

By: Rodríguez

S.B. No. 406

A BILL TO BE ENTITLED

AN ACT

relating to reforming the electoral process; creating a criminal offense.

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

SECTION 1. Chapter 1, Election Code, is amended by adding Section 1.021 to read as follows:

Sec. 1.021. BIPARTISAN ELECTION COMMISSION. (a) The Bipartisan Election Commission is composed of eight members as follows:

(1) two members from each political party whose nominee for governor in the most recent gubernatorial general election received 20 percent or more of the total number of votes received by all candidates for governor in the election, appointed by the senate; and

(2) two members from each political party whose nominee for governor in the most recent gubernatorial general election received 20 percent or more of the total number of votes received by all candidates for governor in the election, appointed by the house of representatives.

(b) A member of the commission serves at the will of the appointing house of the legislature.

(c) The commission shall:

(1) study methods to reduce election fraud, increase voter turnout, and improve election practices in this state; and

1 (2) monitor the implementation of the changes in law
2 made to Chapter 63 regarding the procedures for accepting a voter.

3 (d) The commission shall report its findings to the
4 committees of each house of the legislature with jurisdiction over
5 elections. The commission shall submit one report not later than
6 December 1, 2016, and a second report not later than December 1,
7 2018. This subsection expires September 1, 2019.

8 SECTION 2. Subchapter A, Chapter 31, Election Code, is
9 amended by adding Sections 31.013 and 31.014 to read as follows:

10 Sec. 31.013. ELECTION INTEGRITY TRAINING. The secretary of
11 state and the attorney general jointly shall annually conduct, in
12 at least four different geographic regions of the state, election
13 integrity training for election officers, law enforcement
14 personnel, and prosecutors in methods of detecting, investigating,
15 and prosecuting instances of voter fraud and voter suppression.

16 Sec. 31.014. PHOTO IDENTIFICATION ACCESS STUDY. (a) Not
17 later than January 1, 2017, the secretary of state shall conduct a
18 study on the availability of photo identification and provide
19 recommendations to the legislature concerning:

20 (1) the ability to merge the databases of different
21 state agencies and governmental entities to obtain photographs of
22 voters for use on the voter's voter registration certificate; and

23 (2) ways to make photo identification available at no
24 cost to as many voters as possible, including the use of a program
25 to obtain photographs of voters using neighborhood mobile units for
26 use on the voter's voter registration certificate.

27 (b) This section expires September 1, 2017.

SECTION 3. Chapter 61, Election Code, is amended by adding Subchapter C to read as follows:

SUBCHAPTER C. DECEPTIVE ELECTION PRACTICES AND VOTER SUPPRESSION

Sec. 61.061. DECEPTIVE ELECTION PRACTICES AND VOTER SUPPRESSION PROHIBITED. A person may not knowingly deceive another person regarding:

(1) the time, place, or manner of conducting an election in this state; or

(2) the qualifications for or restrictions governing voter eligibility for an election in this state.

Sec. 61.062. CRIMINAL OFFENSE. (a) A person commits an offense if the person violates Section 61.061 with the intent to prevent another person from:

(1) voting in an election; or

(2) casting a ballot that may legally be counted.

(b) An offense under this section is a Class B misdemeanor.

Sec. 61.063. REPORT TO SECRETARY OF STATE; ACTION BY SECRETARY. (a) A person may report a suspected violation of Section 61.061 to the secretary of state through the voting rights hotline or otherwise.

(b) Not later than 48 hours after receiving the report, the secretary of state shall:

(1) refer the matter to the attorney general as provided by Section 31.006 if the secretary determines that there is reasonable cause to suspect that a criminal offense has been committed; and

(2) take any action determined necessary to provide

1 correct information to the voters affected by the violation.

2 (c) The secretary of state shall adopt rules regarding the
3 method of taking corrective action under Subsection (b)(2).

4 Sec. 61.064. REPORT TO LEGISLATURE. (a) Not later than
5 February 1 of each year, the secretary of state shall submit a
6 report to the legislature regarding the reported violations of
7 Section 61.061 during the preceding calendar year.

8 (b) The report must include:

9 (1) the number of reports of violations received;

10 (2) the number of alleged violations referred to the
11 attorney general;

12 (3) a description of the corrective actions taken
13 under Section 61.063(b)(2);

14 (4) the geographic locations of and populations
15 affected by the alleged violations; and

16 (5) any other information considered appropriate by
17 the secretary of state.

18 (c) The secretary of state may withhold specific
19 information from a report under this section if the secretary
20 determines that the disclosure of that information would unduly
21 interfere with an ongoing investigation.

22 SECTION 4. Subchapter A, Chapter 273, Election Code, is
23 amended by adding Section 273.005 to read as follows:

24 Sec. 273.005. POST-ELECTION INTEGRITY AUDIT. (a)
25 Following the general election for state and county officers, the
26 county clerk of each county shall conduct a post-election integrity
27 audit to examine and investigate any evidence of voter fraud or

1 voter suppression.

2 (b) The county clerk shall:

3 (1) not later than the 90th day after the date of the
4 general election for state and county officers, file a report with
5 the secretary of state and the commissioners court of the county
6 providing details of the evidence collected in the audit; and

7 (2) refer any evidence of voter fraud or voter
8 suppression collected under the audit to the district attorney or
9 criminal district attorney with jurisdiction in the county.

10 SECTION 5. This Act takes effect September 1, 2015.