

By: Eckhardt

S.B. No. 889

A BILL TO BE ENTITLED

AN ACT

relating to nonpartisan election watchers.

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

SECTION 1. Section 33.001, Election Code, is amended to read as follows:

Sec. 33.001. WATCHER DEFINED. In this code, "watcher" means a person appointed under this subchapter to observe the conduct of an election on behalf of a candidate, a political party, a nonpartisan election observation organization, or the proponents or opponents of a measure.

SECTION 2. Section 33.007(d), Election Code, is amended to read as follows:

(d) The number of watchers accepted for service on each side of a measure may not exceed the number authorized by this section. If the number of appointments exceeds the authorized number, the authority accepting the watchers for service shall accept the watchers in the order in which they present their certificates of appointment. A watcher appointed under Section 33.008 is not subject to the limitation of this subsection.

SECTION 3. Subchapter A, Chapter 33, Election Code, is amended by adding Section 33.008 to read as follows:

Sec. 33.008. APPOINTMENT BY NONPARTISAN ORGANIZATION. (a) A nonpartisan election observation organization that has been certified by the secretary of state in accordance with this section

1 may appoint watchers.

2 (b) The secretary of state shall certify qualifying
3 nonpartisan election observation organizations within this state.

4 The secretary of state shall adopt rules establishing criteria to
5 determine whether an organization may be certified. The rules must
6 require the organization and its appointed nonpartisan watchers to:

7 (1) be impartial in substance and process;

8 (2) cooperate with election officers;

9 (3) be diligent in not obstructing the process;

10 (4) be independent from the government, in the
11 interest of promoting the right to vote;

12 (5) be transparent and accountable with regard to
13 funding, including refusal to accept funding from any source or
14 under any condition that may create a conflict of interest; and

15 (6) be vigilant in identifying and addressing
16 potential and actual conflicts of interest.

17 (c) A watcher appointed under this section is not entitled
18 to:

19 (1) sign the seal of a ballot box under Section
20 [127.066](#); or

21 (2) sign the seal of a test material container under
22 Section [127.099](#).

23 SECTION 4. Section [33.031](#), Election Code, is amended to
24 read as follows:

25 Sec. 33.031. GENERAL ELIGIBILITY REQUIREMENTS. (a) Except
26 as provided by Subsection (b), to [~~To~~] be eligible to serve as
27 a watcher, a person must be a qualified voter:

1 (1) of the county in which the person is to serve, in
2 an election ordered by the governor or a county authority or in a
3 primary election;

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

7 (3) of the political subdivision, in an election
8 ordered by an authority of a political subdivision other than a
9 county.

10 (b) A person appointed as a watcher under Section 33.008 is
11 not subject to the requirements of Subsection (a) and is eligible to
12 serve as a watcher if the person:

13 (1) is a registered voter in this state; and

14 (2) understands and agrees to comply with the
15 principles and practices set forth in the Declaration of Global
16 Principles for Nonpartisan Election Observation and Monitoring by
17 Citizen Organizations and Code of Conduct for Nonpartisan Citizen
18 Election Observers and Monitors, as commemorated by the United
19 Nations on April 3, 2012.

20 SECTION 5. Section [213.013](#), Election Code, is amended by
21 adding Subsection (d-1) to read as follows:

22 (d-1) In any recount, a watcher appointed under Section
23 33.008 may be present.

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