

By: Jackson

S.B. No. 1128

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. Section 31.035, Election Code, is transferred to Subchapter E, Chapter 31, Election Code, redesignated as Section 31.124, Election Code, and amended to read as follows:

Sec. 31.124 [~~31.035~~]. RESTRICTIONS ON POLITICAL ACTIVITIES. (a) A county elections administrator or other government official who oversees, manages, or administers the election process may not be a candidate for a public office or an office of a political party, hold a public office, or hold an office of or position in a political party. At the time an administrator or official becomes a candidate or accepts an office or position in violation of this subsection, the administrator or official vacates the position [~~of administrator~~].

(b) A county elections administrator commits an offense if the administrator makes a political contribution or political expenditure, as defined by the law regulating political funds and campaigns, or publicly supports or opposes a candidate for public office or a measure to be voted on at an election. An offense under this subsection is a Class A misdemeanor. On a final conviction, the administrator's employment is terminated, and the person convicted is ineligible for future appointment as county elections administrator.

1 (c) In this section, "candidate" means a person who has
2 taken affirmative action, as described by the law regulating
3 political funds and campaigns, for the purpose of gaining
4 nomination or election.

5 (d) This section does not apply to a county clerk or a county
6 tax assessor-collector.

7 SECTION 2. Subchapter D, Chapter 32, Election Code, is
8 amended by adding Section 32.076 to read as follows:

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

16 (b) If a watcher appointed under Chapter 33 requests the
17 observation under Section 33.057(c), two election officers
18 affiliated or aligned with different political parties shall
19 observe the assistance provided to a voter to ensure that the person
20 assisting the voter complies with the oath taken under Section
21 64.034 and does not violate Section 64.036(a).

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

24 (c) A watcher may request that two election officers
25 affiliated or aligned with different political parties observe the
26 assistance provided to a voter to ensure that the person assisting
27 the voter complies with the oath taken under Section 64.034 and does

1 not violate Section 64.036(a).

2 SECTION 4. Section 43.007, Election Code, is amended by
3 adding Subsections (k) and (l) to read as follows:

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

7 (1) the commissioners court of the county approves
8 participation in the program; and

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

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

13 SECTION 5. Subchapter E, Chapter 127, Election Code, is
14 amended by adding Section 127.1311 to read as follows:

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

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

21 SECTION 6. Section 573.061, Government Code, is amended to
22 read as follows:

23 Sec. 573.061. GENERAL EXCEPTIONS. Section 573.041 does not
24 apply to:

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

27 (2) an appointment of a page, secretary, attendant, or

1 other employee by the legislature for attendance on any member of
2 the legislature who, because of physical infirmities, is required
3 to have a personal attendant;

4 (3) a confirmation of the appointment of an appointee
5 appointed to a first term on a date when no individual related to
6 the appointee within a degree described by Section 573.002 was a
7 member of or a candidate for the legislature, or confirmation on
8 reappointment of the appointee to any subsequent consecutive term;

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

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

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

16 (5) an appointment or employment of a personal
17 attendant by an officer of the state or a political subdivision of
18 the state for attendance on the officer who, because of physical
19 infirmities, is required to have a personal attendant;

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

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

24 (8) an appointment of an election clerk under Section
25 32.031, Election Code, who is not related in the first degree by
26 consanguinity or affinity to an elected official of the authority
27 that appoints the election judges for that election.

1 SECTION 7. This Act takes effect September 1, 2011.