

## **BILL ANALYSIS**

C.S.H.B. 450  
By: Fallon  
Elections  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Interested parties contend that the use of a wireless communication device near a voting station should be allowed as a resource to aid voters. C.S.H.B. 450 seeks to address this issue by creating an exception to the prohibition against the use of a wireless communication device within 100 feet of a voting station.

### **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**

C.S.H.B. 450 amends the Election Code to create an exception to the prohibition against the use of a wireless communication device by a person within 100 feet of a voting station by authorizing a person to use the person's mobile phone to access information. The bill replaces the prohibition against a person using any mechanical or electronic means of recording images or sound within 100 feet of a voting station with a prohibition against a person using any mechanical or electronic means to take photographs, take video, or record sound within 100 feet of a voting station.

### **EFFECTIVE DATE**

On passage, or, if the bill does not receive the necessary vote, September 1, 2017.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 450 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

#### **INTRODUCED**

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

#### **HOUSE COMMITTEE SUBSTITUTE**

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

(a) Except as otherwise provided by this section, a [A] person may not use a wireless communication device within 100 feet of a voting station.

(b) A person may not use any mechanical or electronic means to record [~~of recording~~] images or sound within 100 feet of a voting station.

(e) A person who is occupying a voting station may use the person's mobile phone to access information that was downloaded or created on the phone before the person entered the polling place.

SECTION 2. The heading to Section 62.0111, Election Code, is amended to read as follows:

Sec. 62.0111. NOTICE OF PROHIBITION OF RECORDING [~~CERTAIN DEVICES~~].

SECTION 3. Section 62.0111(a), Election Code, is amended to read as follows:

(a) At the discretion of the presiding judge, notice of the prohibition of image and sound recording [~~the use of certain devices~~] under Section 61.014 may be posted at one or more locations in the polling place where it can be read by persons waiting to vote.

SECTION 4. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2017.

(a) Except as otherwise provided by this section, a [A] person may not use a wireless communication device within 100 feet of a voting station.

(b) A person may not use any mechanical or electronic means to take photographs, take video, or record [~~of recording images or~~] sound within 100 feet of a voting station.

(e) A person may use the person's mobile phone to access information.

SECTION 2. Same as introduced version.

SECTION 3. Section 62.0111(a), Election Code, is amended to read as follows:

(a) At the discretion of the presiding judge, notice of the prohibition of taking photographs, taking video, or recording sound [~~the use of certain devices~~] under Section 61.014 may be posted at one or more locations in the polling place where it can be read by persons waiting to vote.

SECTION 4. Same as introduced version.