By:  Hall S.B. No. 2232

(In the Senate - Filed April 26, 2021; April 27, 2021, read first time and referred to Committee on State Affairs; May 5, 2021, reported adversely, with favorable Committee Substitute by the following vote: Yeas 6, Nays 3; May 5, 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

COMMITTEE SUBSTITUTE FOR S.B. No. 2232 By:  Hall

A BILL TO BE ENTITLED

AN ACT

relating to the management of polling place locations during a continuous period for voting.

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

SECTION 1.  Subchapter A, Chapter 41, Election Code, is amended by adding Section 41.0015 to read as follows:

Sec. 41.0015.  ELECTION PERIOD. In this title, "election period" means the period beginning on the first day of early voting by personal appearance as described under Section 85.001 and ending when the polls close on election day.

SECTION 2.  Subchapter A, Chapter 43, Election Code, is amended by adding Section 43.008 to read as follows:

Sec. 43.008.  ADDITIONAL POLLING PLACES DURING ELECTION PERIOD. If the county clerk or commissioners court, as applicable, determines that more polling places are needed during the election period than the number initially opened, the county clerk or commissioners court may open more polling places, but may not, for any reason, close a polling place before the end of the election period.

SECTION 3.  Section 61.002, Election Code, is amended to read as follows:

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

(1)  that shows the counter was set to zero; and

(2)  that shows the summary for each candidate and measure on the ballot for each voting machine is set to zero.

(b)  At the official time for opening the polls for voting, an election officer shall open the polling place entrance and admit the voters.

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

(d)  The precinct election judge, and an election official aligned with a different political party, shall sign a tape printed under this section.

(e)  In this section, "election period" has the meaning assigned by Section 41.0015.

SECTION 4.  Sections 85.001(a) and (e), Election Code, are amended to read as follows:

(a)  The period for early voting by personal appearance begins on the 14th [~~17th~~] day before election day and continues through the opening of the polls on [~~the fourth day before~~] election day, except as otherwise provided by this section.

(e)  For an election held on the uniform election date in May and any resulting runoff election, the period for early voting by personal appearance begins on the 10th [~~12th~~] day before election day and continues through the opening of the polls on [~~the fourth day before~~] election day.

SECTION 5.  Subchapter C, Chapter 125, Election Code, is amended by adding Section 125.0635 to read as follows:

Sec. 125.0635.  SECURING EQUIPMENT ON FAILURE OF EQUIPMENT. (a) In this section, "election period" has the meaning assigned by Section 41.0015.

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

SECTION 6.  (a) The secretary of state shall conduct a study regarding the practical effects of eliminating the gap between the early voting period and election day.

(b)  The secretary of state shall, not later than September 1, 2022, submit a report on the secretary's findings to the legislature.

(c)  The study must include information on how other states conduct the voting period, the implications of the use of paper ballots, and recommendations for statutory changes.

SECTION 7.  This Act takes effect September 1, 2021.

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