

BILL ANALYSIS

H.B. 4322
By: Jetton
Elections
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Concerns have been raised regarding the integrity of elections in Texas with regard to the location of polling places and the physical security of election machines. Current law requires each polling place and temporary branch polling place to be located inside a building or stationary structure, but provides little additional context as to what buildings and structures apply. There have been calls to prohibit certain and unsecured buildings and structures from being used as polling places with the aim of improving election security, transparency, and maintaining free and fair elections in Texas. H.B. 4322 seeks to address this issue by setting out the locations that may not serve 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

H.B. 4322 amends the Election Code to prohibit a polling place from being located in the following locations:

- a tent or other temporary or movable structure; or
- a parking garage, parking lot, or similar facility primarily designed for motor vehicles.

The bill expands the applicability of the prohibition against a polling place being located in the residence of candidates for an elective office or their relatives by including all personal residences and prohibits a voter from casting a vote from inside a motor vehicle unless the voter meets the statutory requirements for a voter unable to enter a polling place without personal assistance or likelihood of injuring the voter's health.

H.B. 4322 changes the authorized location for a temporary branch polling place from in any stationary structure to inside any building, prohibits such a polling place from being located in a facility designed primarily for motor vehicles, and specifies that the movable structures where such a polling place may not be located include a tent or other temporary movable structure.

H.B. 4322 repeals Section 85.062(e), Election Code.

EFFECTIVE DATE

September 1, 2021.