

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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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