

BILL ANALYSIS

C.S.H.B. 3972
By: Meyer
Elections
Committee Report (Substituted)

BACKGROUND AND PURPOSE

School buildings are a common choice for polling locations because of their accessibility to the community. On regular school days there are many safety measures in place to ensure campus security, often including requiring a visitor to register with the school's front office before being allowed to enter other areas of the school. Some people have expressed concern that schools might be less secure during the early voting period and on election day, as voters are often able to enter a campus without going through a strict screening process. C.S.H.B. 3972 seeks to address this issue by improving security in schools during elections.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the secretary of state in SECTION 1 of this bill.

ANALYSIS

C.S.H.B. 3972 amends the Education Code to require the board of trustees of a school district to develop security guidelines for school district property selected for use as a polling place for an election. The bill requires the board of trustees, in developing the guidelines, to consult with the local law enforcement agency with jurisdiction over the school district property selected as a polling place, regarding reasonable security accommodations that may be made to the property and the election administrator, regarding any polling place requirements that may affect the security guidelines. The bill prohibits such a requirement from being interpreted to require the board of trustees to obtain or contract for the presence of law enforcement or security personnel for the purpose of securing a polling place located on school district property. The bill requires the board of trustees, not later than 48 hours before the first day of voting held at the polling place, to provide security guidelines to the local law enforcement agency with jurisdiction over the school district property selected as a polling place. The bill requires the board of trustees and the election administrator, not later than 48 hours before the first day of voting held at the polling place, to jointly or separately file an affidavit with the secretary of state confirming security guidelines for the polling place have been developed. The bill establishes that failure to comply with its provisions does not affect the requirement of the board of trustees to make a school facility available for use as a polling place for an election. The bill requires the secretary of state to prescribe the form of the affidavit required by the bill's provisions and to adopt rules for the administration of the bill's provisions.

EFFECTIVE DATE

September 1, 2015.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 3972 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Section 43.031, Election Code, is amended by adding Subsection (f) to read as follows:

No equivalent provision.

(f) If the entity that owns or controls a public building selected for a polling place under this section is a school district, the presiding election judge for the precinct in which the polling place is located shall meet with the principal of the school or head administrator of the facility, as applicable, to develop a security plan for the building. The plan must be signed by the presiding judge and the principal or head administrator, as applicable, and filed electronically with the secretary of state at least 14 days before the first day of voting at that polling place. The secretary of state shall prescribe the form required by this subsection and adopt rules for the administration of this subsection.

No equivalent provision.

SECTION 1. Subchapter D, Chapter 37, Education Code, is amended by adding Section 37.111 to read as follows:

Sec. 37.111. SECURITY GUIDELINES ESTABLISHED FOR POLLING PLACES LOCATED ON SCHOOL DISTRICT PROPERTY. (a) The board of trustees of a school district shall develop security guidelines for school district property selected for use as a polling place under Section 43.031, Election Code.

(b) In developing guidelines under this section, the board of trustees shall consult with:

(1) the local law enforcement agency with jurisdiction over the school district property selected as a polling place, regarding reasonable security accommodations that may be made to the property; and

(2) the election administrator, regarding any polling place requirements that may affect

the security guidelines.

(c) Subsection (b)(1) may not be interpreted to require the board of trustees to obtain or contract for the presence of law enforcement or security personnel for the purpose of securing a polling place located on school district property.

(d) Not later than 48 hours before the first day of voting held at the polling place:

(1) the board of trustees must provide security guidelines to the local law enforcement agency with jurisdiction over the school district property selected as a polling place; and

(2) the board of trustees and the election administrator must jointly or separately file an affidavit with the secretary of state confirming security guidelines for the polling place have been developed.

(e) Failure to comply with this section does not affect the requirement of the board of trustees to make a school facility available for use as a polling place under Section 43.031, Election Code.

(f) The secretary of state shall prescribe the form of the affidavit required by this section and adopt rules for the administration of this section.

SECTION 2. This Act takes effect September 1, 2015.

SECTION 2. Same as introduced version.