

BILL ANALYSIS

C.S.H.B. 3178
By: Schofield
Elections
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Current state law allows for the assistance of a voter at a polling location under certain conditions. Interested parties contend, however, that the law does not adequately deter a person from approaching a voter, suggesting that the voter may need assistance, and offering to assist the voter. These parties are concerned that the lack of a prohibition against this conduct could lead to voter intimidation and suggestion through this approach. C.S.H.B. 3178 seeks to address this concern.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill expressly does one or more of the following: creates a criminal offense, increases the punishment for an existing criminal offense or category of offenses, or changes 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. 3178 amends the Election Code to prohibit a person who is not an election officer from soliciting voters to provide voting assistance, including assistance provided during the period for early voting by personal appearance and early voting by mail. The bill makes it a Class A misdemeanor to violate that prohibition. The bill requires a person selected by a voter on the voter's request to provide the voter assistance in marking a ballot to provide a photo identification to an election officer.

EFFECTIVE DATE

September 1, 2015.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 3178 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Section 64.032, Election Code, is amended by adding Subsection (c-1) and

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Section 64.032(d), Election Code, is amended to read as follows:

84R 25589

15.113.630

Substitute Document Number: 84R 14421

amending Subsection (d) to read as follows:

(c-1) The person selected under Subsection (c) must also be a registered voter of the county in which the election is being held.

(d) If assistance is provided by a person of the voter's choice, the person shall provide a photo identification to an election officer and the officer shall enter the person's name and address on the poll list beside the voter's name.

SECTION 2. Subchapter B, Chapter 64, Election Code, is amended by adding Section 64.0325 to read as follows:

Sec. 34.0325. SOLICITING VOTERS TO PROVIDE ASSISTANCE PROHIBITED.

(a) A person who is not an election officer may not solicit voters to provide voting assistance, including assistance provided during the period for early voting by personal appearance and assistance provided under Section 86.010.

(b) A person commits an offense if the person violates Subsection (a). An offense under this subsection is a Class A misdemeanor.

SECTION 3. This Act takes effect September 1, 2015.

(d) If assistance is provided by a person of the voter's choice, the person shall provide a photo identification to an election officer and the officer shall enter the person's name and address on the poll list beside the voter's name.

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SECTION 3. Same as introduced version.