BILL ANALYSIS

DIGEST

The Election Code allows counties to combine election precincts to save costs as long as the election precincts do not have more than 500 registered voters. There are also provisions prohibiting electioneering within a defined perimeter of the polling place; certain clarification is needed to ensure than no improprieties occur at the polling place. There are also issues dealing with primary elections and joint elections within the Election Code that need clarification. This bill addresses certain provisions of the Election Code regarding certain election procedures including combined elections, early voting, primary elections, and joint elections.

PURPOSE

As proposed, H.B. 332 sets forth provisions regarding combined elections, early voting, primary election, and joint elections.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 42.0051, Election Code, to authorize county election precincts in a county with a population of 250,000 or more to be combined under Subsection (a) if the changes result in county election precincts with 500 or more but less than 750 registered voters. Makes a conforming change.

SECTION 2. Amends Section 61.001, Election Code, as follows:

> Sec. 61.001. New heading: BYSTANDERS EXCLUDED; UNLAWFUL PRESENCE OF CANDIDATE. Provides that a candidate in the election commits a Class B misdemeanor if the candidate is in a polling place during the period described by Subsection (a) for a purpose other than voting or official business in the building in which the polling place is located. Provides certain exceptions to the application of Subsection (b) for a candidate.

SECTION 3. Amends Chapter 85B, Election Code, by adding Section 85.037, as follows:

> Sec. 85.037. BYSTANDERS EXCLUDED; UNLAWFUL PRESENCE OF CANDIDATE. Provides that Section 61.001 applies to an early voting polling place except that the period for which the conduct is proscribed is during the time the polling place is open for the conduct of early voting.

SECTION 4. Amends Section 85.062(d), Election Code, to require the commissioners court of a county with a population of 120,000, rather than 100,000 or more but less than 400,00 to establish one or more early voting polling places other than the main early voting polling place in each commissioners precinct containing territory covered by the election; and to require the commissioners court of a county with a population of 100,000 or more but less than 120,000 to establish one or more early voting polling places as described by Subdivision (2) in each precinct for which the commissioners court receives in time to enable compliance with Section 85.067 a written request for that action submitted by at least 15 registered voters of that precinct.

SECTION 5.   Amends Section 112.006, Election Code, to delete provisions regarding voting on a limited ballot.

SECTION 6.   Amends Section 161.006, Election Code, as follows:

> Sec. 161.006. New heading: HOLDING PRECINCT CONVENTION OF MORE THAN ONE PARTY IN SAME BUILDING. Deletes provisions prohibiting a political party from holding a primary election in the same building in which another party is holding a primary election on the same day. Makes conforming changes.

SECTION 7.   Amends Section 172.1111, Election Code, to require the presiding judge to post at each outside door through which a voter may enter the building in which the polling place is located a written notice in bold print of the date, hour, and place for convening the precinct convention. Requires the notice to remain posted continuously through election day. Makes conforming changes.

SECTION 8.   Amends Section 271.003, Election Code, to authorize a regular county polling place to be used for a common polling place in a joint election. Makes conforming changes.

SECTION 9.   Effective date: September 1, 1997.

SECTION 10.   Emergency clause.