

BILL ANALYSIS

Senate Research Center
80R13906 JRJ-D

H.B. 1921
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State Affairs
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Current law prohibits only poll watchers from using anything that has mechanical or electronic capability for recording images or sound. In addition to this prohibition, the secretary of state has issued a memorandum to all county clerks and election administrators to encourage presiding election judges to prohibit the use of cell phones that have recording or photographic capabilities. However, the use of wireless communication devices, such as cell phones, in polling places is not prohibited. As a result, someone who may be discussing improper election matters or acting in a disruptive manner on a cell phone is not required to either turn off the device or to leave the election premises.

H.B. 1921 prohibits the use of wireless communication devices as well as any devices with mechanical or electronic means of recording images and sounds in the polling places and authorizes the presiding election judge to require violators to either turn off such devices or to leave the polling place.

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 61, Election Code, by adding Section 61.013, as follows:

- Sec. 61.013. USE OF CERTAIN DEVICES. (a) Prohibits a person from using a wireless communication device in a polling place.
- (b) Prohibits a person from using any mechanical or electronic means of recording images or sound in a polling place.
- (c) Authorizes the presiding judge to require a person who violates this section to turn off the device or to leave the polling place.
- (d) Provides that this section does not apply to an election officer who is conducting the officer's official duties or to the use of election equipment necessary for the conduct of the election.

SECTION 2. Amends Chapter 62, Election Code, by adding Section 62.0111, as follows:

- Sec. 62.0111. NOTICE OF PROHIBITION OF CERTAIN DEVICES. (a) Authorizes notice of the prohibition of the use of certain devices under Section 61.013 to be posted at one or more locations in the polling place at the discretion of the presiding judge where it can be read by persons waiting to vote.
- (b) Requires the secretary of state to prescribe the wording of such a notice.

SECTION 3. Amends Section 33.052, Election Code, as follows:

Sec. 33.052. HOURS OF SERVICE AT PRECINCT POLLING PLACE. (a) Creates this subsection from existing text.

(b) Provides that a poll watcher is considered to have served continuously if the watcher leaves the polling place for the purpose of using a wireless communication device prohibited from use in the polling place under Section 61.013 and the poll watcher promptly returns.

SECTION 4. Effective date: September 1, 2007.