

By: Swanson

H.B. No. 3686

A BILL TO BE ENTITLED

AN ACT

relating to the acceptance of a voter at a polling place; creating an offense; increasing a criminal penalty.

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

SECTION 1. Section 63.001, Election Code, is amended by amending Subsection (g) and adding Subsection (i) to read as follows:

(g) If the requirements for identification prescribed by Subsection (b) are not met or the documentation presented by a voter under Subsection (b) is not documentation listed under Section 63.0101 containing the voter's photograph, the voter may be accepted for provisional voting only under Section 63.011. For a voter who is not accepted for voting under this section, an election officer ~~shall~~:

(1) shall inform the voter of the voter's right to cast a provisional ballot under Section 63.011; ~~and~~

(2) shall provide the voter with written information, in a form prescribed by the secretary of state, that:

(A) lists the requirements for identification;

(B) states the procedure for presenting identification under Section 65.0541;

(C) includes a map showing the location where identification must be presented; and

(D) includes notice that if all procedures are

1 followed and the voter is found to be eligible to vote and is voting  
2 in the correct precinct, the voter's provisional ballot will be  
3 accepted; and

4 (3) may, according to the policy of the county in which  
5 the election officer serves, photograph the entire face of the  
6 voter using secure equipment and software provided by the county  
7 election board.

8 (i) A photograph of a voter obtained under Subsection (g)(3)  
9 may not be used for the purposes of accepting a voter under  
10 Subsection (b).

11 SECTION 2. Section 63.006(b), Election Code, is amended to  
12 read as follows:

13 (b) After the voter is accepted, an election officer shall[+  
14 [~~(1)~~] indicate beside the voter's name on the poll list  
15 that the voter was accepted under this section[~~, and~~  
16 [~~(2) enter the voter's name on the registration~~  
17 ~~omissions list~~].

18 SECTION 3. Section 63.012, Election Code, is amended to  
19 read as follows:

20 Sec. 63.012. UNLAWFULLY ACCEPTING OR REFUSING TO ACCEPT  
21 VOTER. (a) An election officer commits an offense if the officer  
22 knowingly:

23 (1) permits an ineligible voter to vote other than as  
24 provided by Section 63.011; [~~or~~]

25 (2) refuses to accept a person for voting whose  
26 acceptance is required by this code; or

27 (3) permits an ineligible person to vote under Section

1 63.006.

2 (b) Except as provided by Subsection (c), an [~~A~~] offense  
3 under this section is a Class A [~~B~~] misdemeanor.

4 (c) If it is shown on the trial of an offense under  
5 Subsection (a)(3) that the election officer has committed three or  
6 more offenses under Subsection (a)(3), the offense is a state jail  
7 felony.

8 SECTION 4. The change in law made by this Act to Section  
9 63.012, Election Code, applies only to an offense committed on or  
10 after the effective date of this Act. An offense committed before  
11 the effective date of this Act is governed by the law in effect at  
12 the time of the offense, and the former law is continued in effect  
13 for that purpose. For purposes of this section, an offense was  
14 committed before the effective date of this Act if any element of  
15 the offense occurred before that date.

16 SECTION 5. This Act takes effect September 1, 2017.