

1-1 By: Hall S.B. No. 397  
 1-2 (In the Senate - Filed January 12, 2023; February 15, 2023,  
 1-3 read first time and referred to Committee on State Affairs;  
 1-4 April 19, 2023, reported adversely, with favorable Committee  
 1-5 Substitute by the following vote: Yeas 7, Nays 3; April 19, 2023,  
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13		X		
1-14		X		
1-15	X			
1-16			X	
1-17	X			
1-18	X			
1-19		X		

1-20 COMMITTEE SUBSTITUTE FOR S.B. No. 397 By: Hughes

1-21 A BILL TO BE ENTITLED  
 1-22 AN ACT

1-23 relating to the procedures for closing a polling place.  
 1-24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:  
 1-25 SECTION 1. Section 33.056(c), Election Code, is amended to  
 1-26 read as follows:  
 1-27 (c) A watcher is entitled to inspect the returns and other  
 1-28 records prepared by the election officers at the location at which  
 1-29 the watcher is serving, including a tape printed under Section  
 1-30 61.002.  
 1-31 SECTION 2. Section 61.002, Election Code, is amended by  
 1-32 amending Subsections (a), (c), and (d) and adding Subsections (e)  
 1-33 and (f) to read as follows:  
 1-34 (a) Immediately before opening the polls for voting on the  
 1-35 first day of early voting and on election day, the presiding  
 1-36 election judge or alternate presiding ~~[election]~~ judge shall  
 1-37 confirm that each voting machine has any public counter reset to  
 1-38 zero and shall print the tape that shows the counter was set to zero  
 1-39 for each candidate or measure on the ballot.  
 1-40 (c) Immediately after closing the polls for voting on  
 1-41 election day and on the last day of early voting by personal  
 1-42 appearance, the presiding election judge or alternate presiding  
 1-43 ~~[election]~~ judge shall print the tape to show the number of votes  
 1-44 cast for each candidate or ballot measure for each voting machine.  
 1-45 (d) The presiding ~~Each~~ election judge and ~~or~~ alternate  
 1-46 presiding ~~[election]~~ judge ~~[present]~~ shall sign a tape printed  
 1-47 under this section.  
 1-48 (e) When closing the polls on the last day of early voting,  
 1-49 the presiding election judge and alternate presiding judge shall  
 1-50 place a tape printed under this section in envelope no. 2.  
 1-51 (f) When closing the polls for voting on election day, any  
 1-52 watcher present, but not more than three, may sign a tape printed  
 1-53 under this section.  
 1-54 SECTION 3. Section 61.007, Election Code, is amended by  
 1-55 adding Subsection (d) to read as follows:  
 1-56 (d) A person who prints a tape under Section 61.002 does not  
 1-57 commit an offense under this section.  
 1-58 SECTION 4. Section 66.023, Election Code, is amended to  
 1-59 read as follows:  
 1-60 Sec. 66.023. CONTENTS OF ENVELOPE NO. 2. Envelope no. 2

- 2-1 must contain:
- 2-2 (1) a copy of the precinct returns;
  - 2-3 (2) a tally list;
  - 2-4 (3) the original of the poll list;
  - 2-5 (4) the signature roster;
  - 2-6 (5) the precinct early voting list;
  - 2-7 (6) any affidavits completed at the polling place
  - 2-8 except affidavits required to be placed in envelope no. 4; [~~and~~]
  - 2-9 (7) any certificates of appointment of watchers; and
  - 2-10 (8) any voting machine tape printed for the purpose of
  - 2-11 showing the number of votes cast.
  - 2-12 SECTION 5. This Act takes effect September 1, 2023.

2-13

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