

## **BILL ANALYSIS**

Senate Research Center

C.S.H.B. 332  
By: Danburg (Patterson)  
State Affairs  
5-17-97  
Committee Report (Substituted)

### **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. Some provisions prohibit 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 that include combined elections, early voting, primary elections, and joint elections.

### **PURPOSE**

As proposed, C.S.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 conforming changes.

SECTION 2. Amends Section 43.031(d), Election Code, to prohibit a polling place from being located in a building under this subsection unless electioneering is permitted on the building's premises outside the prescribed limit within which electioneering is prohibited. Authorizes a polling place to be located in a building at which electioneering is not permitted, if it is the only building available for use as a polling place in the election precinct.

SECTION 3. 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. Provides that an offense under this section is a Class C misdemeanor.

SECTION 4. 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 5. 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. Requires 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 6. Amends Section 112.006, Election Code, to delete provisions regarding voting on a limited ballot.

SECTION 7. 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 8. 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 9. 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 10. Effective date: September 1, 1997.

SECTION 11. Emergency clause.

## **SUMMARY OF COMMITTEE CHANGES**

Adds new SECTION 2 and rennumbers subsequent sections accordingly.

### **SECTION 2.**

Amends Section 43.031(d), Election Code, to prohibit a polling place from being located in a building under this subsection unless electioneering is permitted on the building's premises outside the prescribed limit within which electioneering is prohibited, except that a polling place may be located in a building at which electioneering is not permitted if it is the only building available for use as a polling place in the election precinct.