

BILL ANALYSIS

Senate Research Center
87R24023 ADM-D

C.S.S.B. 2232
By: Hall
State Affairs
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Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently there are three different processes for a single election, the early voting, mail voting, and election day. Between early voting and election day there is a four-day gap in which machines are switched out and polling locations may change.

To make elections simpler and more secure, S.B. 2232 will eliminate the four-day gap between early voting and election day and create a single election period that is book-ended with a printing and signing of zero tapes and tally/summary tapes on each voting machine.

To ensure this is done right and all the relevant portions of the Election Code are brought in line with having a single election period, S.B. 2232 will instruct the secretary of state's office to conduct a study and report back to the legislature suggested language to move forward with.

(Original Author's / Sponsor's Statement of Intent)

C.S.S.B. 2232 amends current law relating to the management of polling place locations during a continuous period for voting.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter A, Chapter 41, Election Code, by adding Section 41.0015, as follows:

Sec. 41.0015. ELECTION PERIOD. Defines "election period" for purposes of Title 4 (Time and Place of Elections).

SECTION 2. Amends Subchapter A, Chapter 43, Election Code, by adding Section 43.008, as follows:

Sec. 43.008. ADDITIONAL POLLING PLACES DURING ELECTION PERIOD. Provides that the county clerk or commissioners court, if the county clerk or commissioners court, as applicable, determines that more polling places are needed during the election period than the number initially opened, is authorized to open more polling places, but is prohibited, for any reason, from closing a polling place before the end of the election period.

SECTION 3. Amends Section 61.002, Election Code, as follows:

Sec. 61.002. New heading: OPENING AND CLOSING POLLING PLACE FOR VOTING. (a) Requires the presiding election judge, immediately before opening the polls for voting on the first day of the election period, to confirm that each voting machine has any public counter reset to zero, and to print the tape that shows the counter

was set to zero and that shows the summary for each candidate and measure on the ballot for each voting machine is set to zero.

(b) Creates this subsection from existing text and makes no further changes.

(c) Requires the presiding election judge, immediately after closing the polls for voting on the last day of the election period, to print the tape to show the summary for each candidate or ballot measure for each voting machine.

(d) Requires the precinct election judge, and an election official aligned with a different political party, to sign a tape printed under this section.

(e) Defines "election period."

SECTION 4. Amends Sections 85.001(a) and (e), Election Code, as follows:

(a) Provides that the period for early voting by personal appearance begins on the 14th day before election day and continues through the opening of the polls on election day, rather than the period for early voting by personal appearance begins on the 17th day before election day and continues through the fourth day before election day, except as otherwise provided by Section 85.001 (Early Voting Period).

(e) Provides that for an election held on the uniform election date in May and any resulting runoff election, the period for early voting by personal appearance begins on the 10th day before election day and continues through the opening of the polls on election day, rather than the period for early voting by personal appearance begins on the 12th day before election day and continues through the fourth day before election day.

SECTION 5. Amends Subchapter C, Chapter 125, Election Code, by adding Section 125.0635, as follows:

Sec. 125.0635. SECURING EQUIPMENT ON FAILURE OF EQUIPMENT. (a) Defines "election period."

(b) Requires that, if a piece of electronic voting machine equipment fails and is taken out of service during the election period, the equipment and any associated memory card be securely isolated until the end of the election period.

SECTION 6. (a) Requires the secretary of state (SOS) to conduct a study regarding the practical effects of eliminating the gap between the early voting period and election day.

(b) Requires SOS, not later than September 1, 2022, to submit a report on SOS's findings to the legislature.

(c) Requires that the study include information on how other states conduct the voting period, the implications of the use of paper ballots, and recommendations for statutory changes.

SECTION 7. Effective date: September 1, 2021.