

By: Zedler

H.B. No. 1252

A BILL TO BE ENTITLED

AN ACT

relating to the administration of elections; creating an offense.

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

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

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

SECTION 2. Section 32.075, Election Code, is amended by adding Subsection (g) to read as follows:

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

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

(A) the presiding judge; or

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

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

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

(b) A certificate of appointment must:

(1) be in writing and signed by the appointing

1 authority or, for an appointment for a write-in candidate under
2 Section 33.004, by each of the voters making the appointment;

3 (2) indicate the capacity in which the appointing
4 authority is acting;

5 (3) state the name, residence address, and voter
6 registration number of the appointee and be signed by the
7 appointee;

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

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

13 (6) contain an affidavit executed by the appointee
14 stating that the appointee will not use ~~[have possession of]~~ a
15 device capable of recording images or sound in a manner that
16 violates the confidentiality of a voter or a voter's ballot ~~[or that~~
17 ~~the appointee will disable or deactivate the device]~~ while serving
18 as a watcher.

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

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

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

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

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

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

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

(i) No device capable of recording images or sound is allowed inside the room in which the recount is conducted, or in any hallway or corridor in the building in which the recount is conducted within 30 feet of the entrance to the room, while the recount is in progress unless the person entitled to be present at the recount agrees not to use ~~[to disable or deactivate]~~ the device in a manner that violates the confidentiality of a voter or a voter's ballot. However, on request of a person entitled to appoint watchers to serve at the recount, the recount committee chair shall permit the person to photocopy under the chair's supervision any ballot, including any supporting materials, challenged by the person or person's watcher. The person must pay a reasonable charge for making the copies and, if no photocopying equipment is available, may supply that equipment at the person's expense. The person shall provide a copy on request to another person entitled to appoint watchers to serve at the recount.

1 SECTION 7. This Act takes effect September 1, 2013.