

By: Lang

H.B. No. 3986

A BILL TO BE ENTITLED

1 AN ACT
2 relating to election integrity; creating criminal offenses;
3 imposing a civil penalty.

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

5 ARTICLE 1. EARLY VOTING AND POLLING PLACES

6 SECTION 1.01. Section 11.003, Election Code, is amended to
7 read as follows:

8 Sec. 11.003. PLACE FOR VOTING; OFFENSES. (a) Except as
9 otherwise provided by this code, a person may vote only in the
10 election precinct in which the person resides.

11 (b) A person commits an offense if the person casts a vote in
12 violation of Subsection (a).

13 (c) An election officer commits an offense if the officer
14 knowingly permits a person to cast a vote in violation of Subsection
15 (a).

16 (d) An offense under Subsection (b) or (c) is a Class A
17 misdemeanor.

18 SECTION 1.02. Section 62.0115(b), Election Code, is amended
19 to read as follows:

20 (b) Except as revised by the secretary of state under
21 Subsection (d), the notice must state that a voter has the right to:

22 (1) vote a ballot and view written instructions on how
23 to cast a ballot;

24 (2) vote in secret and free from intimidation;

1 (3) receive up to two additional ballots if the voter
2 mismarks, damages, or otherwise spoils a ballot;

3 (4) request instructions on how to cast a ballot, but
4 not to receive suggestions on how to vote;

5 (5) bring an interpreter to translate the ballot and
6 any instructions from election officials;

7 (6) receive assistance in casting the ballot if the
8 voter:

9 (A) has a physical disability that renders the
10 voter unable to write or see; or

11 (B) cannot read the language in which the ballot
12 is written;

13 (7) cast a ballot on executing an affidavit as
14 provided by law, if the voter's eligibility to vote is questioned;

15 (8) report an existing or potential abuse of voting
16 rights to the secretary of state or the local election official; and

17 (9) ~~[except as provided by Section 85.066(b), Election
18 Code, vote at any early voting location in the county in which the
19 voter resides in an election held at county expense, a primary
20 election, or a special election ordered by the governor; and~~

21 ~~[(10)]~~ file an administrative complaint with the
22 secretary of state concerning a violation of federal or state
23 voting procedures.

24 SECTION 1.03. Sections 85.001(a) and (c), Election Code,
25 are amended to read as follows:

26 (a) The period for early voting by personal appearance
27 begins on the 10th ~~[17th]~~ day before election day and continues

1 through the [~~fourth~~] day before election day, except as otherwise
2 provided by this section.

3 (c) If the date prescribed by Subsection (a) [~~or (b)~~] for
4 beginning the period is a Saturday, Sunday, or legal state holiday,
5 the early voting period begins on the next regular business day,
6 except as otherwise provided by Section 85.006.

7 SECTION 1.04. Section 85.004, Election Code, is amended to
8 read as follows:

9 Sec. 85.004. PUBLIC NOTICE OF MAIN POLLING PLACE LOCATION.
10 The election order and the election notice must state the location
11 of the main early voting polling place. The election notice must
12 state that a voter is only permitted to vote at the main early
13 voting polling place if it is located within the voter's election
14 precinct.

15 SECTION 1.05. Section 85.005(d), Election Code, is amended
16 to read as follows:

17 (d) In an election ordered by a city, early voting by
18 personal appearance at the main early voting polling place shall be
19 conducted for at least 12 hours[+

20 [~~(1)~~] on one weekday[, ~~if the early voting period~~
21 ~~consists of less than six weekdays, or~~

22 [~~(2)~~ ~~on two weekdays, if the early voting period~~
23 ~~consists of six or more weekdays]~~.

24 SECTION 1.06. Sections 85.006(a), (d), and (e), Election
25 Code, are amended to read as follows:

26 (a) Except as provided by Subsection (b), the authority
27 ordering an election may order early voting by personal appearance

1 at the main early voting polling place to be conducted on a Saturday
2 or Sunday [~~one or more Saturdays or Sundays~~] during the early voting
3 period.

4 (d) The authority authorized to order early voting on a
5 Saturday or Sunday under Subsection (a) or (b) shall order the
6 voting under the applicable subsection on receipt of a written
7 request submitted by at least 15 registered voters of the territory
8 covered by the election. The request must be submitted in time to
9 enable compliance with Section 85.007. The authority [~~is not~~
10 ~~required to order the voting on a particular date specified by the~~
11 ~~request but~~] shall order the voting on [~~at least one~~] Saturday if
12 [~~a~~] Saturday is requested and on [~~at least one~~] Sunday if [~~a~~] Sunday
13 is requested.

