87R6471 SGM-D

By:  Paul H.B. No. 2601

A BILL TO BE ENTITLED

AN ACT

relating to the use of a device capable of recording images or sounds during election proceedings.

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

SECTION 1.  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 to comply with the requirements of Section 61.014 [~~disable or deactivate the device~~]. The presiding judge may inquire whether a watcher has possession of any [~~prohibited~~] recording device before accepting the watcher for service.

SECTION 2.  Section 33.052(b), Election Code, is amended to read as follows:

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

SECTION 3.  Sections 61.014(a), (b), and (d), Election Code, are amended to read as follows:

(a)  A person may not use a wireless communication device within 100 feet of a voting station while voting is taking place.

(b)  A person may not use any mechanical or electronic means to record [~~of recording~~] images or sound:

(1)  within 100 feet of a voting station while voting is taking place; or

(2)  of a marked ballot that can be associated with a voter.

(d)  Subsections (a) and (b)(1) do [~~This section does~~] not apply to:

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

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

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

(4)  a member of the early voting ballot board who is processing early voting ballots, except when opening a carrier envelope for an early voting ballot voted by mail in accordance with Section 87.042;

(5)  a member of the recount committee who is counting ballots;

(6)  a member of a tribunal deciding an election contest; or

(7)  a watcher, except that a watcher may use a wireless communication device only as necessary to record images or sound.

SECTION 4.  Section 87.042, Election Code, is amended by adding Subsection (e) to read as follows:

(e)  A person may not use a wireless communication device or any mechanical or electronic means of recording images or sound within 100 feet of the area in which the early voting ballot board disposes of an accepted ballot under this section.

SECTION 5.  The changes in law made by this Act apply only to an election ordered on or after the effective date of this Act.

SECTION 6.  This Act takes effect September 1, 2021.