

By: Hall

S.B. No. 1611

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the right of the public to observe election activity;
3 providing a civil penalty.

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

5 SECTION 1. Section 33.006(b), Election Code, is amended to
6 read as follows:

7 (b) A certificate of appointment must:

8 (1) be in writing and signed by the appointing
9 authority or, for an appointment for a write-in candidate under
10 Section 33.004, by each of the voters making the appointment;

11 (2) indicate the capacity in which the appointing
12 authority is acting;

13 (3) state the name, residence address, and voter
14 registration number of the appointee and be signed by the
15 appointee;

16 (4) identify the election and the precinct polling
17 place or other location at which the appointee is to serve; and

18 (5) in an election on a measure, identify the measure
19 if more than one is to be voted on and state which side of the
20 measure the appointee represents[~~, and~~

21 [~~(6) contain an affidavit executed by the appointee~~
22 ~~stating that the appointee will not have possession of a device~~
23 ~~capable of recording images or sound or that the appointee will~~
24 ~~disable or deactivate the device while serving as a watcher]].~~

1 SECTION 2. Section 33.031, Election Code, is amended to
2 read as follows:

3 Sec. 33.031. GENERAL ELIGIBILITY REQUIREMENTS. ~~[(a)]~~ To
4 be eligible to serve as a watcher, a person must be a qualified
5 voter ~~[+~~

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

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

12 ~~[(3) of the political subdivision, in an election~~
13 ~~ordered by an authority of a political subdivision other than a~~
14 ~~county].~~

15 SECTION 3. Section 33.051(c), Election Code, is amended to
16 read as follows:

17 (c) ~~[A watcher may not be accepted for service if the~~
18 ~~watcher has possession of a device capable of recording images or~~
19 ~~sound unless the watcher agrees to disable or deactivate the~~
20 ~~device.]~~ The presiding judge may inquire whether a watcher has
21 possession of a a ~~[any prohibited]~~ recording device before accepting
22 the watcher for service.

23 SECTION 4. Section 33.056, Election Code, is amended by
24 amending Subsection (a) and adding Subsection (e) to read as
25 follows:

26 (a) Except as provided by Section 33.057, a watcher is
27 entitled to observe any activity conducted at the location at which

1 the watcher is serving. A watcher is entitled to sit or stand
2 [~~conveniently~~] near enough to see and hear the election officers
3 conducting the observed activity, except as otherwise prohibited by
4 this chapter.

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 5. Section 33.061, Election Code, is amended by
9 adding Subsections (c) and (d) to read as follows:

10 (c) An offense under Subsection (a) includes an action taken
11 to distance or obstruct the view of a watcher in a way that makes
12 observation reasonably ineffective.

13 (d) A person who has committed an offense under this section
14 may also be:

15 (1) suspended or terminated;

16 (2) liable to the state for a civil penalty not to
17 exceed \$4,000 for each violation; or

18 (3) any combination of these.

19 SECTION 6. Section 61.014, Election Code, is amended by
20 amending Subsections (a) and (b) and adding Subsection (b-1) to
21 read as follows:

22 (a) A person, other than a watcher using the device solely
23 to record image or sound as permitted under Subsection (b), may not
24 use a wireless communication device within 100 feet of a voting
25 station.

26 (b) A person, other than a watcher, may not use a [any]
27 mechanical or electronic device to record [~~means of recording~~]

1 images or sound that captures the activity [~~within 100 feet~~] of a
2 voter at a voting station, unless the voter is receiving assistance
3 the watcher reasonably believes to be unlawful.

4 (b-1) A recording made by a watcher under Subsection (b) may
5 not capture or record any information on a voter's ballot.

6 SECTION 7. Subchapter B, Chapter 64, Election Code, is
7 amended by adding Section 64.0322 to read as follows:

8 Sec. 64.0322. SUBMISSION OF FORM BY ASSISTANT. (a) A
9 person, other than an election officer, who assists a voter in
10 accordance with this chapter is required to complete a form
11 stating:

12 (1) the name, telephone number, and address of the
13 person assisting the voter;

14 (2) the manner in which the person assisted the voter;

15 (3) the reason the assistance was necessary; and

16 (4) the relationship of the assistant to the voter.

17 (b) A person who submits a form under Subsection (a) shall
18 present an acceptable photo identification under Section 63.0101.

19 (c) The secretary of state shall prescribe the form required
20 by this section. The form must be incorporated into the official
21 carrier envelope if the voter is voting an early voting ballot by
22 mail and receives assistance under Section 86.010, or must be
23 submitted to an election officer at the time the voter casts a
24 ballot if the voter is voting at a polling place or under Section
25 64.009.

26 SECTION 8. Subchapter A, Chapter 65, Election Code, is
27 amended by adding Section 65.016 to read as follows:

Sec. 65.016. PUBLIC STREAMING OF ELECTION ACTIVITY. (a)

The county clerk shall provide cameras and other equipment to each polling place, meeting place for an early voting ballot board, or central counting station involved in the election, and shall provide a live video stream on the county clerk's Internet website of any election activity conducted at a polling place, meeting place for an early voting ballot board, or central counting station.

(b) The secretary of state shall adopt rules necessary for the implementation of this section.

SECTION 9. Section 213.013(i), Election Code, is amended to read as follows:

(i) ~~On [No device capable of recording images or sound is allowed inside the room in which the recount is conducted, or in any hallway or corridor in the building in which the recount is conducted within 30 feet of the entrance to the room, while the recount is in progress unless the person entitled to be present at the recount agrees to disable or deactivate the device. However,~~ request of a person entitled to appoint watchers to serve at the recount, the recount committee chair shall permit the person to photocopy under the chair's supervision any ballot, including any supporting materials, challenged by the person or person's watcher. The person must pay a reasonable charge for making the copies and, if no photocopying equipment is available, may supply that equipment at the person's expense. The person shall provide a copy on request to another person entitled to appoint watchers to serve at the recount.

1 SECTION 10. This Act takes effect immediately if it
2 receives a vote of two-thirds of all the members elected to each
3 house, as provided by Section 39, Article III, Texas Constitution.
4 If this Act does not receive the vote necessary for immediate
5 effect, this Act takes effect September 1, 2021.