14 (e) In a primary election or the general election for state
15 and county officers in a county with a population of 100,000 or
16 more, the early voting clerk shall order personal appearance voting
17 at the main early voting polling place to be conducted for at least
18 12 hours on [~~the last~~] Saturday and for at least five hours on [~~the~~
19 ~~last~~] Sunday during [~~of~~] the early voting period. The early voting
20 clerk shall order voting to be conducted at those times in those
21 elections in a county with a population under 100,000 on receipt of
22 a written request for those hours submitted by at least 15
23 registered voters of the county. The request must be submitted in
24 time to enable compliance with Section 85.007. This subsection
25 supersedes any provision of this subchapter to the extent of any
26 conflict.

27 SECTION 1.07. Section 85.010(b), Election Code, is amended

1 to read as follows:

2 (b) A political subdivision that holds an election
3 described by Subsection (a) shall designate as an early voting
4 polling place for the election any early voting polling place[~~7~~
5 ~~other than a polling place established under Section 85.062(e),~~]
6 established by the county and located in the political subdivision.

7 SECTION 1.08. Section 85.033, Election Code, is amended to
8 read as follows:

9 Sec. 85.033. SECURITY OF VOTING MACHINE. (a) At the close
10 of early voting each day, the early voting clerk shall secure each
11 voting machine used for early voting in the manner prescribed by the
12 secretary of state so that its unauthorized operation is prevented.
13 The clerk shall unsecure the machine before the beginning of early
14 voting the following day.

15 (b) A voting machine used for early voting may not be
16 removed from the polling place until the polls close on election
17 day.

18 (c) A person commits an offense if the person violates
19 Subsection (b).

20 (d) An offense under this section is a state jail felony.

21 SECTION 1.09. Section 85.061(b), Election Code, is amended
22 to read as follows:

23 (b) In an election in which a temporary branch polling place
24 is established under Section 85.062(a)(1) [~~or (d)~~], the
25 commissioners court may provide by resolution, order, or other
26 official action that any one or more of the county clerk's regularly
27 maintained branch clerical offices are not to be branch early

1 voting polling places in the election.

2 SECTION 1.10. Sections 85.062(a) and (b), Election Code,
3 are amended to read as follows:

4 (a) One [~~Except as provided by Subsection (d) or (e), one~~]
5 or more early voting polling places other than the main early voting
6 polling place shall [~~may~~] be established in each election precinct
7 in the territory covered by the election by:

8 (1) the commissioners court, for an election in which
9 the county clerk is the early voting clerk; or

10 (2) the governing body of the political subdivision
11 served by the authority ordering the election, for an election in
12 which a person other than the county clerk is the early voting
13 clerk.

14 (b) A polling place established under this section may be
15 located[~~, subject to Subsection (d),~~] at any place in the territory
16 served by the early voting clerk and may be located in any
17 stationary structure as directed by the authority establishing the
18 branch office. The polling place may be located in a movable
19 structure, but the structure may not change locations during the
20 early voting period [~~in the general election for state and county~~
21 ~~officers, general primary election, or runoff primary election~~].

22 Ropes or other suitable objects may be used at the polling place to
23 ensure compliance with Section 62.004. Persons who are not
24 expressly permitted by law to be in a polling place shall be
25 excluded from the polling place to the extent practicable.

26 SECTION 1.11. Section 85.063, Election Code, is amended to
27 read as follows:

1 Sec. 85.063. DAYS AND HOURS FOR VOTING: PERMANENT OR
2 TEMPORARY BRANCH. Early voting by personal appearance at each
3 permanent or temporary branch polling place shall be conducted on
4 the same days and during the same hours as voting is conducted at
5 the main early voting polling place.

6 SECTION 1.12. Section 85.068(a), Election Code, is amended
7 to read as follows:

8 (a) The early voting clerk shall post notice for each
9 election stating any dates and the hours that voting on Saturday or
10 Sunday will be conducted at a temporary branch polling place [~~under~~
11 ~~Section 85.064(d) or 85.065(b)~~], if the early voting clerk is a
12 county clerk or city secretary under Section 83.002 or 83.005.

