

## **BILL ANALYSIS**

Senate Research Center

H.B. 1128  
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State Affairs  
5/11/2021  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

The 2020 elections caused many people across the country to lose confidence in the process and outcome of elections. One concern includes multiple election workers who expressed concerns about the individuals and elected officials who entered polling and ballot processing facilities and refused to leave. Current election laws were too vague to give election judges the authority or confidence to expel certain people loitering in election facilities. H.B. 1128 clarifies which people are allowed in facilities where voting or ballot processing occurs. This bill further secures elections from elected officials or bad actors who might seek to intimidate voters, election workers, or otherwise influence elections.

H.B. 1128 amends current law relating to persons permitted to be in a polling place or a place where ballots are being counted.

### **RULEMAKING AUTHORITY**

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

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 61.001, Election Code, by amending Subsection (a) and adding Subsection (a-1), as follows:

(a) Prohibits a person, except as permitted by this code and as described by Subsection (a-1), rather than except as permitted by this code, from being in the polling place from the time the presiding judge arrives there on election day to make the preliminary arrangements until the precinct returns have been certified and the election records have been assembled for distribution following the election.

(a-1) Authorizes a person, under this code, to be lawfully present in a polling place during the time described by Subsection (a) if the person is:

- (1) an election judge or clerk;
- (2) a watcher;
- (3) the secretary of state;
- (4) a staff member of the Elections Division of the Office of the Secretary of State performing an official duty in accordance with this code;
- (5) an election official, a sheriff, or a staff member of an election official or sheriff delivering election supplies;
- (6) a state inspector;
- (7) a person admitted to vote;

- (8) a child under 18 years of age who is accompanying a parent who has been admitted to vote;
- (9) a person providing assistance to a voter under Section 61.032 (Interpreter Permitted) or 64.032 (Persons Providing Assistance);
- (10) a person accompanying a voter who has a disability;
- (11) a special peace officer appointed by the presiding judge under Section 32.075 (Law Enforcement Duties and Powers);
- (12) the county chair of a political party conducting a primary election, as authorized by Section 172.1113 (County Chair Permitted in Polling Place);
- (13) a voting system technician, as authorized by Section 125.010 (Presence of Voting System Technician Authorized);
- (14) the county election officer, as defined by Section 31.091 (Definitions), as necessary to perform tasks related to the administration of the election; or
- (15) a person whose presence has been authorized by the presiding judge in accordance with this code.

SECTION 2. Amends Section 87.026, Election Code, as follows:

Sec. 87.026. **BYSTANDERS EXCLUDED.** (a) Creates this subsection from existing text. Prohibits a person, except as permitted by this code and as described by Subsection (b), from being in the meeting place of an early voting ballot board during the time of the board's operations.

(b) Authorizes a person, under this code, to be lawfully present in the meeting place of an early voting ballot board during the time of the board's operations if the person is:

- (1) a presiding judge or member of the board;
- (2) a watcher;
- (3) a state inspector;
- (4) a voting system technician, as authorized by Section 125.010;
- (5) the county election officer, as defined by Section 31.091, as necessary to perform tasks related to the administration of the election; or
- (6) a person whose presence has been authorized by the presiding judge in accordance with this code.

SECTION 3. Amends Subchapter A, Chapter 127, Election Code, by adding Section 127.008, as follows:

Sec. 127.008. **BYSTANDERS EXCLUDED.** (a) Prohibits a person, except as permitted by this code and as described by Subsection (b), from being in a central counting station while ballots are being counted.

(b) Authorizes a person, under this code, to be lawfully present in the central counting station while ballots are being counted if the person is:

- (1) a counting station manager, tabulation supervisor, assistant to the tabulation supervisor, presiding judge, or clerk;

- (2) a watcher;
- (3) a state inspector;
- (4) a voting system technician, as authorized by Section 125.010;
- (5) the county election officer, as defined by Section 31.091, as necessary to perform tasks related to the administration of the election; or
- (6) a person whose presence has been authorized by the counting station manager in accordance with this code.

SECTION 4. Effective date: upon passage or September 1, 2021.