

By: Hughes, Creighton, Hall

S.B. No. 901

A BILL TO BE ENTITLED

AN ACT

relating to election integrity; increasing a criminal penalty.

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

SECTION 1. Section 86.0051(d), Election Code, is amended to read as follows:

(d) An offense under this section is a ~~[Class A misdemeanor, unless it is shown on the trial of an offense under this section that the person committed an offense under Section 64.036 for providing unlawful assistance to the same voter in connection with the same ballot, in which event the offense is a]~~ state jail felony.

SECTION 2. Section 87.027(i), Election Code, is amended to read as follows:

(i) The signature verification committee shall compare the signature on each carrier envelope certificate, except those signed for a voter by a witness, with the signature on the voter's ballot application to determine whether the signatures are those of the voter. The committee may also compare the signatures with any signature ~~[two or more signatures]~~ of the voter made within the preceding six years and on file with the county clerk or voter registrar to determine whether the signatures are those of the voter. Except as provided by Subsection (l), a determination under this subsection that the signatures are not those of the voter must be made by a majority vote of the committee's membership. The committee shall place the jacket envelopes, carrier envelopes, and

1 applications of voters whose signatures are not those of the voter
2 in separate containers from those of voters whose signatures are
3 those of the voter. The committee chair shall deliver the sorted
4 materials to the early voting ballot board at the time specified by
5 the board's presiding judge.

6 SECTION 3. Section 87.041(e), Election Code, is amended to
7 read as follows:

8 (e) In making the determination under Subsection (b)(2),
9 the board may also compare the signatures with any signature [~~two or~~
10 ~~more signatures~~] of the voter made within the preceding six years
11 and on file with the county clerk or voter registrar to determine
12 whether the signatures are those of the voter.

13 SECTION 4. Section 87.042(b), Election Code, is amended to
14 read as follows:

15 (b) The [~~Except as provided by Subsection (c), the~~] board
16 shall place the ballot envelope containing an accepted ballot in a
17 separate container from the ballot box containing the early voting
18 ballots voted by personal appearance.

19 SECTION 5. Sections 87.062(a) and (c), Election Code, are
20 amended to read as follows:

21 (a) On the direction of the presiding judge, the early
22 voting ballot board, in accordance with Section 85.032(b), shall
23 open the containers [~~container~~] for the early voting ballots that
24 are to be counted by the board, remove the contents from the
25 containers [~~container~~], and remove any ballots enclosed in ballot
26 envelopes from their envelopes.

27 (c) Ballots voted by mail shall be tabulated separately from

1 the ballots voted by personal appearance and shall be separately
2 reported on the returns [~~The results of all early voting ballots~~
3 ~~counted by the board under this subchapter shall be included in the~~
4 ~~same return~~].

5 SECTION 6. Section 87.103, Election Code, is amended to
6 read as follows:

7 Sec. 87.103. COUNTING BALLOTS AND PREPARING RETURNS.

8 (a) The early voting electronic system ballots counted at a
9 central counting station, the ballots cast at precinct polling
10 places, and the ballots voted by mail shall be tabulated separately
11 [~~from the ballots cast at precinct polling places~~] and shall be
12 separately reported on the returns.

13 (b) The early voting returns prepared at the central
14 counting station must include any early voting results obtained by
15 the early voting ballot board under Subchapter [~~Subchapters~~] D [~~and~~
16 ~~E~~].

17 SECTION 7. Section 87.042(c), Election Code, is repealed.

18 SECTION 8. The change in law made by this Act to Section
19 86.0051(d), Election Code, applies only to an offense committed on
20 or after the effective date of this Act. An offense committed
21 before the effective date of this Act is governed by the law in
22 effect on the date the offense was committed, and the former law is
23 continued in effect for that purpose. For purposes of this section,
24 an offense was committed before the effective date of this Act if
25 any element of the offense occurred before that date.

26 SECTION 9. This Act takes effect September 1, 2019.