

SUBJECT: Prohibiting certain convicted felons from serving as poll watchers

COMMITTEE: Elections — committee substitute recommended

VOTE: 5 ayes — Cain, Clardy, Jetton, Schofield, Swanson

4 nays — J. González, Beckley, Bucy, Fierro

WITNESSES: For — Alan Vera, Harris County Republican Party Ballot Security Committee; Ed Johnson; (*Registered, but did not testify*: Daniel Greer, Direct Action Texas; David Wylie, Republican Party of Texas; Shelia Franklin, True Texas Project; Russell Hayter; Frank Holman)

Against — Laura Pressley, Joshua Council and Texas Election Watcher Coalition; James Slattery, Texas Civil Rights Project; Lisa Nilsson; Marcia Strickler; (*Registered, but did not testify*: Matt Simpson, ACLU of Texas; Robert L. Green, Travis County Republican Party Election Integrity Committee; Cyrus Reed, Lone Star Chapter Sierra Club; Glen Maxey, Texas Democratic Party; Stephanie Gharakhanian, Workers Defense Action Fund; Kathy Ford; Beth Maynard; Ruth York)

On — (*Registered, but did not testify*: Heather Hawthorne, County and District Clerks Association of Texas; Keith Ingram, Texas Secretary of State; Bradley Hodges; Michelle Mostert; Thomas Parkinson)

BACKGROUND: Elections Code sec. 33.035 makes a person convicted of an offense in connection with conduct directly attributable to an election ineligible to serve as a watcher in an election.

Sec. 33.006 requires certificates of appointment for election watchers to contain an affidavit executed by the appointee certifying that the appointee will meet certain requirements.

DIGEST: CSHB 463 would make a person finally convicted of a first-degree felony (life in prison or a sentence of five to 99 years and an optional fine of up to \$10,000) or a second-degree felony (two to 20 years in prison and an

optional fine of up to \$10,000) ineligible to serve as an election watcher.

The bill also would require that a verification that an appointee had not been finally convicted of a first-degree or second-degree felony or an offense in connection with conduct directly attributable to an election be included as part of the affidavit required of election watchers as part of a certificate of appointment.

The bill would take effect September 1, 2021.

**SUPPORTERS
SAY:**

CSHB 463 would strengthen election integrity and voter confidence in Texas by barring certain felons from acting as poll watchers. Because poll watchers perform a crucial public service, the public should be able to trust their character. The bill would not unfairly discriminate against a group of individuals but simply align requirements for poll watchers with those of other jobs requiring a high degree of public trust, such as police officers.

**CRITICS
SAY:**

CSHB 463 would unfairly discriminate against a certain class of individuals and prevent them from working as poll watchers. Convicted felons who have served their time and meet other requirements regain their right to vote and should be able to serve as a poll watcher.