

## **BILL ANALYSIS**

C.S.H.B. 611  
By: Swanson  
Elections  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

For purposes of maintaining election integrity in Texas, a person selected to provide assistance to a voter must take an oath regarding the assistance that is administered by an election officer at the polling place. Absent from the required contents of the oath is a statement relating to the potential intimidation or coercion of the voter. If a situation of improper assistance occurs, that individual may be charged with a Class A misdemeanor perjury offense. It has been suggested that requiring those who assist voters to take an oath affirming that they did not encourage, pressure, coerce, or intimidate the voter into choosing the assistant would help guard against this situation. C.S.H.B. 611 seeks to deter improper voter assistance by including this type of affirmation in the voter assistance oath and by providing for state jail felony punishment for those who make a false statement when making the oath three or more times in connection with any election in a four-year period.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill expressly does one or more of the following: creates a criminal offense, increases the punishment for an existing criminal offense or category of offenses, or changes the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.H.B. 611 amends the Election Code to include in the oath required of a person selected to provide assistance to a voter an affirmation that the person did not encourage, pressure, coerce, or intimidate the voter into choosing the person to provide assistance. The bill creates a Class A misdemeanor perjury offense for a person who makes a false statement when making the oath or swears to the truth of a false statement previously made when making the oath. The bill enhances the penalty to a state jail felony if it is shown on the trial of the offense that the person made a false statement in that manner three or more times in connection with any election in a four-year period. The bill includes a specification in the oath language that the person is swearing or affirming the oath under penalty of perjury.

### **EFFECTIVE DATE**

September 1, 2021.

## **COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 611 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute changes the language included by the bill in the oath from "I did not pressure or intimidate the voter into choosing me to provide assistance" to "I did not encourage, pressure, coerce, or intimidate the voter into choosing me to provide assistance." The substitute includes a specification that the person is swearing or affirming the oath under penalty of perjury.

The substitute does not include a penalty enhancement to a state jail felony for a Penal Code perjury offense if the false statement was the oath described by the bill and the person made such a false statement three or more times in connection with a single election. However, the substitute creates instead an Election Code offense for perjury in connection with certain voting procedures and provides for a penalty enhancement to a state jail felony.