

By: Jetton, Harris, Lozano

H.B. No. 1128

A BILL TO BE ENTITLED

1 AN ACT

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

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

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

8 (a) Except as permitted by this code and as described by
9 Subsection (a-1), a person may not be in the polling place from the
10 time the presiding judge arrives there on election day to make the
11 preliminary arrangements until the precinct returns have been
12 certified and the election records have been assembled for
13 distribution following the election.

14 (a-1) Under this code, a person may be lawfully present in a
15 polling place during the time described by Subsection (a) if the
16 person is:

17 (1) an election judge or clerk;

18 (2) a watcher;

19 (3) the secretary of state;

20 (4) a staff member of the Elections Division of the
21 Office of the Secretary of State performing an official duty in
22 accordance with this code;

23 (5) an election official, a sheriff, or a staff member
24 of an election official or sheriff delivering election supplies;

1 (6) a state inspector;

2 (7) a person admitted to vote;

3 (8) a child under 18 years of age who is accompanying a
4 parent who has been admitted to vote;

5 (9) a person providing assistance to a voter under
6 Section 61.032 or 64.032;

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

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

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

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

15 (14) the county election officer, as defined by
16 Section 31.091, as necessary to perform tasks related to the
17 administration of the election; or

18 (15) a person whose presence has been authorized by
19 the presiding judge in accordance with this code.

20 SECTION 2. Section 87.026, Election Code, is amended to
21 read as follows:

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

26 (b) Under this code, a person may be lawfully present in the
27 meeting place of an early voting ballot board during the time of the

1 board's operations if the person is:

2 (1) a presiding judge or member of the board;

3 (2) a watcher;

4 (3) a state inspector;

5 (4) a voting system technician, as authorized by
6 Section 125.010;

7 (5) the county election officer, as defined by Section
8 31.091, as necessary to perform tasks related to the administration
9 of the election; or

10 (6) a person whose presence has been authorized by the
11 presiding judge in accordance with this code.

12 SECTION 3. Subchapter A, Chapter 127, Election Code, is
13 amended by adding Section 127.008 to read as follows:

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

17 (b) Under this code, a person may be lawfully present in the
18 central counting station while ballots are being counted if the
19 person is:

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

23 (2) a watcher;

24 (3) a state inspector;

25 (4) a voting system technician, as authorized by
26 Section 125.010;

27 (5) the county election officer, as defined by Section

1 31.091, as necessary to perform tasks related to the administration
2 of the election; or

3 (6) a person whose presence has been authorized by the
4 counting station manager in accordance with this code.

5 SECTION 4. This Act takes effect immediately if it receives
6 a vote of two-thirds of all the members elected to each house, as
7 provided by Section 39, Article III, Texas Constitution. If this
8 Act does not receive the vote necessary for immediate effect, this
9 Act takes effect September 1, 2021.