

By: Hughes

S.B. No. 903

A BILL TO BE ENTITLED

AN ACT

relating to the integrity of elections in this state; imposing a civil penalty; increasing a criminal penalty.

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

SECTION 1. Article 42.03, Code of Criminal Procedure, is amended by adding Section 6 to read as follows:

Sec. 6. The court, after pronouncing the sentence of a defendant adjudged guilty of a felony, shall inform the defendant of the full impact of the conviction on the defendant's voting rights in this state under Section 11.002(a)(4), Election Code.

SECTION 2. Section 13.074(c), Election Code, is amended to read as follows:

(c) The registrar may not challenge an applicant later than:

(1) the fifth [second] day after the date the application is determined to comply with Section 13.002 and indicate that the applicant is eligible for registration, if the application was submitted less than 60 days before the next election in which the applicant would be eligible to vote; or

(2) the 30th day after the date the application is determined to comply with Section 13.002 and indicate that the applicant is eligible for registration, if the application was submitted more than 60 days before the next election in which the applicant would be eligible to vote.

SECTION 3. Section 15.028, Election Code, is amended to

1 read as follows:

2 Sec. 15.028. NOTICE OF UNLAWFUL VOTING OR REGISTRATION [~~TO~~
3 ~~PROSECUTOR~~]. [~~(a)~~] If the registrar determines that a person who
4 is not eligible to vote may have registered to vote or [~~a registered~~
5 ~~voter~~] voted in an election, the registrar shall execute and
6 deliver to the attorney general, the secretary of state, and the
7 county or district attorney having jurisdiction in the territory
8 covered by the election an affidavit stating the relevant facts.

9 ~~[(b) If the election covers territory in more than one~~
10 ~~county, the registrar shall also deliver an affidavit to the~~
11 ~~attorney general.]~~

12 SECTION 4. Section 16.001(d), Election Code, is amended to
13 read as follows:

14 (d) With the cooperation of the secretary of state, the
15 Department of Public Safety shall, in accordance with federal law,
16 enter into an agreement with the commissioner of social security to
17 verify on a quarterly basis the information of voter registration
18 records containing a social security number. At a minimum, the
19 department shall verify if:

20 (1) the name, date of birth, and social security
21 number listed in the commissioner's records match those on record
22 with the department; and

23 (2) the commissioner's records show the person to be
24 deceased. [~~The secretary of state shall quarterly obtain from the~~
25 ~~United States Social Security Administration available information~~
26 ~~specified by the secretary relating to deceased residents of the~~
27 ~~state.]~~

1 SECTION 5. Section 16.0332(a), Election Code, is amended to
2 read as follows:

3 (a) After the registrar receives a list under Section 18.068
4 of this code or Section 62.113, Government Code, of persons excused
5 or disqualified from jury service or otherwise determined to be
6 ineligible to vote because of citizenship status, the registrar
7 shall deliver to each registered voter whose name appears on the
8 list a written notice requiring the voter to submit to the registrar
9 proof of United States citizenship in the form of a certified copy
10 of the voter's birth certificate, United States passport, or
11 certificate of naturalization or any other form prescribed by the
12 secretary of state. The notice shall be delivered by forwardable
13 mail to the mailing address on the voter's registration application
14 and to any new address of the voter known to the registrar.

15 SECTION 6. Section 18.065, Election Code, is amended by
16 amending Subsection (a) and adding Subsections (e), (f), and (g) to
17 read as follows:

18 (a) The secretary of state shall monitor each registrar for
19 substantial compliance with Sections 15.083, 16.032, 16.0332, and
20 18.061 and with rules implementing the statewide computerized voter
21 registration list.

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

25 (f) A registrar is liable to this state for a civil penalty
26 of \$100 for each violation corrected by the registrar under
27 Subsection (e). The attorney general may bring an action to recover

1 a civil penalty imposed under this section.

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

5 SECTION 7. Section 18.068, Election Code, is amended to
6 read as follows:

7 Sec. 18.068. COMPARISON OF INFORMATION REGARDING
8 INELIGIBILITY. (a) The secretary of state shall quarterly compare
9 the information received under Section 16.001 of this code and
10 Section 62.113, Government Code, to the statewide computerized
11 voter registration list.

