

By: Romero, Jr.

H.B. No. 73

A BILL TO BE ENTITLED

AN ACT

relating to assistance provided to a voter.

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

SECTION 1. Section 63.0013(e), Election Code, as added by Chapter 980 (H.B. 658), Acts of the 85th Legislature, Regular Session, 2017, is amended to read as follows:

(e) A person assisting a voter in accordance with Section 64.031 [64.032(c)] may be accepted to vote concurrently with a person accepted under Subsection (b) of this section at the voter's request.

SECTION 2. Sections 64.031 and 64.032, Election Code, are amended to read as follows:

Sec. 64.031. ELIGIBILITY FOR ASSISTANCE. (a) A voter who requires assistance to vote by reason of blindness, disability, or inability to read or write, or who requires an interpreter to comprehend the language in which the ballot is printed or to communicate with an election officer, may be given assistance by:

(1) a person of the voter's choice, other than the voter's employer, an agent of that employer, or an officer or agent of a labor union to which the voter belongs; or

(2) if the voter does not choose a person under Subdivision (1), [A voter is eligible to receive assistance in marking the ballot, as provided by this subchapter, if the voter cannot prepare the ballot because of:

1           ~~[(1) a physical disability that renders the voter~~  
2 ~~unable to write or see; or~~

3           ~~[(2) an inability to read the language in which the~~  
4 ~~ballot is written.~~

5           ~~[Sec. 64.032. PERSONS PROVIDING ASSISTANCE. (a) Except as~~  
6 ~~provided by Subsection (c), on a voter's request for assistance in~~  
7 ~~marking the ballot,]~~ two election officers ~~[shall provide the~~  
8 ~~assistance].~~

9           (b) If a voter is assisted by election officers in the  
10 general election for state and county officers, each officer must  
11 be aligned with a different political party unless there are not two  
12 or more election officers serving the polling place who are aligned  
13 with different parties.

14           (c) ~~[On the voter's request, the voter may be assisted by~~  
15 ~~any person selected by the voter other than the voter's employer, an~~  
16 ~~agent of the voter's employer, or an officer or agent of a labor~~  
17 ~~union to which the voter belongs.~~

18           ~~[(d)]~~ If assistance is provided by a person of the voter's  
19 choice under Subsection (a)(1), an election officer shall enter the  
20 person's name and address on the poll list beside the voter's name.

21           SECTION 3. Section 64.034, Election Code, is amended to  
22 read as follows:

23           Sec. 64.034. OATH. (a) Except as provided by Subsection  
24 (b), a [A] person selected to provide assistance to a voter must  
25 take the following oath, administered by an election officer at the  
26 polling place, before providing assistance:

27           "I swear (or affirm) that I will not suggest, by word, sign,

1 or gesture, how the voter should vote; I will confine my assistance  
2 to answering the voter's questions, to stating propositions on the  
3 ballot, and to naming candidates and, if listed, their political  
4 parties; I will prepare the voter's ballot as the voter directs; and  
5 I am not the voter's employer, an agent of the voter's employer, or  
6 an officer or agent of a labor union to which the voter belongs."

7 (b) A person whose assistance to the voter consists only of  
8 serving as an interpreter must take the following oath administered  
9 by an election officer:

10 "I swear (or affirm) that, to the best of my ability, I will  
11 correctly interpret and translate each question, answer, or  
12 statement addressed either to the voter by any election officer or  
13 to an election officer by the voter."

14 SECTION 4. Sections 64.036(b) and (c), Election Code, are  
15 amended to read as follows:

16 (b) A person commits an offense if the person knowingly  
17 assists a voter in violation of Section 64.031 [~~64.032(c)~~].

18 (c) An election officer commits an offense if the officer  
19 knowingly permits a person to provide assistance:

20 (1) to a voter who is not eligible for assistance; or

21 (2) in violation of Section 64.031 [~~64.032(c)~~].

22 SECTION 5. Section 86.010(a), Election Code, is amended to  
23 read as follows:

24 (a) A voter casting a ballot by mail who would be eligible  
25 under Section 64.031 to receive assistance at a polling place may  
26 select a person as provided by that section [~~Section 64.032(c)~~] to  
27 assist the voter in preparing the ballot.

1           SECTION 6. Sections [61.032](#), [61.033](#), [61.034](#), and [61.035](#),  
2 Election Code, are repealed.

3           SECTION 7. This Act takes effect immediately if it receives  
4 a vote of two-thirds of all the members elected to each house, as  
5 provided by Section [39](#), Article III, Texas Constitution. If this  
6 Act does not receive the vote necessary for immediate effect, this  
7 Act takes effect September 1, 2019.