13 ARTICLE 2. ELECTION DAY AND TABULATION OF RESULTS

14 SECTION 2.01. Section 52.075, Election Code, is amended to
15 read as follows:

16 Sec. 52.075. MODIFICATION OF BALLOT FORM FOR CERTAIN VOTING
17 SYSTEMS. The secretary of state may prescribe the form and content
18 of a ballot for an election using a voting system, including an
19 electronic voting system [~~or a voting system that uses direct~~
20 ~~recording electronic voting machines~~], to conform to the formatting
21 requirements of the system.

22 SECTION 2.02. Section 63.001, Election Code, is amended by
23 adding Subsection (c-2) to read as follows:

24 (c-2) If the list of registered voters for the precinct
25 required under Subsection (c) is electronic, a paper copy must be
26 kept at the polling place and must be used to accept voters if the
27 electronic copy malfunctions.

1 SECTION 2.03. Section 122.001, Election Code, is amended by
2 adding Subsection (d-1) to read as follows:

3 (d-1) Effective September 1, 2023, a voting system may not
4 be used in an election if the voting system does not use a paper
5 record or produce a paper receipt that can be used to verify the
6 tabulation of electronic voting system results.

7 SECTION 2.04. Subchapter A, Chapter 122, Election Code, is
8 amended by adding Section 122.0031 to read as follows:

9 Sec. 122.0031. UNIFORM PROCEDURES FOR CERTAIN VOTING
10 SYSTEMS. (a) This section applies to an election in which a voting
11 system described by Section 122.001(d-1) is used.

12 (b) Not later than the 90th day before an election to which
13 this section applies, the secretary of state shall adopt uniform
14 procedures for the numbering of ballots in the election and the
15 accountability of ballots.

16 SECTION 2.05. Subchapter A, Chapter 123, Election Code, is
17 amended by adding Section 123.010 to read as follows:

18 Sec. 123.010. DIRECT RECORDING ELECTRONIC VOTING SYSTEM
19 PROHIBITED. Except as necessary to comply with Section 61.012, an
20 authority may not adopt a voting system that uses direct recording
21 electronic voting machines.

22 SECTION 2.06. Subchapter C, Chapter 127, Election Code, is
23 amended by adding Section 127.062 to read as follows:

24 Sec. 127.062. SEALED BALLOT BOXES FOR HYBRID VOTING SYSTEM.
25 (a) This section applies to an election where a voting system is
26 used that produces both an electronic system ballot and a paper
27 record or receipt.

1 (b) All provisions of this subchapter that apply to an
2 electronic system ballot also apply to the paper record or receipt
3 generated by a voting system.

4 ARTICLE 3. STATE OFFICIALS, CITIZENSHIP, AND REGISTRATION

5 SECTION 3.01. Section 13.071, Election Code, is amended to
6 read as follows:

7 Sec. 13.071. REVIEW OF APPLICATION. (a) The registrar
8 shall review each submitted application for registration to
9 determine whether it complies with Section 13.002 and indicates
10 that the applicant is a United States citizen eligible for
11 registration.

12 (b) If the application is submitted to the Department of
13 Public Safety in person with the proof of citizenship required by
14 Section 20.063(e), the [The] registrar shall make the determination
15 not later than the seventh day after the date the application is
16 submitted to the registrar.

17 (c) If the application is submitted in a manner other than
18 the manner described by Subsection (b), the registrar shall forward
19 the information relating to the applicant to the secretary of state
20 for determining citizenship as provided by Section 13.0721.

21 SECTION 3.02. Subchapter C, Chapter 13, Election Code, is
22 amended by adding Section 13.0721 to read as follows:

23 Sec. 13.0721. DETERMINATION OF CITIZENSHIP. (a) This
24 section does not apply to an application for registration submitted
25 to the Department of Public Safety in person with the proof of
26 citizenship required by Section 20.063(e).

27 (b) The secretary of state shall verify with the Department

1 of Public Safety the citizenship status of each applicant for voter
2 registration whose information is forwarded to the secretary of
3 state as provided by Section 13.071(c). If the department verifies
4 the applicant's citizenship status, the secretary of state shall
5 notify the registrar. If the department does not have information
6 regarding the citizenship status of the applicant or has
7 information indicating that the applicant is not a citizen, the
8 registrar and the applicant shall be notified as provided by
9 secretary of state rule.