12 (a-1) The secretary of state shall enter into an agreement
13 with the Department of Public Safety under which information in the
14 statewide computerized voter registration list is compared against
15 information in the database of the Department of Public Safety on a
16 monthly basis to verify the accuracy of information provided on
17 voter registration applications. The information compared must
18 include, at a minimum, a voter's:

- 19 (1) full legal name;
20 (2) former name, if applicable;
21 (3) date of birth;
22 (4) residence address;
23 (5) driver's license or state identification card
24 number;
25 (6) signature;
26 (7) social security number;
27 (8) documentation of lawful presence in this state;

1 and

2 (9) citizenship status.

3 (a-2) If the secretary determines from information received
4 under Subsection (a) or (a-1) that a voter on the registration list
5 may be ineligible to vote [~~is deceased or has been excused or~~
6 ~~disqualified from jury service because the voter is not a citizen~~],
7 the secretary shall send notice of the determination to the voter
8 registrar of the counties considered appropriate by the secretary.

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

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

14 and

15 (2) fulfill its responsibility to manage the voter
16 rolls.

17 (c) The secretary of state may not determine that a voter is
18 deceased or ineligible to vote based on a weak match. The
19 secretary of state may inform the county of the voter's residence
20 that a weak match exists.

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

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

1 (f) The secretary of state may obtain, for purposes of
2 determining whether a voter is deceased or ineligible to vote,
3 information from other state agency databases relating to a voter
4 that is the same type of information that the secretary of state or
5 a voter registrar collects or stores for voter registration
6 purposes.

7 (g) Not later than December 31 of each year, the secretary
8 of state shall provide a report to the legislature of the number of
9 voters determined to be ineligible under this section during the
10 calendar year. The report must include the reason for
11 ineligibility for each voter.

12 SECTION 8. Section 18.0681(d), Election Code, is amended to
13 read as follows:

14 (d) If the secretary of state determines that a voter on the
15 registration list has more than one registration record on file
16 based on a strong match, the secretary shall send notice of the
17 determination to the voter registrar of each county in which the
18 voter is registered to vote. If the voter records identified are:

19 (1) located in the same county, the voter registrar
20 shall ~~may~~ merge the records following a determination that each
21 record belongs to the same voter using the procedure for the
22 correction of registration records under Section 15.022; or

23 (2) located in more than one county, the registrar of
24 the county with the oldest record shall ~~may~~ deliver a written
25 confirmation notice in accordance with Section 15.051.

26 SECTION 9. Subchapter C, Chapter 33, Election Code, is
27 amended by adding Section 33.0581 to read as follows:

1 Sec. 33.0581. REPORT TO ATTORNEY GENERAL. (a) A watcher
2 who observes a violation of Section 276.013 may report the
3 violation to the attorney general.

4 (b) The attorney general shall prescribe the form and manner
5 of a report under this section and may adopt rules as necessary to
6 implement this section.

7 SECTION 10. Section 87.0431(b), Election Code, is amended
8 to read as follows:

9 (b) The early voting clerk shall, not later than the 30th
10 day after election day, deliver notice to the attorney general,
11 including certified copies of the carrier envelope and
12 corresponding ballot application, of any ballot rejected because:

13 (1) the voter was deceased;

14 (2) the voter already voted in person in the same
15 election;

16 (3) the signatures on the carrier envelope and ballot
17 application were not executed by the same person;

18 (4) the carrier envelope certificate lacked a witness
19 signature; ~~or~~

20 (5) the carrier envelope certificate was improperly
21 executed by an assistant; or

22 (6) any form of voter fraud was committed.

23 SECTION 11. Section 273.021(a), Election Code, is amended
24 to read as follows:

25 (a) The attorney general may prosecute a criminal offense
26 prescribed by the election laws of this state, including any
27 offense under state law that involves any part of the election

1 process.

2 SECTION 12. Section 276.013(b), Election Code, is amended
3 to read as follows:

4 (b) An offense under this section is a state jail felony
5 [~~Class A misdemeanor~~].

6 SECTION 13. The changes in law made by this Act apply only
7 to an offense committed on or after the effective date of this Act.
8 An offense committed before the effective date of this Act is
9 governed by the law in effect on the date the offense was committed,
10 and the former law is continued in effect for that purpose. For
11 purposes of this section, an offense was committed before the
12 effective date of this Act if any element of the offense occurred
13 before that date.

14 SECTION 14. This Act takes effect September 1, 2019.