



**Testimony on HB 1724,
Proposed Legislation relating to service as an election watcher.
By: James Slattery, Senior Staff Attorney, Texas Civil Rights Project
Texas House Elections Committee, March 18, 2021**

Chair Cain, Vice Chair González, and Members of the House Elections Committee,

I am here to testify in opposition to HB 1724, which would empower partisan poll watchers to halt the process of voting if they believe that there is “anirregularity or violation of law, including a procedural mistake that cannot be reversed.”

This would represent a dangerous expansion of the power of partisan poll watchers over Texas elections. Partisan poll watchers are agents of candidates and measures appearing on the ballot being voted on. To be a partisan poll watcher, you are not required under Texas law to complete any kind of training or examination in election law or procedures. To the extent that political parties voluntarily train poll watchers in Texas’s election laws, the content and accuracy of such training is entirely at their discretion, and may vary highly in quality from one county to the next. They don’t take an oath to observe Texas’s election laws, swearing only that they either do not have a recording device or have disabled one.

Section 2 would give these agents of political campaigns a veto over whether people can vote based on their mere belief that there may be an “irregularity,” even one that falls short of violating any actual law. Only the presiding or alternate presiding judge can unlock this veto over voting. Judges may find themselves constantly being taken away from their duties in order to arbitrate disputes with poll watchers, while voters must stand there waiting helplessly in the meantime.

Beyond the disruption to voting, such a power invites abuse. Poll watchers from one party may selectively deploy such vetoes against voters they believe align with the opposing party. This expanded power comes with no additional safeguards, such as a criminal penalty against the false use of such a veto by a partisan poll watcher.

This bill threatens to turn partisan poll watchers from mere “watchers” of the polling place to micromanagers. We therefore urge the Committee not to report HB 1724 favorably.