

1-1 By: Jetton, Harris, Lozano H.B. No. 1128
 1-2 (Senate Sponsor - Kolkhorst)
 1-3 (In the Senate - Received from the House May 5, 2021;
 1-4 May 10, 2021, read first time and referred to Committee on State
 1-5 Affairs; May 19, 2021, reported favorably by the following vote:
 1-6 Yeas 7, Nays 1; May 19, 2021, 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 A BILL TO BE ENTITLED
 1-19 AN ACT

1-20 relating to persons permitted to be in a polling place or a place
 1-21 where ballots are being counted.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. Section 61.001, Election Code, is amended by
 1-24 amending Subsection (a) and adding Subsection (a-1) to read as
 1-25 follows:

1-26 (a) Except as permitted by this code and as described by
 1-27 Subsection (a-1), a person may not be in the polling place from the
 1-28 time the presiding judge arrives there on election day to make the
 1-29 preliminary arrangements until the precinct returns have been
 1-30 certified and the election records have been assembled for
 1-31 distribution following the election.

1-32 (a-1) Under this code, a person may be lawfully present in a
 1-33 polling place during the time described by Subsection (a) if the
 1-34 person is:

- 1-35 (1) an election judge or clerk;
- 1-36 (2) a watcher;
- 1-37 (3) the secretary of state;
- 1-38 (4) a staff member of the Elections Division of the
 1-39 Office of the Secretary of State performing an official duty in
 1-40 accordance with this code;
- 1-41 (5) an election official, a sheriff, or a staff member
 1-42 of an election official or sheriff delivering election supplies;
- 1-43 (6) a state inspector;
- 1-44 (7) a person admitted to vote;
- 1-45 (8) a child under 18 years of age who is accompanying a
 1-46 parent who has been admitted to vote;
- 1-47 (9) a person providing assistance to a voter under
 1-48 Section 61.032 or 64.032;
- 1-49 (10) a person accompanying a voter who has a
 1-50 disability;
- 1-51 (11) a special peace officer appointed by the
 1-52 presiding judge under Section 32.075;
- 1-53 (12) the county chair of a political party conducting
 1-54 a primary election, as authorized by Section 172.1113;
- 1-55 (13) a voting system technician, as authorized by
 1-56 Section 125.010;
- 1-57 (14) the county election officer, as defined by
 1-58 Section 31.091, as necessary to perform tasks related to the
 1-59 administration of the election; or
- 1-60 (15) a person whose presence has been authorized by
 1-61 the presiding judge in accordance with this code.

2-1 SECTION 2. Section 87.026, Election Code, is amended to
2-2 read as follows:

2-3 Sec. 87.026. BYSTANDERS EXCLUDED. (a) Except as permitted
2-4 by this code and as described by Subsection (b), a person may not be
2-5 in the meeting place of an early voting ballot board during the time
2-6 of the board's operations.

2-7 (b) Under this code, a person may be lawfully present in the
2-8 meeting place of an early voting ballot board during the time of the
2-9 board's operations if the person is:

2-10 (1) a presiding judge or member of the board;

2-11 (2) a watcher;

2-12 (3) a state inspector;

2-13 (4) a voting system technician, as authorized by
2-14 Section 125.010;

2-15 (5) the county election officer, as defined by Section
2-16 31.091, as necessary to perform tasks related to the administration
2-17 of the election; or

2-18 (6) a person whose presence has been authorized by the
2-19 presiding judge in accordance with this code.

2-20 SECTION 3. Subchapter A, Chapter 127, Election Code, is
2-21 amended by adding Section 127.008 to read as follows:

2-22 Sec. 127.008. BYSTANDERS EXCLUDED. (a) Except as permitted
2-23 by this code and as described by Subsection (b), a person may not be
2-24 in a central counting station while ballots are being counted.

2-25 (b) Under this code, a person may be lawfully present in the
2-26 central counting station while ballots are being counted if the
2-27 person is:

2-28 (1) a counting station manager, tabulation
2-29 supervisor, assistant to the tabulation supervisor, presiding
2-30 judge, or clerk;

2-31 (2) a watcher;

2-32 (3) a state inspector;

2-33 (4) a voting system technician, as authorized by
2-34 Section 125.010;

2-35 (5) the county election officer, as defined by Section
2-36 31.091, as necessary to perform tasks related to the administration
2-37 of the election; or

2-38 (6) a person whose presence has been authorized by the
2-39 counting station manager in accordance with this code.

2-40 SECTION 4. This Act takes effect immediately if it receives
2-41 a vote of two-thirds of all the members elected to each house, as
2-42 provided by Section 39, Article III, Texas Constitution. If this
2-43 Act does not receive the vote necessary for immediate effect, this
2-44 Act takes effect September 1, 2021.

2-45 * * * * *