

By: Schofield

H.B. No. 2953

A BILL TO BE ENTITLED

AN ACT

relating to the service of a poll watcher in an election.

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

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

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

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

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

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

~~[(6) contain an affidavit executed by the appointee stating that the appointee will not have possession of a device capable of recording images or sound or that the appointee will disable or deactivate the device while serving as a watcher] ].~~

SECTION 2. Section 33.035, Election Code, is amended to

1 read as follows:

2 Sec. 33.035. INELIGIBILITY OF PERSON CONVICTED OF CERTAIN  
3 OFFENSES [~~ELECTION OFFENSE~~]. A person is ineligible to serve as a  
4 watcher in an election if the person has been finally convicted of:

5 (1) a felony; or

6 (2) an offense in connection with conduct directly  
7 attributable to an election.

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

10 Sec. 33.052. HOURS OF SERVICE AT PRECINCT POLLING PLACE.  
11 [~~(a)~~] A watcher at a precinct polling place may begin service at  
12 any time after the presiding judge arrives at the polling place on  
13 election day and may remain at the polling place until the presiding  
14 judge and the clerks complete their duties there. A watcher [~~that~~  
15 ~~serves for more than five continuous hours~~] may serve at the polling  
16 place during the hours the watcher chooses, except that if the  
17 watcher is present at the polling place when ballots are counted,  
18 the watcher may not leave until the counting is complete.

19 [~~(b) For purposes of this section, a watcher is considered to~~  
20 ~~have served continuously if the watcher leaves the polling place~~  
21 ~~for the purpose of using a wireless communication device prohibited~~  
22 ~~from use in the polling place under Section 61.014 and the watcher~~  
23 ~~promptly returns.~~]

24 SECTION 4. Section 33.057, Election Code, is amended to  
25 read as follows:

26 Sec. 33.057. OBSERVING PREPARATION OF VOTER'S BALLOT. (a)  
27 A watcher is entitled to be present at the voting station when a

1 voter is being assisted by an election officer or by a person of the  
2 voter's choice, and the watcher is entitled to examine the ballot  
3 before it is deposited in the ballot box to determine whether it is  
4 prepared in accordance with the voter's wishes.

5 (b) A watcher may not be present at the voting station when a  
6 voter is preparing the voter's ballot [~~or is being assisted by a~~  
7 ~~person of the voter's choice~~].

8 SECTION 5. Section 61.014(d), Election Code, is amended to  
9 read as follows:

10 (d) This section does not apply to:

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

13 (2) the use of election equipment necessary for the  
14 conduct of the election; [~~or~~]

15 (3) a person who is employed at the location in which a  
16 polling place is located while the person is acting in the course of  
17 the person's employment; or

18 (4) a poll watcher who, for the purpose of reporting an  
19 irregularity or violation of law relating to the election, is  
20 contacting the authority holding the election, the secretary of  
21 state, the attorney general, or a law enforcement officer.

22 SECTION 6. Section 33.051(c), Election Code, is repealed.

23 SECTION 7. This Act takes effect September 1, 2015.