By:  Jetton, Harris, Lozano H.B. No. 1128

     (Senate Sponsor - Kolkhorst)

(In the Senate - Received from the House May 5, 2021; May 10, 2021, read first time and referred to Committee on State Affairs; May 19, 2021, reported favorably by the following vote: Yeas 7, Nays 1; May 19, 2021, sent to printer.)

COMMITTEE VOTE

               Yea Nay Absent  PNV

Hughes          X

Birdwell        X

Campbell        X

Hall            X

Lucio           X

Nelson          X

Powell              X

Schwertner      X

Zaffirini                 X

A BILL TO BE ENTITLED

AN ACT

relating to persons permitted to be in a polling place or a place where ballots are being counted.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

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

(a)  Except as permitted by this code and as described by Subsection (a-1), a person may not be 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)  Under this code, a person may 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 or 64.032;

(10)  a person accompanying a voter who has a disability;

(11)  a special peace officer appointed by the presiding judge under Section 32.075;

(12)  the county chair of a political party conducting a primary election, as authorized by Section 172.1113;

(13)  a voting system technician, as authorized by Section 125.010;

(14)  the county election officer, as defined by Section 31.091, 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.  Section 87.026, Election Code, is amended to read as follows:

Sec. 87.026.  BYSTANDERS EXCLUDED. (a) Except as permitted by this code and as described by Subsection (b), a person may not be in the meeting place of an early voting ballot board during the time of the board's operations.

(b)  Under this code, a person may 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.  Subchapter A, Chapter 127, Election Code, is amended by adding Section 127.008 to read as follows:

Sec. 127.008.  BYSTANDERS EXCLUDED. (a) Except as permitted by this code and as described by Subsection (b), a person may not be in a central counting station while ballots are being counted.

(b)  Under this code, a person may 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.  This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2021.

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