

By: Zedler

H.B. No. 1926

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the administration of elections; creating an offense.

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

4 SECTION 1. Chapter 1, Election Code, is amended by adding  
5 Section 1.021 to read as follows:

6 Sec. 1.021. STATEWIDE INFORMATION SYSTEM. Each county must  
7 adopt an information reporting system that is part of or compatible  
8 with a unified statewide system for the management of election  
9 administration.

10 SECTION 2. Section 32.075, Election Code, is amended by  
11 adding Subsections (f) and (g) to read as follows:

12 (f) The presiding judge or a special peace officer appointed  
13 under this section may not remove an alternate presiding judge from  
14 the polling place without:

15 (1) the approval of an election official other than:

16 (A) the presiding judge; or

17 (B) a special peace officer appointed by the  
18 presiding judge; and

19 (2) the documentation and certification by the  
20 presiding judge of the reason for removal.

21 (g) A person is eligible for appointment as a special peace  
22 officer under Subsection (b) only if the person is licensed as a  
23 peace officer by the Commission on Law Enforcement Officer  
24 Standards and Education.

1 SECTION 3. Section 33.006(b), Election Code, is amended to  
2 read as follows:

3 (b) A certificate of appointment must:

4 (1) be in writing and signed by the appointing  
5 authority or, for an appointment for a write-in candidate under  
6 Section 33.004, by each of the voters making the appointment;

7 (2) indicate the capacity in which the appointing  
8 authority is acting;

9 (3) state the name, residence address, and voter  
10 registration number of the appointee and be signed by the  
11 appointee;

12 (4) identify the election and the precinct polling  
13 place or other location at which the appointee is to serve;

14 (5) in an election on a measure, identify the measure  
15 if more than one is to be voted on and state which side of the  
16 measure the appointee represents; and

17 (6) contain an affidavit executed by the appointee  
18 stating that the appointee will not use a device capable [~~have~~  
19 ~~possession of any mechanical or electronic means~~] of recording  
20 images or sound in a manner that violates the confidentiality of a  
21 voter or a voter's ballot while serving as a watcher.

22 SECTION 4. Subchapter A, Chapter 33, Election Code, is  
23 amended by adding Section 33.008 to read as follows:

24 Sec. 33.008. CONFIDENTIAL INFORMATION. (a) Any  
25 information provided by a watcher under this chapter that may be  
26 used to identify the watcher is confidential and may be used only  
27 for election administration purposes.

1        (b) It is an offense to disclose information described by  
2 Subsection (a) without the permission of the watcher.

3        (c) An offense under this section is a Class B misdemeanor.

4        SECTION 5. Section 33.051(c), Election Code, is amended to  
5 read as follows:

6        (c) A watcher may not be accepted for service if the watcher  
7 has possession of a device capable [~~any mechanical or electronic~~  
8 ~~means~~] of recording images or sound unless the watcher agrees not to  
9 use the device in a manner that violates the confidentiality of a  
10 voter or a voter's ballot. [~~The presiding judge may inquire whether~~  
11 ~~a watcher has possession of any prohibited recording device before~~  
12 ~~accepting the watcher for service.~~]

13        SECTION 6. Section 213.013(i), Election Code, is amended to  
14 read as follows:

15        (i) No device capable [~~mechanical or electronic means~~] of  
16 recording images or sound is [~~are~~] allowed inside the room in which  
17 the recount is conducted, or in any hallway or corridor in the  
18 building in which the recount is conducted within 30 feet of the  
19 entrance to the room, while the recount is in progress unless the  
20 person entitled to be present at the recount agrees not to use the  
21 device in a manner that violates the confidentiality of a voter or a  
22 voter's ballot. However, on request of a person entitled to appoint  
23 watchers to serve at the recount, the recount committee chair shall  
24 permit the person to photocopy under the chair's supervision any  
25 ballot, including any supporting materials, challenged by the  
26 person or person's watcher. The person must pay a reasonable charge  
27 for making the copies and, if no photocopying equipment is

1 available, may supply that equipment at the person's expense. The  
2 person shall provide a copy on request to another person entitled to  
3 appoint watchers to serve at the recount.

4 SECTION 7. This Act takes effect September 1, 2011.