

By: Hall

S.B. No. 1603

A BILL TO BE ENTITLED

AN ACT

relating to election integrity; creating criminal offenses;
increasing criminal penalties; imposing a civil penalty.

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

SECTION 1. Chapter 1, Election Code, is amended by adding
Section 1.021 to read as follows:

Sec. 1.021. RESIDENCE FOR CERTAIN REGISTERED VOTERS.

(a) For purposes of registration under this code, a person's
residence is established at the first residence address in the
following list that is applicable to the person:

(1) the address stated on a driver's license issued to
the person by the Department of Public Safety that has not expired
or, if the person has notified the department of a change of address
under Section 521.054, Transportation Code, the new address
contained in the notification;

(2) the address stated on a personal identification
card issued to the person by the Department of Public Safety that
has not expired or, if the person has notified the department of a
change of address under Section 521.054, Transportation Code, the
new address contained in the notification;

(3) the address stated on a license to carry a
concealed handgun issued to the person by the Department of Public
Safety that has not expired or, if the person has notified the
department of a change of address under Section 411.181, Government

1 Code, the new address contained in the notification;

2 (4) an address corresponding to a residence at which
3 the person receives mail;

4 (5) the address the person claims as a homestead in
5 this state; or

6 (6) the registration address of a vehicle the person
7 owns.

8 (b) A person whose residence in this state has no address
9 may establish residence under this section by executing an
10 affidavit stating that the person's residence in this state has no
11 address and filing the affidavit with the secretary of state.

12 (c) The address described by Subsection (a)(4) may not be a
13 commercial post office box or similar location that does not
14 correspond to a residence.

15 (d) This section does not apply to:

16 (1) a person who is a member of the armed forces of the
17 United States or the spouse or a dependent of a member; or

18 (2) a person enrolled as a full-time student at an
19 institution of higher education.

20 (e) The secretary of state shall adopt rules as necessary to
21 implement this section.

22 SECTION 2. Section 13.071, Election Code, is amended to
23 read as follows:

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

1 registration.

2 (b) If the application is submitted to the Department of
3 Public Safety in person with the proof of citizenship required by
4 Section 20.063(e), the [The] registrar shall make the determination
5 not later than the seventh day after the date the application is
6 submitted to the registrar.

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

11 SECTION 3. Subchapter C, Chapter 13, Election Code, is
12 amended by adding Section 13.0721 to read as follows:

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

17 (b) The secretary of state shall verify with the Department
18 of Public Safety the citizenship status of each applicant for voter
19 registration whose information is forwarded to the secretary of
20 state as provided by Section 13.071(c). If the department verifies
21 the applicant's citizenship status, the secretary of state shall
22 notify the registrar. If the department does not have information
23 regarding the citizenship status of the applicant or has
24 information indicating that the applicant is not a citizen, the
25 registrar and the applicant shall be notified as provided by
26 secretary of state rule.

27 (c) An applicant for voter registration who receives notice

1 under Subsection (b) must provide proof of citizenship to the
2 registrar not later than the 60th day after the date of receipt.
3 Except as provided by Subsection (d), this proof must be presented
4 in person. The following is acceptable as proof of citizenship
5 under this section:

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

7 (2) a certified copy of a birth certificate or other
8 document confirming the person's birth that is admissible in a
9 court of law and establishes the person's identity, presented with
10 a government-issued identification that contains the person's
11 photograph; or

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

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

18 (e) If an applicant does not provide proof of citizenship as
19 required, the registrar shall reject the application and notify the
20 secretary of state. The secretary of state shall keep a list of
21 applicants for which the secretary receives notice under this
22 section.

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

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

27 (e) If a registrar fails to correct a violation within 30

1 days of a notice under Subsection (b), the secretary of state shall
2 correct the violation on behalf of the registrar.

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

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

10 SECTION 5. Section 18.068, Election Code, is amended to
11 read as follows:

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

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

- 26 (1) full legal name;
27 (2) former name, if applicable;

- 1 (3) date of birth;
- 2 (4) residence address;
- 3 (5) driver's license or state identification card
- 4 number;
- 5 (6) signature;
- 6 (7) social security number;
- 7 (8) documentation of lawful presence in this state;
- 8 and
- 9 (9) citizenship status.

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

- 15 (1) the voter registrar of the counties considered
- 16 appropriate by the secretary; and
- 17 (2) if appropriate, the attorney general.

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

- 22 (1) produce the least possible impact on Texas voters;
- 23 and
- 24 (2) fulfill its responsibility to manage the voter
- 25 rolls.

26 (c) The secretary of state may not determine that a voter is
27 deceased or ineligible to vote based on a weak match. The

1 secretary of state may inform the county of the voter's residence
2 that a weak match exists.

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

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

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

16 SECTION 6. Section [20.063](#), Election Code, is amended by
17 adding Subsection (e) to read as follows:

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

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

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

25 (3) United States citizenship papers issued to the
26 person.

27 SECTION 7. Section [63.011](#), Election Code, is amended by

1 amending Subsection (b) and adding Subsection (b-2) to read as
2 follows:

3 (b) A form for an affidavit required by this section must be
4 printed on an envelope in which the provisional ballot voted by the
5 person may be placed and must include:

6 (1) a space for entering the identification number of
7 the provisional ballot voted by the person; and

8 (2) a space for an election officer to indicate:

9 (A) whether the person presented a form of
10 identification described by Section 63.0101; and

11 (B) the reason why the person voted
12 provisionally.

13 (b-2) An election officer commits an offense if the officer
14 intentionally indicates under Subsection (b)(2)(B) a reason for a
15 person voting a provisional ballot other than the actual reason. An
16 offense under this subsection is a state jail felony.

