

BILL ANALYSIS

Senate Research Center
84R25896 GRM-D

H.B. 2160
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State Affairs
5/20/2015
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, judges and clerks who work at the polls do not have their information protected. Several different organizations seek personal information of these poll workers through a Texas Public Information Act request and there is no protection for them.

An Election Day judge “has the power of a district judge to enforce order and preserve the peace, including the power to issue an arrest warrant. An appeal of an order or other action of the presiding judge under this section is made in the same manner as the appeal of an order or other action of a district court in the county in which the polling place is located,” according to Section 32.075, Election Code. Under Section 552.1175, Government Code, state judges may have their information kept confidential against the Texas Public Information Act.

Under Section 552.137, Government Code, “an e-mail address of a member of the public that is provided for the purpose of communicating electronically with a governmental body is confidential and not subject to disclosure under this chapter.”

Organizations that have procured information through a Texas Public Information Request are calling poll workers on their personal cell phone, which is an additional expense that the poll worker does not want to incur. Poll workers are now refusing to work because they do not want to be contacted by so many organizations because they did their civic duty. It is difficult to find good poll workers and every effort should be made to protect the personal information of the poll workers. Poll workers should be able to protect their phone number and e-mail address.

The purpose of this bill is to protect poll workers from unwanted contact through their phone and e-mail address by making poll workers’ phone numbers and e-mail addresses confidential and not subject to the Texas Public Information Act.

H.B. 2160 amends current law relating to the release of election judges' and clerks' contact information.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter D, Chapter 32, Election Code, by adding Section 32.076, as follows:

Sec. 32.076. DISCLOSURE OF E-MAIL ADDRESS AND PHONE NUMBER RESTRICTED. (a) Provides that, except as provided by Subsection (b), an e-mail address or personal phone number of an election judge or clerk collected or maintained by the authority conducting the election is confidential and does not constitute public information for purposes of Chapter 552 (Public Information), Government Code.

(b) Requires that an e-mail address or phone number described by Subsection (a) be made available on request to:

(1) any entity eligible to submit lists of election judges or clerks for that election; or

(2) the state executive committee of a political party with a county chair eligible to submit lists of election judges or clerks for that election.

SECTION 2. Effective date: September 1, 2015.