

By: Peña

H.B. No. 3920

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the application for voter registration; providing
3 criminal penalties.

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

5 SECTION 1. Section 13.003, Election Code, is amended by
6 amending Subsection (b) and adding Subsection (c) to read as
7 follows:

8 (b) To be eligible for appointment as an agent to perform an
9 act under Subsection (a)(1), (3), (4), or (5), a person must:

10 (1) be the applicant's spouse, parent, or child; and

11 (2) be a qualified voter of the county or have
12 submitted a registration application and be otherwise eligible to
13 vote.

14 (c) Any person is eligible for appointment as an agent to
15 submit an application under Subsection (a)(2).

16 SECTION 2. Section 13.005(a), Election Code, is amended to
17 read as follows:

18 (a) A person commits an offense if the person acts as an
19 agent for an applicant as described by Section 13.003(a)(1), (3),
20 (4), or (5) but is not eligible for appointment as an agent for
21 those acts under Section 13.003(b).

22 SECTION 3. Section 13.006(a), Election Code, is amended to
23 read as follows:

24 (a) A person commits an offense if the person purports to

1 act as an agent in applying for registration or in signing a
2 registration application at a time when the person:

3 (1) is not an agent of the applicant under Section
4 13.003(a); and

5 (2) is not eligible for appointment under Section
6 13.003(b) or (c) as the agent of the person for whom the person
7 purports to act.

8 SECTION 4. Subchapter A, Chapter 13, Election Code, is
9 amended by adding Sections 13.008, 13.009, 13.010, 13.011, and
10 13.012 to read as follows:

11 Sec. 13.008. PERSONS WHO MAY REGISTER VOTERS. (a) To
12 encourage voter registration, a person may

13 (1) distribute voter registration application forms
14 throughout the county; and

15 (2) receive registration applications submitted to
16 the volunteer in person.

17 Sec. 13.009. HIGH SCHOOL VOLUNTEER REGISTRARS. A voter
18 registrar shall provide to each principal of a public or private
19 high school in the registrar's county or the principal's designee
20 voter registration application forms to be distributed to and
21 received in person from the school's students and employees.

22 Sec. 13.010. ISSUANCE OF RECEIPT. (a) On receipt of a
23 completed registration application, the person who receives the
24 application for delivery to the voter registrar shall prepare a
25 receipt in duplicate on a form furnished by the registrar.

26 (b) The receipt must contain:

27 (1) the name of the applicant and, if applicable, the

1 name of the applicant's agent; and

2 (2) the date the completed application is submitted to
3 the person.

4 (c) The person receiving the application shall sign the
5 receipt in the applicant's presence and shall give the original to
6 the applicant.

7 (d) The person receiving the application shall deliver the
8 duplicate receipt to the registrar with the registration
9 application. The registrar shall retain the receipt on file with
10 the application.

11 (e) The secretary of state may prescribe a procedure that is
12 an alternative to the procedure prescribed by this section that
13 will ensure the accountability of the registration applications.

14 Sec. 13.011. DELIVERY OF APPLICATION TO REGISTRAR. (a) A
15 person who receives a voter registration application from another
16 person shall deliver in person to the voter registrar each
17 completed application as provided by this section. The secretary
18 of state shall prescribe any procedures necessary to ensure the
19 proper and timely delivery of completed applications given to a
20 person who offers to deliver the application to the registrar on
21 behalf of the applicant.

22 (b) Except as provided by Subsection (c), a person who
23 offers to deliver the application to the registrar on behalf of the
24 applicant shall deliver the application to the registrar not later
25 than 5 p.m. of the fifth day after the date the person receives the
26 application.

27 (c) An application submitted after the 20th day and before

1 the 14th day before the date of an election in which any qualified
2 voter of the county is eligible to vote shall be delivered not later
3 than 5 p.m. of the 14th day before election day.

4 Sec. 13.012. FAILURE TO DELIVER APPLICATION. (a) A person
5 who receives a voter registration application from another person
6 commits an offense if the person intentionally or knowingly fails
7 to comply with Section 13.011.

8 (b) Except as provided by Subsection (c), an offense under
9 this section is a Class C misdemeanor.

10 (c) An offense under this section is a Class A misdemeanor
11 if the person's failure to comply is intentional.

12 SECTION 5. Section 20.037(c), Election Code, is amended to
13 read as follows:

14 (c) An application form delivered by mail must be
15 accompanied by a notice informing the applicant that the
16 application may be submitted in person or by mail to the voter
17 registrar of the county in which the applicant resides [~~or in person~~
18 ~~to a volunteer deputy registrar for delivery to the voter registrar~~
19 ~~of the county in which the applicant resides~~].

20 SECTION 6. Section 20.122(c), Election Code, is amended to
21 read as follows:

22 (c) The application forms must be accompanied by a notice
23 informing the licensees that the applications may be submitted in
24 person or by mail to the voter registrar of the county in which they
25 reside [~~or in person to a volunteer deputy registrar for delivery to~~
26 ~~the voter registrar of the county in which they reside~~].

27 SECTION 7. Section 31.040(b), Election Code, is amended to

1 read as follows:

2 (b) The commissioners court or the administrator may
3 require any or all of the administrator's deputies [~~other than~~
4 ~~unpaid volunteer deputy registrars,~~] to give a bond similar to that
5 required of the administrator in an amount not exceeding the amount
6 of the administrator's bond.

7 SECTION 8. Section 31.161(b), Election Code, is amended to
8 read as follows:

9 (b) The joint elections commission or the joint elections
10 administrator may require any or all of the administrator's
11 deputies [~~other than unpaid volunteer deputy registrars,~~] to give
12 a bond similar to that required of the administrator in an amount
13 not exceeding the amount of the administrator's bond.

14 SECTION 9. Subchapter B, Chapter 13, Election Code, is
15 repealed.

16 SECTION 10. The repeal by this Act of Sections 13.043,
17 13.044, and 13.046(g), Election Code, does not apply to an offense
18 committed under one of those sections before the effective date of
19 this Act. An offense committed under Section 13.043, 13.044, or
20 13.046(g), Election Code, is governed by the law in effect when the
21 offense was committed, and the former law is continued in effect for
22 that purpose.

23 SECTION 11. The changes in law made by this Act apply only
24 to a voter registration application submitted on or after the
25 effective date of this Act. The submission of a voter registration
26 application before the effective date of this Act is governed by the
27 law in effect when the application was submitted, and the former law

1 is continued in effect for that purpose.

2 SECTION 12. This Act takes effect September 1, 2009.