

BILL ANALYSIS

H.B. 2953
By: Schofield
Elections
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties note that state law sets clear guidelines for a poll watcher in an election. Nevertheless, the parties assert that the language regarding a poll watcher's use of a recording device leaves room for misinterpretation. The parties also argue that, although a person who has been finally convicted of an offense relating to an election is ineligible to serve as a poll watcher, the prohibition should be expanded to include a person who has been finally convicted of a felony. H.B. 2953 seeks to address these issues, among others, and to clarify the role of a poll watcher.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 2953 amends the Election Code to make a person ineligible to serve as a poll watcher in an election if the person has been finally convicted of a felony. The bill removes a provision that restricted a poll watcher's authority to serve at the polling place during the hours the watcher chooses to a watcher who serves for more than five continuous hours. The bill removes a prohibition against a poll watcher being present at the voting station when a voter is being assisted by a person of the voter's choice and instead expressly entitles the watcher to be present at the voting station in such a circumstance. The bill adds an exception to the prohibition against using a wireless communication device or a mechanical or electronic means of recording images or sound within 100 feet of a voting station for a poll watcher who, for the purpose of reporting an irregularity or violation of law relating to the election, is contacting the authority holding the election, the secretary of state, the attorney general, or a law enforcement officer. The bill repeals a provision prohibiting a poll watcher from being accepted for service if the watcher has possession of a device capable of recording images or sound unless the watcher agrees to disable or deactivate the device.

H.B. 2953 repeals Section 33.051(c), Election Code.

EFFECTIVE DATE

September 1, 2015.