

SUBJECT: Creating offense, enhancement for false statement in voter assistance oath

COMMITTEE: Elections — committee substitute recommended

VOTE: 5 ayes — Cain, Clardy, Jetton, Schofield, Swanson

4 nays — J. González, Beckley, Bucy, Fierro

WITNESSES: For — Alan Vera, Harris County Republican Party Ballot Security Committee; Kenneth Moore; Bill Sargent; (*Registered, but did not testify*: Heather Hawthorne, County and District Clerks Association of Texas; M. Paige Williams, for Dallas District Attorney John Creuzot; Marcia Strickler, WilcoWeTheePeople; Angela Smith, Fredericksburg Tea Party; Robert Green, Travis County Republican Party Election Integrity Committee; and nine individuals)

Against — Rene Perez, Tarrant County Libertarian Party; David Carter; (*Registered, but did not testify*: Matt Simpson, ACLU of Texas; Harrison Hiner, Communications Workers of America; Richard Evans, Emgage Action; Ender Reed, Harris County Commissioners Court; Susana Carranza, League of Women Voters of Texas; Cyrus Reed, Lone Star Chapter Sierra Club; Fatima Menendez, Mexican American Legal Defense and Educational Fund; Lon Burnam, Public Citizen; Phil Bunker, Teamsters JC58; James Slattery, Texas Civil Rights Project; Carisa Lopez, Texas Freedom Network; Idona Griffith; Georgia Keysor)

On — Jonathan White, Office of the Attorney General; Keith Ingram, Texas Secretary of State - Elections Division

BACKGROUND: Election Code sec. 64.034 requires a person selected to provide assistance to a voter to take an oath, administered by an election officer at the polling place, before providing assistance. The oath states: “I swear (or affirm) that I will not suggest, by word, sign, or gesture, how the voter should vote; I will confine my assistance to answering the voter’s questions, to stating propositions on the ballot, and to naming candidates and, if listed, their political parties; I will prepare the voter’s ballot as the voter directs;

and I am not the voter's employer, an agent of the voter's employer, or an officer or agent of a labor union to which the voter belongs."

Concerns have been raised that the required oath in Election Code sec. 64.034 does not include a specific statement that the person providing assistance did not encourage, pressure, coerce, or intimidate the voter into choosing the person to provide assistance.

DIGEST:

CSHB 611 would update the oath required of individuals assisting voters to specify that the person providing assistance would take the oath under penalty of perjury. The following language would be added to the oath: "I did not encourage, pressure, coerce, or intimidate the voter into choosing me to provide assistance."

The bill would make it a class A misdemeanor (up to one year in jail and/or a maximum fine of \$4,000) to make a false statement when making the oath under Election Code sec. 64.034 or swear to the truth of a false statement previously made when making the oath.

The offense would be a state-jail felony (180 days to two years in a state jail and an optional fine of up to \$10,000) if it was shown on trial that a person made a false statement when making the oath three or more times in connection with any election in a four-year period.

The bill would take effect September 1, 2021, and would apply only to an offense committed on or after that date.