

BILL ANALYSIS

C.S.H.B. 1921
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Elections
Committee Report (Substituted)

BACKGROUND AND PURPOSE

It is the duty of the presiding election judge to preserve order in the election area where electioneering and loitering are prohibited. Under current law, only a poll watcher is prohibited from using anything that has mechanical or electronic capability for recording images or sound. A memorandum has been issued by the Secretary of State to all county clerks and election administrators encouraging 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. Currently, someone who may be discussing improper election matters or acting in a disruptive manner on a cell phone may not be asked to either turn the device off or leave the premises.

Committee Substitute House Bill 1921 will prohibit the use of wireless communication devices as well as any mechanical or electronic means of recording images and sounds in the polling places and allows the presiding judge to ask violators to either turn off their devices or leave 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

C.S.H.B. 1921 amends the Election Code prohibiting a person from using a wireless communication device and/or any mechanical or electronic means of recording images or sound in the polling place. The bill provides that a presiding election judge may require a person who violates this section to either turn off the device or leave the polling premise. The prohibitions made by the bill do not apply to any election officer in conducting their official duties or to the use of election equipment necessary for conducting the election.

C.S.H.B. 1921 amends the Election Code to provide that the presiding election judge may post notice of the above mentioned prohibition in one or more locations of the polling place and states that the secretary of state is required to prescribe the wording for that notice.

The measure amends the Election Code by stating that a 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 and the watcher promptly returns.

EFFECTIVE DATE

September 1, 2007.

COMPARISON OF ORIGINAL TO SUBSTITUTE

C.S.H.B. 1921 adds new language to the Election Code in SECTION 3 stating that a 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 and the watcher promptly returns.

C.S.H.B. 1921 80(R)