

BILL ANALYSIS

C.S.H.B. 332
By: Meyer
Elections
Committee Report (Substituted)

BACKGROUND AND PURPOSE

School buildings are a common choice for polling place locations because of their accessibility but interested parties have expressed concern that schools might lack sufficient security measures on regular school days during an early voting period or on election day. C.S.H.B. 332 seeks to improve school security during elections by requiring a public school district to include in its multihazard emergency operations plan a policy for school district property used as a polling place.

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 this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 332 amends the Education Code to require a public school district to include in its multihazard emergency operations plan a policy for school district property selected for use as a polling place. The bill authorizes the board of trustees of the district, in developing the policy, 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. The bill prohibits the interpretation of its provisions 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 establishes that failure to comply with the bill's provisions does not affect the requirement of the board of trustees to make a school facility available for use as a polling place.

EFFECTIVE DATE

September 1, 2017.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 332 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

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, 2017.

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Section 37.108, Education Code, is amended by adding Subsection (e) to read as follows:

(e) A school district shall include in its multihazard emergency operations plan a policy for school district property selected for use as a polling place under Section 43.031, Election Code.

In developing the policy under this subsection, the board of trustees may 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.

This subsection 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.

Failure to comply with this subsection 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.

SECTION 2. Same as introduced version.