

1-1 By: Hughes S.B. No. 903
 1-2 (In the Senate - Filed March 8, 2019; March 11, 2019, read
 1-3 first time and referred to Committee on State Affairs;
 1-4 April 8, 2019, reported favorably by the following vote: Yeas 7,
 1-5 Nays 2; April 8, 2019, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14		X		
1-15	X			
1-16		X		

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to the integrity of elections in this state; imposing a
 1-20 civil penalty; increasing a criminal penalty.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Article 42.03, Code of Criminal Procedure, is
 1-23 amended by adding Section 6 to read as follows:

1-24 Sec. 6. The court, after pronouncing the sentence of a
 1-25 defendant adjudged guilty of a felony, shall inform the defendant
 1-26 of the full impact of the conviction on the defendant's voting
 1-27 rights in this state under Section 11.002(a)(4), Election Code.

1-28 SECTION 2. Section 13.074(c), Election Code, is amended to
 1-29 read as follows:

1-30 (c) The registrar may not challenge an applicant later than:
 1-31 (1) the fifth [second] day after the date the
 1-32 application is determined to comply with Section 13.002 and
 1-33 indicate that the applicant is eligible for registration, if the
 1-34 application was submitted less than 60 days before the next
 1-35 election in which the applicant would be eligible to vote; or

1-36 (2) the 30th day after the date the application is
 1-37 determined to comply with Section 13.002 and indicate that the
 1-38 applicant is eligible for registration, if the application was
 1-39 submitted more than 60 days before the next election in which the
 1-40 applicant would be eligible to vote.

1-41 SECTION 3. Section 15.028, Election Code, is amended to
 1-42 read as follows:

1-43 Sec. 15.028. NOTICE OF UNLAWFUL VOTING OR REGISTRATION [~~TO~~
 1-44 ~~PROSECUTOR~~]. [~~(a)~~] If the registrar determines that a person who
 1-45 is not eligible to vote may have registered to vote or [a registered
 1-46 voter] voted in an election, the registrar shall execute and
 1-47 deliver to the attorney general, the secretary of state, and the
 1-48 county or district attorney having jurisdiction in the territory
 1-49 covered by the election an affidavit stating the relevant facts.

1-50 [~~(b) If the election covers territory in more than one~~
 1-51 ~~county, the registrar shall also deliver an affidavit to the~~
 1-52 ~~attorney general.]~~

1-53 SECTION 4. Section 16.001(d), Election Code, is amended to
 1-54 read as follows:

1-55 (d) With the cooperation of the secretary of state, the
 1-56 Department of Public Safety shall, in accordance with federal law,
 1-57 enter into an agreement with the commissioner of social security to
 1-58 verify on a quarterly basis the information of voter registration
 1-59 records containing a social security number. At a minimum, the
 1-60 department shall verify if:

1-61 (1) the name, date of birth, and social security

2-1 number listed in the commissioner's records match those on record
 2-2 with the department; and

2-3 (2) the commissioner's records show the person to be
 2-4 deceased. [The secretary of state shall quarterly obtain from the
 2-5 United States Social Security Administration available information
 2-6 specified by the secretary relating to deceased residents of the
 2-7 state.]

2-8 SECTION 5. Section 16.0332(a), Election Code, is amended to
 2-9 read as follows:

2-10 (a) After the registrar receives a list under Section 18.068
 2-11 of this code or Section 62.113, Government Code, of persons excused
 2-12 or disqualified from jury service or otherwise determined to be
 2-13 ineligible to vote because of citizenship status, the registrar
 2-14 shall deliver to each registered voter whose name appears on the
 2-15 list a written notice requiring the voter to submit to the registrar
 2-16 proof of United States citizenship in the form of a certified copy
 2-17 of the voter's birth certificate, United States passport, or
 2-18 certificate of naturalization or any other form prescribed by the
 2-19 secretary of state. The notice shall be delivered by forwardable
 2-20 mail to the mailing address on the voter's registration application
 2-21 and to any new address of the voter known to the registrar.

2-22 SECTION 6. Section 18.065, Election Code, is amended by
 2-23 amending Subsection (a) and adding Subsections (e), (f), and (g) to
 2-24 read as follows:

2-25 (a) The secretary of state shall monitor each registrar for
 2-26 substantial compliance with Sections 15.083, 16.032, 16.0332, and
 2-27 18.061 and with rules implementing the statewide computerized voter
 2-28 registration list.

2-29 (e) If a registrar fails to correct a violation within 30
 2-30 days of a notice under Subsection (b), the secretary of state shall
 2-31 correct the violation on behalf of the registrar.

2-32 (f) A registrar is liable to this state for a civil penalty
 2-33 of \$100 for each violation corrected by the registrar under
 2-34 Subsection (e). The attorney general may bring an action to recover
 2-35 a civil penalty imposed under this section.

2-36 (g) A civil penalty collected by the attorney general under
 2-37 this section shall be deposited in the state treasury to the credit
 2-38 of the general revenue fund.

2-39 SECTION 7. Section 18.068, Election Code, is amended to
 2-40 read as follows:

2-41 Sec. 18.068. COMPARISON OF INFORMATION REGARDING
 2-42 INELIGIBILITY. (a) The secretary of state shall quarterly compare
 2-43 the information received under Section 16.001 of this code and
 2-44 Section 62.113, Government Code, to the statewide computerized
 2-45 voter registration list.

