

SUBJECT: Allowing certain persons to be present in certain election-related locations

COMMITTEE: Elections — committee substitute recommended

VOTE: *After recommitted:*  
9 ayes — Cain, J. González, Beckley, Bucy, Clardy, Fierro, Jetton,  
Schofield, Swanson

0 nays

WITNESSES: *March 11 public hearing:*  
For — Heather Hawthorne, County and District Clerks Association of Texas; Alan Vera, Harris County Republican Party Ballot Security Committee; Ed Johnson; Lisa Nilsson; Eric Opiela; (*Registered, but did not testify:* Daniel Greer, Direct Action Texas; David Wylie, Republican Party of Texas; Joey Bennett, Secure Democracy; Shelia Franklin, True Texas Project; Russell Hayter; Frank Holman)

Against — Laura Pressley, Joshua Council and Texas Election Watcher Coalition; Marcia Strickler; (*Registered, but did not testify:* Kathy Ford; Beth Maynard; Ruth York)

On — Chris Davis, Texas Association of Elections Administrators; Glen Maxey, Texas Democratic Party; Keith Ingram, Texas Secretary of State; Robert L. Green, Travis County Republican Party Election Integrity Committee; Bradley Hodges; (*Registered, but did not testify:* Melissa Shannon, Bexar County Commissioners Court; Ender Reed, Harris County Commissioners Court; Michelle Mostert; Thomas Parkinson)

BACKGROUND: Election Code sec. 61.001 specifies that a person may not be in a polling place from the time the presiding judge arrives there 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.

Sec. 87.026 specifies that a person may not be in the meeting place of an

early voting ballot board during the time of the board's operation, except as otherwise permitted.

**DIGEST:**

CSHB 1128 would specify that certain persons could be lawfully present in a polling place, the meeting place of an early voting ballot board, or a central counting station during certain periods.

**Polling places.** During the time period described by Election Code sec. 61.001, certain persons could be lawfully present in a polling place, including:

- an election judge or clerk;
- a watcher;
- a state inspector;
- a person admitted to vote;
- a child under 18 years of age who was accompanying a parent who had been admitted to vote;
- a person providing authorized 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 voting system technician;
- the county election officers, as necessary to perform tasks related to the administration of the election; or
- a person whose presence had been authorized by the presiding judge in accordance with the Election Code.

**Early voting ballot board meeting places.** Certain persons could be lawfully present in the meeting place of an early voting ballot board during the time of the board's operations, including:

- a presiding judge or member of the board;
- a watcher;
- a state inspector;
- a voting system technician;
- the county election officer, as necessary to perform tasks related to

- the administration of the election; or
- a person whose presence had been authorized by the presiding judge in accordance with the Election Code.

**Central counting stations.** A person could not be in a central counting station while ballots were being counting, unless the person was:

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

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2021.

**SUPPORTERS  
SAY:**

CSHB 1128 would provide needed clarity to the Election Code regarding individuals permitted to be in a polling place, meeting place of an early voting ballot board, or central counting station during specified time periods. Currently, these permissions are spread across the Election Code, making it difficult to clearly ascertain who is allowed in a polling place, early voting ballot board meeting place, or central counting station. The bill would not duplicate these permissions, but simply consolidate them in statute for clarity.

**CRITICS  
SAY:**

CSHB 1128 would redundantly specify individuals permitted to be in certain election-related areas during certain time periods, as these individuals already are listed in the Election Code.