

By: Swanson

H.B. No. 3643

A BILL TO BE ENTITLED

AN ACT

relating to the assistance of voters; increasing a penalty.

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) 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 pressure or intimidate the voter in 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. Section 37.02, Penal Code, is amended by amending Subsection (b) and adding Subsection (c) to read as follows:

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

(c) The punishment for an offense under this section is a state jail felony if it is shown on the trial of the offense that the

1 offense was a violation of Section 64.034, Election Code, and was
2 committed three or more times in a single election.

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

11 SECTION 4. This Act takes effect September 1, 2017.