

SUBJECT: Prohibiting individuals convicted of felonies from being poll watchers

COMMITTEE: Elections — committee substitute recommended

VOTE: 5 ayes — Klick, Burrows, Israel, Middleton, Swanson

2 nays — Bucy, Fierro

2 absent — Cortez, Cain

WITNESSES: For — Paul Hodson; (*Registered, but did not testify*: Heather Hawthorne, County and District Clerks' Association of Texas; Alan Vera, Harris County Republican Party Ballot Security Committee; Glen Maxey, Texas Democratic Party; Russell Hayter)

Against — Lon Burnam, Public Citizen; (*Registered, but did not testify*: Cinde Weatherby, League of Women Voters of Texas; Aryn James, Travis County Commissioners Court)

On — Keith Ingram, Texas Secretary of State; Chris Davis, Texas Association of Elections Administrators

BACKGROUND: Election Code sec. 33.001 defines watchers as individuals appointed by candidates, groups of registered voters on behalf of write-in candidates, or political parties who observe the conduct of elections on behalf of candidates, political parties, or the proponents or opponents of measures.

Sec. 33.006 requires appointing authorities to issue certificates of appointment to watcher appointees in order for their appointments to be effective. The certificates must include certain information identifying appointees, information about which polling place appointees will be serving, and other information.

Sec. 33.035 prohibits individuals from serving as watchers if they were finally convicted of offenses in connection with conduct directly attributable to an elections.

Some have suggested it would aid in maintaining the integrity of elections if individuals who had been convicted of felonies were prohibited from being poll watchers.

DIGEST: CSHB 431 would make individuals who were finally convicted of felony offenses ineligible to serve as watchers in elections. A watcher's certificate of appointment would have to contain an affidavit stating that the appointee had not been finally convicted of felony offenses.

The bill would take effect September 1, 2019.