

BILL ANALYSIS

Senate Research Center

S.B. 2232
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently there are three different processes for a single election, the early voting, mail voting, and election day. Between early voting and election day there is a four-day gap in which machines are switched out and polling locations may change.

To make elections simpler and more secure, S.B. 2232 will eliminate the four-day gap between early voting and election day and create a single election period that is book-ended with a printing and signing of zero tapes and tally/summary tapes on each voting machine.

To ensure this is done right and all the relevant portions of the Election Code are brought in line with having a single election period, S.B. 2232 will instruct the secretary of state's office to conduct a study and report back to the legislature suggested language to move forward with.

As proposed, S.B. 2232 amends current law relating to elections.

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 Subchapter A, Chapter 41, Election Code, by adding Section 41.0015, as follows:

Sec. 41.0015. ELECTION PERIOD. Defines "election period," for purposes of Title 4 (Time and Place of Elections).

SECTION 2. Amends Subchapter A, Chapter 43, Election Code, by adding Section 43.008, as follows:

Sec. 43.008. POLLING PLACES DURING ELECTION PERIOD. (a) Requires the county clerk or commissioners court, as applicable, to determine the number of polling places needed during an election period and cause that number of polling places to be open during the election period.

(b) Provides that the county clerk or commissioners court, if the county clerk or commissioners court, as applicable, determines that more polling places are needed during the election period than the number initially established under Subsection (a), is authorized to open more polling places, but prohibited, for any reason, from closing a polling place before the end of the election period.

(c) Provides that in a county with a population of one million or more, the number of polling places located in each state representative district included in the territory of the county is calculated by dividing the number of eligible voters residing in that district by the total number of eligible voters residing in the county and using the number generated as a percentage to allocate the same

percentage of polling place locations, rounding up to the nearest whole number, if necessary.

SECTION 3. Amends Section 61.002, Election Code, as follows:

Sec. 61.002. New heading: OPENING AND CLOSING POLLING PLACE FOR VOTING. (a) Requires the presiding election judge, immediately before opening the polls for voting on the first day of the election period, to confirm that each voting machine has any public counter reset to zero and to print the tape that shows the counter was set to zero.

(b) Creates this subsection from existing text and makes no further changes.

(c) Requires the presiding election judge, immediately after closing the polls for voting on the last day of the election period, to print the tape to show the summary for each candidate or ballot measure for each voting machine.

(d) Requires each precinct election judge and an official election worker from the opposite party to sign a tape printed under this section.

SECTION 4. Amends Sections 85.001(a) and (e), Election Code, as follows:

(a) Provides that the period for voting by personal appearance begins on the 14th day before election day and continues through the day before election day, rather than the period for early voting by personal appearance begins on the 17th day before election day and continues through the fourth day before election day, except as otherwise provided by Section 85.001 (Early Voting Period).

(e) Provides that for an election held on the uniform election date in May and any resulting runoff election, the period for voting by personal appearance begins on the 10th day before election day and continues through the election day, rather than the period for early voting by personal appearance begins on the 12th day before election day and continues through the fourth day before election day.

SECTION 5. Amends Chapter 121, Election Code, by adding Section 121.004, as follows:

Sec. 125.0635. SECURING EQUIPMENT ON FAILURE OF EQUIPMENT. (a) Defines "election period."

(b) Requires that the equipment and any associated memory card, if during the election period a piece of electronic voting machine equipment fails and is taken out of service, be securely isolated until the end of the election period.

SECTION 6. Amends Chapter 276 of the Election Code, by adding Section 276.013, as follows:

Sec. 276.013 Feasibility Study for Single Voting Period. (a) Requires the secretary of state, not later than September 1, 2022, to:

(1) Conduct a study regarding the development of a plan on implementation of eliminating the four-day gap between early voting and election day in order to establish a single voting period for Texas elections.

(2) Prepare a report on the study's findings and file the report with the legislature not later than September 1, 2022.

(b) Requires that the study include:

(1) information on how other states conduct the voting period and their use of paper ballots to facilitate the combined period;

(2) information on the feasibility and costs of adopting voter marked paper ballots compared to ballots printed by a ballot marking device;

(3) recommendations for statutory changes that are necessary to create a single voting period.

SECTION 7. Effective date: September 1, 2023.