10 (c) An applicant for voter registration who receives notice
11 under Subsection (b) must provide proof of citizenship to the
12 registrar not later than the 60th day after the date of receipt.
13 Except as provided by Subsection (d), this proof must be presented
14 in person. The following is acceptable as proof of citizenship
15 under this section:

16 (1) an unexpired passport issued to the person;

17 (2) a certified copy of a birth certificate or other
18 document confirming the person's birth that is admissible in a
19 court of law and establishes the person's identity, presented with
20 a government-issued identification that contains the person's
21 photograph; or

22 (3) United States citizenship papers issued to the
23 person, presented with a government-issued identification that
24 contains the person's photograph.

25 (d) An applicant may mail a certified copy of a document
26 described by Subsection (c)(2) or (3) with a copy of the person's
27 government-issued photo identification to the registrar.

1 (e) If an applicant does not provide proof of citizenship as
2 required, the registrar shall reject the application and notify the
3 secretary of state. The secretary of state shall keep a list of
4 applicants for which the secretary receives notice under this
5 section.

6 (f) The secretary of state shall adopt rules and prescribe
7 procedures to implement this section.

8 SECTION 3.03. Section 13.143(a), Election Code, is amended
9 to read as follows:

10 (a) Except as provided by Subsection [~~Subsections~~] (b) [~~and~~
11 ~~(e)~~], if an applicant's registration application is approved, the
12 registration becomes effective on the 30th day after the date the
13 application is approved [~~submitted to the registrar~~] or on the date
14 the applicant becomes 18 years of age, whichever is later.

15 SECTION 3.04. Section 16.031(a), Election Code, is amended
16 to read as follows:

17 (a) The registrar shall cancel a voter's registration
18 immediately on receipt of:

19 (1) notice under Section 13.072(b) or 15.021 or a
20 response under Section 15.053 that the voter's residence is outside
21 the county;

22 (2) an abstract of the voter's death certificate under
23 Section 16.001(a) or an abstract of an application indicating that
24 the voter is deceased under Section 16.001(b);

25 (3) an abstract of a final judgment of the voter's
26 total mental incapacity, partial mental incapacity without the
27 right to vote, conviction of a felony, or disqualification under

1 Section 16.002, 16.003, or 16.004;

2 (4) notice under Section 112.012 that the voter has
3 applied for a limited ballot in another county;

4 (5) notice from a voter registration official in
5 another state that the voter has registered to vote outside this
6 state;

7 (6) notice from the early voting clerk under Section
8 101.053 that a federal postcard application submitted by an
9 applicant states a voting residence address located outside the
10 registrar's county; ~~or~~

11 (7) notice from the secretary of state that the voter
12 has registered to vote in another county, as determined by the
13 voter's driver's license number or personal identification card
14 number issued by the Department of Public Safety or social security
15 number; or

16 (8) a list under Section 18.068 of this code or Section
17 62.113, Government Code, of persons excused or disqualified from
18 jury service because of citizenship status that includes the voter,
19 or notice from any governmental agency that the voter has
20 acknowledged that the voter is not a citizen of the United States.

21 SECTION 3.05. Section 16.036(a), Election Code, is amended
22 to read as follows:

23 (a) Immediately after, but not later than the 30th day after
24 the date a voter's registration is canceled under Section
25 16.031(a)(3) or (8), 16.033, or 16.0331, ~~or 16.0332,~~ the
26 registrar shall deliver written notice of the cancellation to the
27 voter.

1 SECTION 3.06. Section 18.065, Election Code, is amended by
2 adding Subsections (e), (f), and (g) to read as follows:

3 (e) If a registrar fails to correct a violation within 30
4 days of a notice under Subsection (b), the secretary of state shall
5 correct the violation on behalf of the registrar.

6 (f) A registrar is liable to this state for a civil penalty
7 of \$50 for each violation corrected by the secretary of state under
8 Subsection (e). The attorney general may bring an action to recover
9 a civil penalty imposed under this section.

10 (g) A civil penalty collected by the attorney general under
11 this section shall be deposited in the state treasury to the credit
12 of the general revenue fund.

13 SECTION 3.07. Section 18.068, Election Code, is amended to
14 read as follows:

15 Sec. 18.068. COMPARISON OF INFORMATION REGARDING
16 INELIGIBILITY. (a) The secretary of state shall quarterly compare
17 the information received under Section 16.001 of this code and
18 Section 62.113, Government Code, to the statewide computerized
19 voter registration list.