2-46 (a-1) The secretary of state shall enter into an agreement
 2-47 with the Department of Public Safety under which information in the
 2-48 statewide computerized voter registration list is compared against
 2-49 information in the database of the Department of Public Safety on a
 2-50 monthly basis to verify the accuracy of information provided on
 2-51 voter registration applications. The information compared must
 2-52 include, at a minimum, a voter's:

2-53 (1) full legal name;
 2-54 (2) former name, if applicable;
 2-55 (3) date of birth;
 2-56 (4) residence address;
 2-57 (5) driver's license or state identification card
 2-58 number;

2-59 (6) signature;
 2-60 (7) social security number;
 2-61 (8) documentation of lawful presence in this state;

2-62 and
 2-63 (9) citizenship status.

2-64 (a-2) If the secretary determines from information received
 2-65 under Subsection (a) or (a-1) that a voter on the registration list
 2-66 may be ineligible to vote [is deceased or has been excused or
 2-67 disqualified from jury service because the voter is not a citizen],
 2-68 the secretary shall send notice of the determination to the voter
 2-69 registrar of the counties considered appropriate by the secretary.

3-1 (b) The secretary of state shall by rule determine what
 3-2 information combinations identified as common to a voter and to an
 3-3 individual who is deceased or ineligible to vote constitute a weak
 3-4 match or a strong match in order to:

3-5 (1) produce the least possible impact on Texas voters;
 3-6 and

3-7 (2) fulfill its responsibility to manage the voter
 3-8 rolls.

3-9 (c) The secretary of state may not determine that a voter is
 3-10 deceased or ineligible to vote based on a weak match. The secretary
 3-11 of state may inform the county of the voter's residence that a weak
 3-12 match exists.

3-13 (d) On receiving notification from the secretary of state
 3-14 under Subsection (c) that a weak match of identifying information
 3-15 exists for a county voter and an individual who is deceased or
 3-16 ineligible to vote, the county shall investigate whether the voter
 3-17 is that ~~[the]~~ individual ~~[who is deceased]~~.

3-18 (e) The secretary of state may determine that a voter is
 3-19 deceased or ineligible to vote based on a strong match.

3-20 (f) The secretary of state may obtain, for purposes of
 3-21 determining whether a voter is deceased or ineligible to vote,
 3-22 information from other state agency databases relating to a voter
 3-23 that is the same type of information that the secretary of state or
 3-24 a voter registrar collects or stores for voter registration
 3-25 purposes.

3-26 (g) Not later than December 31 of each year, the secretary
 3-27 of state shall provide a report to the legislature of the number of
 3-28 voters determined to be ineligible under this section during the
 3-29 calendar year. The report must include the reason for
 3-30 ineligibility for each voter.

3-31 SECTION 8. Section 18.0681(d), Election Code, is amended to
 3-32 read as follows:

3-33 (d) If the secretary of state determines that a voter on the
 3-34 registration list has more than one registration record on file
 3-35 based on a strong match, the secretary shall send notice of the
 3-36 determination to the voter registrar of each county in which the
 3-37 voter is registered to vote. If the voter records identified are:

3-38 (1) located in the same county, the voter registrar
 3-39 shall ~~[may]~~ merge the records following a determination that each
 3-40 record belongs to the same voter using the procedure for the
 3-41 correction of registration records under Section 15.022; or

3-42 (2) located in more than one county, the registrar of
 3-43 the county with the oldest record shall ~~[may]~~ deliver a written
 3-44 confirmation notice in accordance with Section 15.051.

3-45 SECTION 9. Subchapter C, Chapter 33, Election Code, is
 3-46 amended by adding Section 33.0581 to read as follows:

3-47 Sec. 33.0581. REPORT TO ATTORNEY GENERAL. (a) A watcher
 3-48 who observes a violation of Section 276.013 may report the
 3-49 violation to the attorney general.

3-50 (b) The attorney general shall prescribe the form and manner
 3-51 of a report under this section and may adopt rules as necessary to
 3-52 implement this section.

3-53 SECTION 10. Section 87.0431(b), Election Code, is amended
 3-54 to read as follows:

3-55 (b) The early voting clerk shall, not later than the 30th
 3-56 day after election day, deliver notice to the attorney general,
 3-57 including certified copies of the carrier envelope and
 3-58 corresponding ballot application, of any ballot rejected because:

3-59 (1) the voter was deceased;

3-60 (2) the voter already voted in person in the same
 3-61 election;

3-62 (3) the signatures on the carrier envelope and ballot
 3-63 application were not executed by the same person;

3-64 (4) the carrier envelope certificate lacked a witness
 3-65 signature; ~~[or]~~

3-66 (5) the carrier envelope certificate was improperly
 3-67 executed by an assistant; or

3-68 (6) any form of voter fraud was committed.

3-69 SECTION 11. Section 273.021(a), Election Code, is amended

4-1 to read as follows:

4-2 (a) The attorney general may prosecute a criminal offense
4-3 prescribed by the election laws of this state, including any
4-4 offense under state law that involves any part of the election
4-5 process.

4-6 SECTION 12. Section 276.013(b), Election Code, is amended
4-7 to read as follows:

4-8 (b) An offense under this section is a state jail felony
4-9 [~~Class A misdemeanor~~].

4-10 SECTION 13. The changes in law made by this Act apply only
4-11 to an offense committed on or after the effective date of this Act.
4-12 An offense committed before the effective date of this Act is
4-13 governed by the law in effect on the date the offense was committed,
4-14 and the former law is continued in effect for that purpose. For
4-15 purposes of this section, an offense was committed before the
4-16 effective date of this Act if any element of the offense occurred
4-17 before that date.

4-18 SECTION 14. This Act takes effect September 1, 2019.

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