecy of the voter's ballot.

C.S.H.B. 2194 authorizes an election watcher to request, as provided by the bill's provisions, that two election officers observe the assistance provided to a voter to ensure that the person assisting the voter complies with the oath taken and does not give unlawful assistance if the watcher has reason to believe that a person assisting a voter is providing unlawful assistance or not complying with the oath taken.

C.S.H.B. 2194 authorizes each county that previously participated in a program to establish countywide polling places for certain elections to continue such participation for future elections if the county commissioners court approves the participation and the secretary of state determines the county's participation in the program was successful. The bill makes certain statutory provisions relating to the program inapplicable to a county that continues its participation in the program under the bill's provisions.

C.S.H.B. 2194 requires unofficial election results to be released as soon as they are available after the polls close, except that the presiding judge of the central counting station, in

cooperation with the county clerk, is authorized to withhold the release of such results until the last voter has voted.

C.S.H.B. 2194 amends the Government Code, in exemptions from the prohibition against a public official's involvement in certain appointments or confirmations of appointments of an individual to a position that is to be directly or indirectly compensated from public funds or fees of office if the individual and the public official meet specified requirements relating to nepotism, to include in those exemptions an appointment by a presiding election judge of an election clerk who is not related in the first degree by consanguinity or affinity to an elected official of the authority that appoints the election judges for that election.

#### **EFFECTIVE DATE**

September 1, 2011.

#### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

C.S.H.B. 2194 omits a provision included in the original making provisions of law prohibiting a county elections administrator from engaging in certain political activities inapplicable to a county clerk or a county tax assessor-collector.

C.S.H.B. 2194 contains a provision not included in the original requiring two election officers affiliated or aligned with the same political party, if there are not two or more election officers serving the polling place who are aligned with different parties, to observe the assistance provided to a voter if a watcher requests the observation. The substitute contains provisions not included in the original making it a condition for the election officers to observe the assistance provided to a voter, if a poll watcher requests an observation, that the election officers agree that there is a reasonable basis for the poll watcher's belief that a person assisting a voter is providing unlawful assistance or not complying with the oath taken.

C.S.H.B. 2194 contains a provision not included in the original prohibiting an election officer from observing assistance being provided to a voter in a manner that violates the secrecy of the voter's ballot.

C.S.H.B. 2194 contains a provision not included in the original making it a condition for a watcher's request that election officers observe the assistance provided to a voter that the person has reason to believe that a person assisting the voter is providing unlawful assistance or not complying with the oath taken.