17 SECTION 8. Chapter 63, Election Code, is amended by adding
18 Section 63.0111 to read as follows:

19 Sec. 63.0111. OFFENSES RELATED TO ACCEPTANCE OF VOTER. (a)
20 An election officer commits an offense if the officer accepts a
21 voter for voting under Section 63.001 if the voter is only permitted
22 to vote a provisional ballot in the election.

23 (b) An election officer commits an offense if the officer
24 knowingly accepts or permits the same person to vote more than one
25 ballot in the same election.

26 (c) An offense under this section is a state jail felony.

27 SECTION 9. Sections 64.036(a) and (d), Election Code, are

1 amended to read as follows:

2 (a) A person commits an offense if the person knowingly:

3 (1) provides assistance to a voter who is not eligible
4 for assistance;

5 (2) while assisting a voter prepares the voter's
6 ballot in a way other than the way the voter directs or without
7 direction from the voter;

8 (3) while assisting a voter suggests by word, sign, or
9 gesture how the voter should vote; or

10 (4) provides assistance, or offers to provide
11 assistance, to a voter who has not requested assistance, indicated
12 that the person is eligible for assistance, or selected the person
13 to assist the voter.

14 (d) An offense under this section is a state jail felony
15 [~~Class A misdemeanor~~].

16 SECTION 10. Section 65.002, Election Code, is amended by
17 adding Subsections (d) and (e) to read as follows:

18 (d) A county election officer who intentionally prevents or
19 delays the presiding judge from counting ballots in accordance with
20 Subsection (c) commits an offense.

21 (e) An offense under Subsection (d) is a state jail felony.

22 SECTION 11. Sections 85.001(a) and (c), Election Code, are
23 amended to read as follows:

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

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

5 SECTION 12. Section 85.005(d), Election Code, is amended to
6 read as follows:

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

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

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

14 SECTION 13. Sections 85.006(a), (d), and (e), Election
15 Code, are amended to read as follows:

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

21 (d) The authority authorized to order early voting on a
22 Saturday or Sunday under Subsection (a) or (b) shall order the
23 voting under the applicable subsection on receipt of a written
24 request submitted by at least 15 registered voters of the territory
25 covered by the election. The request must be submitted in time to
26 enable compliance with Section 85.007. The authority [~~is not~~
27 ~~required to order the voting on a particular date specified by the~~

1 ~~request but~~] shall order the voting on [~~at least one~~] Saturday if
2 [~~a~~] Saturday is requested and on [~~at least one~~] Sunday if [~~a~~] Sunday
3 is requested.

4 (e) In a primary election or the general election for state
5 and county officers in a county with a population of 100,000 or
6 more, the early voting clerk shall order personal appearance voting
7 at the main early voting polling place to be conducted for at least
8 12 hours on [~~the last~~] Saturday and for at least five hours on [~~the~~
9 ~~last~~] Sunday during [~~of~~] the early voting period. The early voting
10 clerk shall order voting to be conducted at those times in those
11 elections in a county with a population under 100,000 on receipt of
12 a written request for those hours submitted by at least 15
13 registered voters of the county. The request must be submitted in
14 time to enable compliance with Section 85.007. This subsection
15 supersedes any provision of this subchapter to the extent of any
16 conflict.

17 SECTION 14. Section 85.033, Election Code, is amended to
18 read as follows:

19 Sec. 85.033. SECURITY OF VOTING MACHINE. (a) At the close of
20 early voting each day, the early voting clerk shall secure each
21 voting machine used for early voting in the manner prescribed by the
22 secretary of state so that its unauthorized operation is prevented.
23 The clerk shall unsecure the machine before the beginning of early
24 voting the following day.

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

1 (c) A person commits an offense if the person violates
2 Subsection (b).

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

4 SECTION 15. Section 85.063, Election Code, is amended to
5 read as follows:

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

11 SECTION 16. Section 85.068(a), Election Code, is amended to
12 read as follows:

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

18 SECTION 17. Section 87.0241, Election Code, is amended to
19 read as follows:

20 Sec. 87.0241. ACCEPTING EARLY VOTING BALLOT VOTED BY MAIL
21 [PROCESSING BALLOTS] BEFORE IN-PERSON BALLOTS COUNTED: OFFENSE
22 [POLLS OPEN]. (a) The early voting ballot board may not determine
23 whether to accept early voting ballots voted by mail in accordance
24 with Section 87.041 until after all ballots cast in person for the
25 election have been counted [~~at any time after the ballots are~~
26 ~~delivered to the board~~].

27 (b) A member of an early voting ballot board commits an

1 offense if the person accepts an early voting ballot voted by mail
2 in violation of Subsection (a) [~~The board may not count early voting~~
3 ~~ballots until:~~

4 ~~[(1) the polls open on election day, or~~
5 ~~[(2) in an election conducted by an authority of a~~
6 ~~county with a population of 100,000 or more or conducted jointly~~
7 ~~with such a county, the end of the period for early voting by~~
8 ~~personal appearance].~~

9 (c) An offense under this section is a state jail felony
10 [~~The secretary of state shall prescribe any procedures necessary~~
11 ~~for implementing this section in regard to elections described by~~
12 ~~Subsection (b)(2)].~~

13 SECTION 18. Sections 85.001(b) and (e), 85.064, and 85.065,
14 Election Code, are repealed.

15 SECTION 19. The changes in law made by this Act in amending
16 the punishments for existing criminal offenses apply only to an
17 offense committed on or after the effective date of this Act. An
18 offense committed before the effective date of this Act is governed
19 by the law in effect on the date the offense was committed, and the
20 former law is continued in effect for that purpose. For purposes of
21 this section, an offense was committed before the effective date of
22 this Act if any element of the offense occurred before that date.

23 SECTION 20. This Act takes effect September 1, 2019.