

BILL ANALYSIS

C.S.H.B. 463
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Elections
Committee Report (Substituted)

BACKGROUND AND PURPOSE

A person is currently ineligible to serve as a poll watcher in an election if they have been finally convicted of an offense in connection with conduct directly attributable to an election. It has been suggested that this prohibition reflects a common sense approach to addressing voter fraud by making those who have a previous history of tampering with elections ineligible to serve as poll watchers. C.S.H.B. 463 seeks to expand this prohibition by making a person ineligible to serve as a poll watcher in an election if they have been finally convicted of any first or second degree felony.

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. 463 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 first or second degree felony offense. The bill requires a certificate of appointment issued to a poll watcher to contain an affidavit executed by the appointee stating that the appointee has not been finally convicted of such a felony offense or an offense in connection with conduct directly attributable to an election.

EFFECTIVE DATE

September 1, 2021.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 463 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute limits the type of felony for which a final conviction renders a person ineligible to serve as a poll watcher to a first or second degree felony.

The substitute changes the nature of the affidavit statement required to be in the certificate of appointment from a statement that the appointee has not been finally convicted of a felony to a statement that the appointee has not been finally convicted of a first or second degree felony or an offense in connection with conduct directly attributable to an election.