

By: Swanson

H.B. No. 611

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the assistance of voters; increasing a criminal
3 penalty.

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

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

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

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

19 SECTION 2. Section 37.02, Penal Code, is amended by
20 amending Subsection (b) and adding Subsection (c) to read as
21 follows:

22 (b) An offense under this section is a Class A misdemeanor
23 except as provided by Subsection (c).

24 (c) The punishment for an offense under this section is a

1 state jail felony if it is shown on the trial of the offense that:

2 (1) the false statement was the oath described by
3 Section 64.034, Election Code; and

4 (2) the person made a false statement described by
5 Subdivision (1) three or more times in connection with a single
6 election.

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

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