

# SENATE AMENDMENTS

2<sup>nd</sup> Printing

By: Keffer

H.B. No. 1921

A BILL TO BE ENTITLED

AN ACT

relating to the use of certain devices in a polling place.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter A, Chapter 61, Election Code, is amended by adding Section 61.013 to read as follows:

Sec. 61.013. USE OF CERTAIN DEVICES. (a) A person may not use a wireless communication device in a polling place.

(b) A person may not use any mechanical or electronic means of recording images or sound in a polling place.

(c) The presiding judge may require a person who violates this section to turn off the device or to leave the polling place.

(d) This section does not apply to:

(1) an election officer in conducting the officer's official duties; or

(2) the use of election equipment necessary for the conduct of the election.

SECTION 2. Chapter 62, Election Code, is amended by adding Section 62.0111 to read as follows:

Sec. 62.0111. NOTICE OF PROHIBITION OF CERTAIN DEVICES.

(a) At the discretion of the presiding judge, notice of the prohibition of the use of certain devices under Section 61.013 may be posted at one or more locations in the polling place where it can be read by persons waiting to vote.

(b) The secretary of state shall prescribe the wording of a

1 notice posted under this section.

2 SECTION 3. Section 33.052, Election Code, is amended to  
3 read as follows:

4 Sec. 33.052. HOURS OF SERVICE AT PRECINCT POLLING PLACE.

5 (a) A watcher at a precinct polling place may begin service at any  
6 time after the presiding judge arrives at the polling place on  
7 election day and may remain at the polling place until the presiding  
8 judge and the clerks complete their duties there. A watcher that  
9 serves for more than five continuous hours may serve at the polling  
10 place during the hours the watcher chooses, except that if the  
11 watcher is present at the polling place when ballots are counted,  
12 the watcher may not leave until the counting is complete.

13 (b) For purposes of this section, a watcher is considered to  
14 have served continuously if the watcher leaves the polling place  
15 for the purpose of using a wireless communication device prohibited  
16 from use in the polling place under Section 61.013 and the watcher  
17 promptly returns.

18 SECTION 4. This Act takes effect September 1, 2007.

ADOPTED

MAY 18 2007

*Atty Gen*  
Secretary of the Senate

By: Keller

H.B. No. 1921

Substitute the following for \_\_\_B. No. \_\_\_\_\_:

By: Johnson

C.S. \_\_\_B. No. \_\_\_\_\_

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the use of certain devices in a polling place.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

4 SECTION 1. Subchapter A, Chapter 61, Election Code, is  
5 amended by adding Section 61.013 to read as follows:

6 Sec. 61.013. USE OF CERTAIN DEVICES. (a) A person may not  
7 use a wireless communication device within 100 feet of a voting  
8 station.

9 (b) A person may not use any mechanical or electronic means  
10 of recording images or sound within 100 feet of a voting station.

11 (c) The presiding judge may require a person who violates  
12 this section to turn off the device or to leave the polling place.

13 (d) This section does not apply to:

14 (1) an election officer in conducting the officer's  
15 official duties; or

16 (2) the use of election equipment necessary for the  
17 conduct of the election.

18 SECTION 2. Chapter 62, Election Code, is amended by adding  
19 Section 62.0111 to read as follows:

20 Sec. 62.0111. NOTICE OF PROHIBITION OF CERTAIN DEVICES.

21 (a) At the discretion of the presiding judge, notice of the  
22 prohibition of the use of certain devices under Section 61.013 may  
23 be posted at one or more locations in the polling place where it can  
24 be read by persons waiting to vote.

1           (b) The secretary of state shall prescribe the wording of a  
2 notice posted under this section.

3           SECTION 3. Section 33.052, Election Code, is amended to  
4 read as follows:

5           Sec. 33.052. HOURS OF SERVICE AT PRECINCT POLLING PLACE.

6 (a) A watcher at a precinct polling place may begin service at any  
7 time after the presiding judge arrives at the polling place on  
8 election day and may remain at the polling place until the presiding  
9 judge and the clerks complete their duties there. A watcher that  
10 serves for more than five continuous hours may serve at the polling  
11 place during the hours the watcher chooses, except that if the  
12 watcher is present at the polling place when ballots are counted,  
13 the watcher may not leave until the counting is complete.

14           (b) For purposes of this section, a watcher is considered to  
15 have served continuously if the watcher leaves the polling place  
16 for the purpose of using a wireless communication device prohibited  
17 from use in the polling place under Section 61.013 and the watcher  
18 promptly returns.

19           SECTION 4. This Act takes effect September 1, 2007.

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION**

**May 15, 2007**

**TO:** Honorable Robert Duncan, Chair, Senate Committee on State Affairs

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB1921** by Keffer, Jim (Relating to the use of certain devices in a polling place.),  
**Committee Report 2nd House, Substituted**

**No fiscal implication to the State is anticipated.**

The bill would prohibit the use of certain wireless communications within 100 feet of a voting station. At the discretion of the presiding judge, a notice of such prohibition may be posted in one or more locations at the polling place. The secretary of state would be responsible for developing the wording of the notice.

The bill would be effective September 1, 2007.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 307 Secretary of State

**LBB Staff:** JOB, KJG, MN, MS

LEGISLATIVE BUDGET BOARD  
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

May 11, 2007

TO: Honorable Robert Duncan, Chair, Senate Committee on State Affairs

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: **HB1921** by Keffer, Jim (Relating to the use of certain devices in a polling place.), As  
**Engrossed**

**No fiscal implication to the State is anticipated.**

The bill would prohibit the use of certain wireless communications at polling places. At the discretion of the presiding judge, a notice of such prohibition may be posted in one or more locations at the polling place. The secretary of state would be responsible for developing the wording of the notice.

The bill would be effective September 1, 2007.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 307 Secretary of State

**LBB Staff:** JOB, MN, MS, KJG

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION**

**April 9, 2007**

**TO:** Honorable Leo Berman, Chair, House Committee on Elections

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB1921** by Keffer, Jim (Relating to the use of certain devices in a polling place.),  
**Committee Report 1st House, Substituted**

**No fiscal implication to the State is anticipated.**

The bill would prohibit the use of certain wireless communications at polling places. At the discretion of the presiding judge, a notice of such prohibition may be posted in one or more locations at the polling place. The secretary of state would be responsible for developing the wording of the notice.

The bill would be effective September 1, 2007.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 307 Secretary of State

**LBB Staff:** JOB, MN, MS, KJG

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION**

**March 26, 2007**

**TO:** Honorable Leo Berman, Chair, House Committee on Elections

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB1921** by Keffer, Jim (Relating to the use of certain devices in a polling place.), As  
**Introduced**

**No fiscal implication to the State is anticipated.**

The bill would prohibit the use of certain wireless communications at polling places. At the discretion of the presiding judge, a notice of such prohibition may be posted in one or more locations at the polling place. The secretary of state would be responsible for developing the wording of the notice.

The bill would be effective September 1, 2007.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 307 Secretary of State

**LBB Staff:** JOB, MN, MS, KJG