

By: Taylor of Galveston

H.B. No. 2194

Substitute the following for H.B. No. 2194:

By: King of Parker

C.S.H.B. No. 2194

A BILL TO BE ENTITLED

AN ACT

relating to the conduct and administration of elections.

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

SECTION 1. Subchapter D, Chapter 32, Election Code, is amended by adding Section 32.076 to read as follows:

Sec. 32.076. OBSERVING VOTER ASSISTANCE. (a) The presiding judge or alternate presiding judge may observe assistance being provided to a voter to ensure compliance with the oath taken under Section 64.034 and that Section 64.036(a) is not being violated if the judge has reason to believe that a person assisting a voter under Section 64.032(c) is violating Section 64.036(a) or the oath taken under Section 64.034.

(b) 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, shall observe the assistance provided to a voter to ensure that the person assisting the voter complies with the oath taken under Section 64.034 and does not violate Section 64.036(a) if:

(1) a watcher appointed under Chapter 33 requests the observation under Section 33.057(c); and

(2) the election officers agree that there is a reasonable basis for the poll watcher's belief.

(c) An election officer may not observe assistance being

1 provided to a voter as permitted under this section in a manner that
2 violates the secrecy of the voter's ballot.

3 SECTION 2. Section 33.057, Election Code, is amended by
4 adding Subsection (c) to read as follows:

5 (c) A watcher may request under Section 32.076(b) that two
6 election officers observe the assistance provided to a voter to
7 ensure that the person assisting the voter complies with the oath
8 taken under Section 64.034 and does not violate Section 64.036(a)
9 if the watcher has reason to believe that a person assisting a voter
10 under Section 64.032(c) is violating Section 64.036(a) or the oath
11 taken under Section 64.034.

12 SECTION 3. Section 43.007, Election Code, is amended by
13 adding Subsections (k) and (l) to read as follows:

14 (k) Each county that previously participated in a program
15 under this section is authorized to continue participation in the
16 program for future elections described by Subsection (a) if:

17 (1) the commissioners court of the county approves
18 participation in the program; and

19 (2) the secretary of state determines the county's
20 participation in the program was successful.

21 (l) Subsections (b), (c), and (d) do not apply to a county
22 participating in the program under Subsection (k).

23 SECTION 4. Subchapter E, Chapter 127, Election Code, is
24 amended by adding Section 127.1311 to read as follows:

25 Sec. 127.1311. ANNOUNCING UNOFFICIAL RESULTS. (a) Except
26 as provided by Subsection (b), unofficial election results shall be
27 released as soon as they are available after the polls close.

1 (b) The presiding judge of the central counting station, in
2 cooperation with the county clerk, may withhold the release of
3 unofficial election results until the last voter has voted.

4 SECTION 5. Section 573.061, Government Code, is amended to
5 read as follows:

6 Sec. 573.061. GENERAL EXCEPTIONS. Section 573.041 does not
7 apply to:

8 (1) an appointment to the office of a notary public or
9 to the confirmation of that appointment;

10 (2) an appointment of a page, secretary, attendant, or
11 other employee by the legislature for attendance on any member of
12 the legislature who, because of physical infirmities, is required
13 to have a personal attendant;

14 (3) a confirmation of the appointment of an appointee
15 appointed to a first term on a date when no individual related to
16 the appointee within a degree described by Section 573.002 was a
17 member of or a candidate for the legislature, or confirmation on
18 reappointment of the appointee to any subsequent consecutive term;

19 (4) an appointment or employment of a bus driver by a
20 school district if:

21 (A) the district is located wholly in a county
22 with a population of less than 35,000; or

23 (B) the district is located in more than one
24 county and the county in which the largest part of the district is
25 located has a population of less than 35,000;

26 (5) an appointment or employment of a personal
27 attendant by an officer of the state or a political subdivision of

1 the state for attendance on the officer who, because of physical
2 infirmities, is required to have a personal attendant;

3 (6) an appointment or employment of a substitute
4 teacher by a school district; ~~or~~

5 (7) an appointment or employment of a person by a
6 municipality that has a population of less than 200; or

7 (8) an appointment of an election clerk under Section
8 32.031, Election Code, who is not related in the first degree by
9 consanguinity or affinity to an elected official of the authority
10 that appoints the election judges for that election.

11 SECTION 6. This Act takes effect September 1, 2011.