

By: Allison

H.B. No. 280

A BILL TO BE ENTITLED

AN ACT

relating to conduct constituting the criminal offense of election fraud; increasing a criminal penalty; creating an offense.

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

SECTION 1. Section 13.007, Election Code, is amended to read as follows:

Sec. 13.007. FALSE STATEMENT ON APPLICATION. (a) A person commits an offense if the person knowingly or intentionally:

(1) makes a false statement; or

(2) requests, commands, coerces, or attempts to induce another person to make a false statement on a registration application.

(b) An offense under this section is a felony of the second degree [~~Class B misdemeanor~~].

(c) If conduct that constitutes an offense under this section also constitutes an offense under another law, the actor may be prosecuted under this section, the other law, or both. [~~For purposes of this code, an offense under this section is considered to be perjury, but may be prosecuted only under this section.~~]

SECTION 2. Section 64.012, Election Code, is amended by amending Subsections (a) and (b) and adding Subsection (c) to read as follows:

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

1 (1) votes or attempts to vote in an election in which
2 the person knows the person is not eligible to vote;

3 (2) [~~knowingly~~] votes or attempts to vote more than
4 once in an election;

5 (3) [~~knowingly~~] votes or attempts to vote a ballot
6 belonging to another person, or by impersonating another person;
7 [~~or~~]

8 (4) [~~knowingly~~] marks or attempts to mark any portion
9 of another person's ballot without the consent of that person, or
10 without specific direction from that person how to mark the ballot;
11 or

12 (5) votes or attempts to vote in an election in this
13 state after voting in another state in an election in which a
14 federal office appears on the ballot and the election day for both
15 states is the same day.

16 (b) An offense under this section is a felony of the second
17 degree [~~unless the person is convicted of an attempt. In that case,~~
18 ~~the offense is a state jail felony~~].

19 (c) If conduct that constitutes an offense under this
20 section also constitutes an offense under any other law, the actor
21 may be prosecuted under this section, the other law, or both.

22 SECTION 3. Sections 276.013(a) and (b), Election Code, are
23 amended to read as follows:

24 (a) A person commits an offense if the person knowingly or
25 intentionally makes any effort to:

26 (1) influence the independent exercise of the vote of
27 another in the presence of the ballot or during the voting process;

1 (2) cause a voter to become registered, a ballot to be
2 obtained, or a vote to be cast under false pretenses; ~~[or]~~

3 (3) cause any false or intentionally misleading
4 statement, representation, or information to be provided:

5 (A) to an election official; or

6 (B) on an application for ballot by mail, carrier
7 envelope, or any other official election-related form or document;

8 (4) cause the ballot not to reflect the intent of the
9 voter;

10 (5) cause a ballot to be voted for another person that
11 the person knows to be deceased or otherwise knows not to be a
12 qualified or registered voter;

13 (6) cause or enable a vote to be cast more than once in
14 the same election; or

15 (7) discard or destroy a voter's completed ballot
16 without the voter's consent.

17 (b) An offense under this section is a felony of the second
18 degree, unless:

19 (1) the person committed the offense while acting in
20 the person's capacity as an elected official, in which case the
21 offense is a state jail felony; or

22 (2) the person is convicted of an attempt, in which
23 case the offense is a felony of the third degree ~~[Class A~~
24 ~~misdemeanor]~~.

25 SECTION 4. Chapter 276, Election Code, is amended by adding
26 Section 276.018 to read as follows:

27 Sec. 276.018. PERJURY IN CONNECTION WITH CERTAIN ELECTION

1 PROCEDURES. (a) A person commits an offense if, with the intent to
2 deceive, the person knowingly or intentionally makes a false
3 statement or swears to the truth of a false statement:

4 (1) on a voter registration application; or
5 (2) previously made while making an oath, declaration,
6 or affidavit described by this code.

7 (b) An offense under this section is a felony of the second
8 degree.

9 SECTION 5. The changes in law made by this Act apply only to
10 an offense committed on or after the effective date of this Act. An
11 offense committed before the effective date of this Act is governed
12 by the law in effect when the offense was committed, and the former
13 law is continued in effect for that purpose. For purposes of this
14 section, an offense was committed before the effective date of this
15 Act if any element of the offense occurred before that date.

16 SECTION 6. This Act takes effect immediately if it receives
17 a vote of two-thirds of all the members elected to each house, as
18 provided by Section 39, Article III, Texas Constitution. If this
19 Act does not receive the vote necessary for immediate effect, this
20 Act takes effect on the 91st day after the last day of the
21 legislative session.