

BILL ANALYSIS

Senate Research Center

H.B. 2155
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State Affairs
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Engrossed

DIGEST AND PURPOSE

Under current law, the use of cell phones in the polling place is not prohibited, but the provisions are unclear as to the authorized manner of their use. Previously, the secretary of state's office has advised that before a poll watcher may use a phone, the watcher must obtain the permission of the presiding judge. In light of the widespread use of and need for cell phones, this policy may no longer be realistic. The secretary of state's office now recommends that a person who is lawfully inside the polling place area should be allowed to use a cell phone as long as it is used in a nondisruptive manner. H.B. 2155 amends provisions relating to the use of cell phones in the polling place.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 33.051(c), Election Code, to provide that this subsection does not prohibit a poll watcher from having possession of a mobile telephone.

SECTION 2. Amends Subchapter C, Chapter 33, Election Code, by adding Section 33.062, as follows:

Sec. 33.062. USE OF MOBILE TELEPHONE. Authorizes a watcher to use a mobile telephone as provided by Section 61.012 without the prior consent of the presiding judge.

SECTION 3. Amends Subchapter A, Chapter 61, Election Code, by adding Section 61.012, as follows:

Sec. 61.012. USE OF MOBILE TELEPHONE. (a) Authorizes a person who is lawfully in a polling place to use a mobile telephone in a nondisruptive manner.

(b) Authorizes the presiding judge to require a person using a mobile telephone to leave the polling place if the person is using the telephone in a disruptive manner.

SECTION 4. Effective date: September 1, 2003.