

BILL ANALYSIS

C.S.H.B. 3909
By: Hickland
Elections
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Current law prohibits a person from using a wireless communication device within 100 feet of a voting station. The bill author has informed the committee that for many polling locations, this means that a person isn't allowed to use a wireless phone while waiting outside in line to vote, which is unnecessary and proves difficult and time-consuming for election workers to enforce. C.S.H.B. 3909 seeks to address this issue by changing the area of a polling place within which use of a wireless communication device is prohibited.

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. 3909 amends the Election Code to change the area of a polling place within which use of a wireless communication device is prohibited from within 100 feet of a voting station to within a room in which voting is taking place, except as permitted under provisions relating to access by persons with disabilities. The bill requires the secretary of state to require a presiding judge to post a notice that states the prohibition on the use of a wireless communication device in a prominent and reasonably visible location outside of a room in which voting is taking place.

EFFECTIVE DATE

September 1, 2025.

COMPARISON OF INTRODUCED AND SUBSTITUTE

While C.S.H.B. 3909 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

Both the introduced and the substitute change the area of a polling place within which use of a wireless communication device is prohibited by removing the specification that such an area is within 100 feet of a voting station, but whereas the introduced made that area a voting station, the substitute makes that area a room in which voting is taking place, except as permitted under provisions relating to access by persons with disabilities. The substitute includes a provision absent from the introduced requiring the secretary of state to require a presiding judge to post a notice that states the prohibition on the use of a wireless communication device in a prominent and reasonably visible location outside of a room in which voting is taking place.