20 (a-1) The secretary of state shall enter into an agreement
21 with the Department of Public Safety under which information in the
22 statewide computerized voter registration list is compared against
23 information in the database of the Department of Public Safety on a
24 monthly basis to verify the accuracy of information provided on
25 voter registration applications. The Department of Public Safety
26 shall use any available information under the federal REAL ID
27 program to assist the secretary under this subsection. The

1 information compared must include, at a minimum, a voter's:

2 (1) full legal name;

3 (2) former name, if applicable;

4 (3) date of birth;

5 (4) residence address;

6 (5) driver's license or state identification card
7 number;

8 (6) signature;

9 (7) social security number;

10 (8) documentation of lawful presence in this state;

11 and

12 (9) citizenship status.

13 (a-2) If the secretary of state determines from information
14 received under Subsection (a) or (a-1) that a voter on the
15 registration list may be ineligible to vote ~~[is deceased or has been~~
16 ~~excused or disqualified from jury service because the voter is not a~~
17 ~~citizen]~~, the secretary shall send notice of the determination to:

18 (1) the voter registrar of the counties considered
19 appropriate by the secretary; and

20 (2) if appropriate, the attorney general.

21 (b) The secretary of state shall by rule determine what
22 information combinations identified as common to a voter and to an
23 individual who is deceased or ineligible to vote constitute a weak
24 match or a strong match in order to:

25 (1) produce the least possible impact on Texas voters;

26 and

27 (2) fulfill its responsibility to manage the voter

1 rolls.

2 (c) The secretary of state may not determine that a voter is
3 deceased or ineligible to vote based on a weak match. The secretary
4 of state may inform the county of the voter's residence that a weak
5 match exists.

6 (d) On receiving notification from the secretary of state
7 under Subsection (c) that a weak match of identifying information
8 exists for a county voter and an individual who is deceased or
9 ineligible to vote, the county shall investigate whether the voter
10 is that ~~[the]~~ individual ~~[who is deceased]~~.

11 (e) The secretary of state may determine that a voter is
12 deceased or ineligible to vote based on a strong match.

13 (f) The secretary of state may obtain, for purposes of
14 determining whether a voter is deceased or ineligible to vote,
15 information from other state agency databases relating to a voter
16 that is the same type of information that the secretary of state or
17 a voter registrar collects or stores for voter registration
18 purposes.

19 SECTION 3.08. Section 19.001(a), Election Code, is amended
20 to read as follows:

21 (a) Before May 15 of each year, the registrar shall prepare
22 and submit to the secretary of state a statement containing:

23 (1) the total number of initial registrations for the
24 previous voting year;

25 (2) the total number of registrations canceled under
26 Sections 16.031(a)(1) and (8) and Section [7] 16.033 ~~[7 and 16.0332]~~
27 for the previous voting year; and

1 (3) the total number of registrations for which
2 information was updated for the previous voting year.

3 SECTION 3.09. Section 20.063, Election Code, is amended by
4 adding Subsection (e) to read as follows:

5 (e) A person who submits a voter registration application to
6 the department in person shall at the time of submission present as
7 proof of citizenship:

8 (1) an unexpired passport issued to the person;

9 (2) a certified copy of a birth certificate or other
10 document confirming the person's birth that is admissible in a
11 court of law and establishes the person's identity; or

12 (3) United States citizenship papers issued to the
13 person.

14 ARTICLE 4. REPEALER, TRANSITION, AND EFFECTIVE DATE

15 Section 4.01. The following provisions of the Election Code
16 are repealed:

17 (1) Section 13.041;

18 (2) Sections 13.143(d) and (e);

19 (3) Section 16.0332;

20 (4) Sections 85.001(b) and (e);

21 (5) Section 85.003;

22 (6) Sections 85.062(d) and (e);

23 (7) Section 85.064;

24 (8) Section 85.065;

25 (9) Section 85.066;

26 (10) Chapter 129; and

27 (11) Section 213.016.

1 SECTION 4.02. Section 33.05, Penal Code, is repealed.

2 SECTION 4.03. The changes in law made by this Act in
3 repealing the punishments for existing criminal offenses apply 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 4.04. This Act takes effect September 1, 2019.