

BILL ANALYSIS

C.S.H.B. 2050
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Elections
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Some observers report situations in which a poll watcher or group of poll watchers wishes to report instances of voter intimidation or voter fraud but were unable to do so because the ban on being in possession of a recording device or cell phone impeded their ability to properly document the instances of intimidation or fraud. C.S.H.B. 2050 seeks to address this situation by allowing a poll watcher to use a cell phone for the purpose of reporting an irregularity or violation of law if such use does not disrupt proceedings at or near the voting station.

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. 2050 amends the Election Code to remove the requirement that a certificate of appointment for a poll watcher contain an affidavit executed by the appointee stating that the appointee will not have possession of any mechanical or electronic means of recording images or sound while serving as a watcher.

C.S.H.B. 2050 provides that statutory provisions prohibiting a person from using a wireless communication device or any mechanical or electronic means of recording images or sound within 100 feet of a voting station and authorizing the presiding judge of the election precinct to require a person who violates that prohibition to turn off the device or to leave the polling place do not apply to a poll watcher who, in a manner that does not disrupt proceedings at or near the voting station and for the purpose of reporting an irregularity or violation of law relating to the election, is contacting the authority holding the election, the secretary of state, the attorney general, or a law enforcement officer.

C.S.H.B. 2050 repeals Section 33.051(c), Election Code, to make a conforming change.

EFFECTIVE DATE

September 1, 2011.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 2050 contains a condition, not included in the original, that a poll watcher using a wireless communications device to report an irregularity or violation of law relating to an election is exempt from provisions prohibiting a person from using a wireless communication device or any mechanical or electronic means of recording images or sound within 100 feet of a voting station if the device is used in a manner that does not disrupt proceedings at or near the voting station.