

By: Hall

S.B. No. 1601

A BILL TO BE ENTITLED

1 AN ACT
2 relating to ensuring election integrity, including through
3 periodic voter registration; creating criminal offenses; imposing
4 a civil penalty.

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

6 SECTION 1. 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 2. Section 13.122(a), Election Code, is amended to
19 read as follows:

20 (a) In addition to the other statements and spaces for
21 entering information that appear on an officially prescribed
22 registration application form, each official form must include:

23 (1) the statement: "I understand that giving false
24 information to procure a voter registration is perjury and a crime

1 under state and federal law.";

2 (2) a space for the applicant's registration number;

3 (3) a space for the applicant's Texas driver's license
4 number or number of a personal identification card issued by the
5 Department of Public Safety;

6 (4) a space for the applicant's telephone number;

7 (5) a space for the applicant's social security
8 number;

9 (6) a space for the applicant's sex;

10 (7) a statement indicating that the furnishing of the
11 applicant's telephone number and sex is optional;

12 (8) a space or box for indicating whether the
13 applicant or voter is submitting new registration information or a
14 change in current registration information;

15 (9) a statement instructing a voter who is using the
16 form to make a change in current registration information to enter
17 the voter's name and the changed information in the appropriate
18 spaces on the form;

19 (10) a statement that if the applicant declines to
20 register to vote, that fact will remain confidential and will be
21 used only for voter registration purposes;

22 (11) a statement that if the applicant does register
23 to vote, information regarding the agency or office to which the
24 application is submitted will remain confidential and will be used
25 only for voter registration purposes;

26 (12) a space or box for indicating whether the
27 applicant is interested in working as an election judge;

1 (13) a statement warning that a conviction for making
2 a false statement may result in imprisonment for up to the maximum
3 amount of time provided by law, a fine of up to the maximum amount
4 provided by law, or both the imprisonment and the fine; ~~and~~

5 (14) a space or box for indicating whether the
6 application is for an initial registration or for renewal
7 registration; and

8 (15) any other voter registration information
9 required by federal law or considered appropriate and required by
10 the secretary of state.

11 SECTION 3. Section 13.142(c), Election Code, is amended to
12 read as follows:

13 (c) An initial certificate takes effect on the effective
14 date of the registration and expires on the fourth anniversary of
15 the date it takes effect ~~[the following January 1 of an~~
16 ~~even-numbered year]~~.

17 SECTION 4. Section 13.143, Election Code, is amended by
18 amending Subsection (c) and adding Subsection (c-1) to read as
19 follows:

20 (c) A registration is effective until canceled under this
21 code or until the fourth anniversary of the date the registration
22 became effective, whichever is earlier.

23 (c-1) Notwithstanding Subsection (c), the registration of a
24 voter whose registration was effective on September 1, 2019, is
25 effective until canceled under this code or until September 1,
26 2023, whichever is earlier. This subsection expires January 1,
27 2024.

1 SECTION 5. Section 14.001, Election Code, is amended by
2 amending Subsections (a) and (c) and adding Subsection (a-1) to
3 read as follows:

4 (a) A voter may apply to the registrar for a renewal of the
5 voter's registration at any point in the final year that the voter's
6 current registration will be effective.

7 (a-1) The voter shall submit a renewal application in the
8 same manner provided for an initial application under Subchapter A
9 of Chapter 13, and the registrar shall comply with all applicable
10 provisions of Subchapter C of Chapter 13 in determining whether to
11 renew the applicant's registration. [~~On or after November 15 but~~
12 ~~before December 6 of each odd-numbered year, the registrar shall~~
13 ~~issue a voter registration certificate to each voter in the county~~
14 ~~whose registration is effective on the preceding November 14 and~~
15 ~~whose name does not appear on the suspense list.]~~

16 (c) A renewal certificate becomes effective on the date the
17 voter's previous registration expires and is valid for four [~~two~~]
18 years beginning on the date it becomes effective [~~January 1~~
19 ~~following its issuance~~].

20 SECTION 6. Section 15.081(a), Election Code, is amended to
21 read as follows:

22 (a) The registrar shall maintain a suspense list containing
23 the name of each voter:

24 (1) who fails to submit a response to the registrar in
25 accordance with Section 15.053; or

26 (2) [~~whose renewal certificate is returned to the~~
27 ~~registrar in accordance with Subchapter B, Chapter 14, or~~

1 [~~3~~] who appears on the list of nonresidents of the
2 county provided to the registrar under Section 62.114, Government
3 Code.

4 SECTION 7. Section 18.065, Election Code, is amended by
5 adding Subsections (e), (f), and (g) to read as follows:

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

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

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

16 SECTION 8. Section 62.0115(b), Election Code, is amended to
17 read as follows:

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

20 (1) vote a ballot and view written instructions on how
21 to cast a ballot;

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

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

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

27 (5) bring an interpreter to translate the ballot and

1 any instructions from election officials;

2 (6) receive assistance in casting the ballot if the
3 voter:

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

6 (B) cannot read the language in which the ballot
7 is written;

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

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

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

16 ~~[(10)]~~ file an administrative complaint with the
17 secretary of state concerning a violation of federal or state
18 voting procedures.

