

By: Jetton

H.B. No. 4364

A BILL TO BE ENTITLED

AN ACT

relating to poll watchers; creating an offense.

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

SECTION 1. Section 33.031(a), Election Code, is amended to read as follows:

(a) To be eligible to serve as a watcher, a person must:

(1) be a qualified voter:

(A) [~~(1)~~] of the county in which the person is to serve, in an election ordered by the governor or a county authority or in a primary election;

(B) [~~(2)~~] of the part of the county in which the election is held, in an election ordered by the governor or a county authority that does not cover the entire county of the person's residence; and

(C) [~~(3)~~] of the political subdivision, in an election ordered by an authority of a political subdivision other than a county; and

(2) present proof of identification that meets the requirements of Section 63.001(b) for accepting a voter to the election judge at the polling place where the watcher serves.

SECTION 2. Section 33.051, Election Code, is amended by adding Subsection (g) to read as follows:

(g) An election officer commits an offense if the officer intentionally or knowingly refuses to accept a watcher for service

1 when acceptance of the watcher is required by this section. An  
2 offense under this section is a Class A misdemeanor.

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

5 Sec. 33.052. HOURS OF SERVICE AT PRECINCT POLLING PLACE.

6 (a) A watcher at a precinct polling place may begin service at any  
7 time after the presiding judge arrives at the polling place on  
8 election day and may remain at the polling place until the presiding  
9 judge and the clerks complete their duties there. A watcher [~~that~~  
10 ~~serves for more than five continuous hours~~] may serve at the polling  
11 place during the hours the watcher chooses, except that if the  
12 watcher is present at the polling place when ballots are counted,  
13 the watcher may not leave until the counting is complete.

14 SECTION 4. Section 33.054, Election Code, is amended to  
15 read as follows:

16 Sec. 33.054. HOURS OF SERVICE AT EARLY VOTING BALLOT BOARD

17 MEETING OR SIGNATURE VERIFICATION COMMITTEE MEETING. (a) A watcher  
18 serving at the meeting place of an early voting ballot board or  
19 signature verification committee may be present at any time the  
20 board or committee is processing or counting ballots and until the  
21 board or committee completes its duties. The watcher may serve  
22 during the hours the watcher chooses, except as provided by  
23 Subsection (b).

24 (b) A watcher serving at the meeting place of an early  
25 voting ballot board may not leave during voting hours on election  
26 day without the presiding judge's permission if the board has  
27 recorded any votes cast on voting machines or counted any ballots,

1 unless the board has completed its duties and has been dismissed by  
2 the presiding judge.

3 SECTION 5. Section 33.056, Election Code, is amended by  
4 adding subchapter (e) to read as follows:

5 (e) except as provided by Section 33.057(b), a watcher may  
6 not be denied free movement within the location at which the watcher  
7 is serving.

8 SECTION 6. Section 33.060, Election Code is amended to read  
9 as follows:

10 Sec. 33.060. OBSERVING DELIVERY OF ELECTION RECORDS. (a)  
11 On request of a watcher, an election officer who delivers election  
12 records from a precinct polling place, an early voting polling  
13 place, a meeting place for an early voting ballot board, or a  
14 central counting station shall permit the watcher appointed to  
15 serve at that location to accompany the officer in making the  
16 delivery.

17 (b) A watcher appointed to serve at a polling place in an  
18 election may observe the sealing and transfer of a memory card,  
19 flash drive, hard drive, data storage device, or other medium now  
20 existing or later developed used by the voting system equipment.

21 (c) [~~(b)~~] If delivery is made in a vehicle, an election  
22 officer complies with this section if the officer permits the  
23 watcher to follow in a different vehicle and drives in a manner that  
24 enables the watcher to keep the vehicle in sight.

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