

BILL ANALYSIS

H.B. 4364
By: Jetton
Elections
Committee Report (Unamended)

BACKGROUND AND PURPOSE

In Texas, election watchers may be appointed to observe the conduct of an election on behalf of a candidate, a political party, or the proponents or opponents of a measure. However, concerns have been raised regarding the restrictions imposed by some election judges on poll watchers during the most recent election. There have been calls to ensure that poll watchers may continue to operate as intended under election law. H.B. 4364 seeks to address this issue by clarifying eligibility for service as a poll watcher, creating an offense for refusing to accept a poll watcher for service when required by state law, and revising other related provisions.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill expressly does one or more of the following: creates a criminal offense, increases the punishment for an existing criminal offense or category of offenses, or changes the eligibility of a person for community supervision, parole, or mandatory supervision.

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

H.B. 4364 amends the Election Code to revise statutory provisions relating to poll watchers and to create an offense. The bill does the following:

- creates a Class A misdemeanor offense for an election officer who intentionally or knowingly refuses to accept a poll watcher for service when acceptance of the watcher is required by state law;
- requires a person, to be eligible to serve as a poll watcher, to present proof of identification that meets the requirements for accepting a voter to the election judge at the polling place where the watcher serves;
- removes language that makes the authorization for an election watcher to serve during the hours the watcher chooses to serve applicable only to watchers who serve for more than five continuous hours;
- authorizes a poll watcher serving at the meeting place of a signature verification committee to be present at any time the committee is processing or counting ballots and until the committee completes its duties;
- prohibits a poll watcher from being denied free movement within the location at which the watcher is serving, with the exception that the watcher may not be present at the voting station when a voter is preparing the voter's ballot or is being assisted by a person of the voter's choice; and
- authorizes a poll watcher appointed to serve at a polling place in an election to observe the sealing and transfer of a memory card, flash drive, hard drive, data storage device, or other medium now existing or later developed used by the voting system equipment.

EFFECTIVE DATE

September 1, 2021.