19 SECTION 9. Sections 85.001(a) and (c), Election Code, are
20 amended to read as follows:

21 (a) The period for early voting by personal appearance
22 begins on the 10th ~~[17th]~~ day before election day and continues
23 through the ~~[fourth]~~ day before election day, except as otherwise
24 provided by this section.

25 (c) If the date prescribed by Subsection (a) ~~[or (b)]~~ for
26 beginning the period is a Saturday, Sunday, or legal state holiday,
27 the early voting period begins on the next regular business day.

1 except as otherwise provided by Section 85.006.

2 SECTION 10. Section 85.004, Election Code, is amended to
3 read as follows:

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

10 SECTION 11. Section 85.005(d), Election Code, is amended to
11 read as follows:

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

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

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

19 SECTION 12. Sections 85.006(a), (d), and (e), Election
20 Code, are amended to read as follows:

21 (a) Except as provided by Subsection (b), the authority
22 ordering an election may order early voting by personal appearance
23 at the main early voting polling place to be conducted on a Saturday
24 or Sunday [~~one or more Saturdays or Sundays~~] during the early voting
25 period.

26 (d) The authority authorized to order early voting on a
27 Saturday or Sunday under Subsection (a) or (b) shall order the

1 voting under the applicable subsection on receipt of a written
2 request submitted by at least 15 registered voters of the territory
3 covered by the election. The request must be submitted in time to
4 enable compliance with Section 85.007. The authority [~~is not~~
5 ~~required to order the voting on a particular date specified by the~~
6 ~~request but~~] shall order the voting on [~~at least one~~] Saturday if
7 [~~a~~] Saturday is requested and on [~~at least one~~] Sunday if [~~a~~] Sunday
8 is requested.

9 (e) In a primary election or the general election for state
10 and county officers in a county with a population of 100,000 or
11 more, the early voting clerk shall order personal appearance voting
12 at the main early voting polling place to be conducted for at least
13 12 hours on [~~the last~~] Saturday and for at least five hours on [~~the~~
14 ~~last~~] Sunday during [~~of~~] the early voting period. The early voting
15 clerk shall order voting to be conducted at those times in those
16 elections in a county with a population under 100,000 on receipt of
17 a written request for those hours submitted by at least 15
18 registered voters of the county. The request must be submitted in
19 time to enable compliance with Section 85.007. This subsection
20 supersedes any provision of this subchapter to the extent of any
21 conflict.

22 SECTION 13. Section 85.010(b), Election Code, is amended to
23 read as follows:

24 (b) A political subdivision that holds an election
25 described by Subsection (a) shall designate as an early voting
26 polling place for the election any early voting polling place[~~7~~
27 ~~other than a polling place established under Section 85.062(e),]~~

1 established by the county and located in the political subdivision.

2 SECTION 14. Section 85.033, Election Code, is amended to
3 read as follows:

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

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

13 (c) A person commits an offense if the person violates
14 Subsection (b).

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

16 SECTION 15. Section 85.061(b), Election Code, is amended to
17 read as follows:

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

24 SECTION 16. Sections 85.062(a) and (b), Election Code, are
25 amended to read as follows:

26 (a) One [~~Except as provided by Subsection (d) or (e), one~~]
27 or more early voting polling places other than the main early voting

1 polling place shall [~~may~~] be established in each election precinct
2 in the territory covered by the election by:

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

5 (2) the governing body of the political subdivision
6 served by the authority ordering the election, for an election in
7 which a person other than the county clerk is the early voting
8 clerk.

9 (b) A polling place established under this section may be
10 located[~~, subject to Subsection (d),~~] at any place in the territory
11 served by the early voting clerk and may be located in any
12 stationary structure as directed by the authority establishing the
13 branch office. The polling place may be located in a movable
14 structure, but the structure may not change locations during the
15 early voting period [~~in the general election for state and county~~
16 ~~officers, general primary election, or runoff primary election~~].
17 Ropes or other suitable objects may be used at the polling place to
18 ensure compliance with Section 62.004. Persons who are not
19 expressly permitted by law to be in a polling place shall be
20 excluded from the polling place to the extent practicable.

21 SECTION 17. Section 85.063, Election Code, is amended to
22 read as follows:

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

1 SECTION 18. Section 85.068(a), Election Code, is amended to
2 read as follows:

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

8 SECTION 19. The following provisions of the Election Code
9 are repealed:

- 10 (1) Sections 85.001(b) and (e);
- 11 (2) Section 85.003;
- 12 (3) Sections 85.062(d) and (e);
- 13 (4) Section 85.064;
- 14 (5) Section 85.065; and
- 15 (6) Section 85.066.

16 SECTION 20. The changes in law made by this Act apply only
17 to an election ordered on or after the effective date of this Act.
18 An election ordered before the effective date of this Act is
19 governed by the law in effect when the election was ordered, and the
20 former law is continued in effect for that purpose.

21 SECTION 21. This Act takes effect September 1, 2019.