

By: Swanson, et al.

H.B. No. 611

Substitute the following for H.B. No. 611:

By: Swanson

C.S.H.B. No. 611

A BILL TO BE ENTITLED

AN ACT

relating to the assistance of voters; creating a criminal offense.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 64.034, Election Code, is amended to read as follows:

Sec. 64.034. OATH. A person selected to provide assistance to a voter must take the following oath, administered by an election officer at the polling place, before providing assistance:

"I swear (or affirm) under penalty of perjury that I will not suggest, by word, sign, or gesture, how the voter should vote; I will confine my assistance to answering the voter's questions, to stating propositions on the ballot, and to naming candidates and, if listed, their political parties; I will prepare the voter's ballot as the voter directs; I did not encourage, pressure, coerce, or intimidate the voter into choosing me to provide assistance; and I am not the voter's employer, an agent of the voter's employer, or an officer or agent of a labor union to which the voter belongs."

SECTION 2. Chapter 276, Election Code, is amended by adding Section 276.017 to read as follows:

Sec. 276.017. PERJURY IN CONNECTION WITH CERTAIN VOTING PROCEDURES. (a) A person commits an offense if the person makes a false statement when making the oath described by Section 64.034 or swears to the truth of a false statement previously made when making the oath described by Section 64.034.

1        (b) An offense under this section is a Class A misdemeanor  
2 except that the punishment for an offense under this section is a  
3 state jail felony if it is shown on the trial of the offense that the  
4 person made a false statement under Subsection (a) three or more  
5 times in connection with any election in a four-year period.

6        SECTION 3. The change in law made by this Act applies only  
7 to an offense committed on or after the effective date of this Act.  
8 An offense committed before the effective date of this Act is  
9 governed by the law in effect on the date the offense was committed,  
10 and the former law is continued in effect for that purpose. For  
11 purposes of this section, an offense was committed before the  
12 effective date of this Act if any element of the offense occurred  
13 before that date.

14        SECTION 4. This Act takes effect September 1, 2021.