

BILL ANALYSIS

H.B. 2155
By: Denny
Elections
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Under current law, the use of cell phones in the polling place is not prohibited, but the provisions are unclear as to the authorized manner of their use. Previously, the secretary of state's office has advised that before a poll watcher may use a phone, the watcher must obtain the permission of the presiding judge. In light of the widespread use of and need for cell phones, this prior policy is no longer realistic. The secretary of state's office now recommends that a person who is lawfully inside the polling place area should be allowed to use a cell phone as long as it is used in a nondisruptive manner. House Bill 2155 amends provisions relating to the use of cell phones in the polling place.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

House Bill 2155 amends the Election Code by authorizing a person who is lawfully in a polling place to use a mobile telephone in a nondisruptive manner. The bill authorizes the presiding judge to require the person to leave the polling place if the person is using the mobile telephone in a disruptive manner. The bill authorizes a poll watcher to use a mobile telephone in the polling place without the prior consent of the presiding judge and provides that a watcher's possession of a mobile telephone does not prohibit the watcher from being accepted for service.

EFFECTIVE DATE

September 1, 2003.