

BILL ANALYSIS

C.S.H.B. 1128
By: Jetton
Elections
Committee Report (Substituted)

BACKGROUND AND PURPOSE

It has been reported that multiple election workers have expressed concerns over the lack of clarity during the most recent elections regarding the types of individuals permitted to be in facilities in which election activities are taking place. In order to abate these concerns, there have been calls to further define who is permitted in these facilities at certain times. C.S.H.B. 1128 seeks to address this issue by prescribing the individuals permitted to be in a polling place and other areas where election activities are taking place.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 1128 amends the Election Code to authorize the following persons to be lawfully present in a polling place from the time the presiding judge arrives 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:

- an election judge or clerk;
- a watcher;
- a state inspector;
- a person admitted to vote;
- a child under 18 years of age who is accompanying a parent who has been admitted to vote;
- a person lawfully providing assistance to a voter;
- a special peace officer appointed by the presiding judge;
- the county chair of a political party conducting a primary election;
- a lawfully authorized voting system technician;
- the county election officer, county tax assessor-collector, or county clerk, as applicable, as necessary to perform tasks related to the administration of the election; and
- a person whose presence has been authorized by the presiding judge in accordance with the Election Code.

C.S.H.B. 1128 authorizes the following persons to be lawfully present in the meeting place of an early voting ballot board during the time of the board's operations:

- a presiding judge or member of the board;
- a watcher;

- a state inspector;
- a lawfully authorized voting system technician;
- the county election officer, county tax assessor-collector, or county clerk, as applicable, as necessary to perform tasks related to the administration of the election; and
- a person whose presence has been authorized by the presiding judge in accordance with the Election Code.

C.S.H.B. 1128 prohibits a person, except as permitted by the Election Code, from being in a central counting station while ballots are being counted and explicitly authorizes the following persons to be lawfully present in a central counting station while ballots are being counted:

- a counting station manager, tabulation supervisor, assistant to the tabulation supervisor, presiding judge, or clerk;
- a watcher;
- a state inspector;
- a lawfully authorized voting system technician;
- the county election officer, county tax assessor-collector, or county clerk, as applicable, as necessary to perform tasks related to the administration of the election; and
- a person whose presence has been authorized by the counting station manager in accordance with the Election Code.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2021.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1128 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute changes the person authorized to be lawfully present in a polling place, the meeting place of an early voting ballot board, and a central counting station, as applicable, by doing the following:

- not including a federal inspector as a person authorized to be lawfully present in a polling place;
- including a state inspector as a person authorized to be lawfully present in the meeting place of an early voting ballot board or a central counting station; and
- including a county election officer, county tax assessor-collector, and county clerk, as applicable, as persons authorized to be lawfully present in each location.