

By: Allison

H.B. No. 3297

Substitute the following for H.B. No. 3297:

By: Cain

C.S.H.B. No. 3297

A BILL TO BE ENTITLED

1

AN ACT

2 relating to election integrity and the prevention of fraud in the  
3 conduct of an election; creating criminal offenses; increasing a  
4 criminal penalty.

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

6 SECTION 1. Section 13.007, Election Code, is amended by  
7 amending Subsections (a), (b) and (c) to read as follows:

8 (a) A person commits an offense if the person:

9 (1) knowingly makes a false statement; or

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

13 (b) An offense under this section is a Class B misdemeanor.

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

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

22 (a) A person commits an offense if the person:

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

1           (2) knowingly votes or attempts to vote more than once  
2 in an election;

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

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

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

14           (c) If conduct that constitutes an offense under this  
15 section also constitutes an offense under another law, the actor  
16 may be prosecuted under this section, the other law, or both.

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

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

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

23           (2) cause a voter to become registered, a ballot to be  
24 obtained, or a vote to be cast under false pretenses;

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

27           (A) to an election official; or

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

3 (4) causes the ballot not to reflect the intent of the  
4 voter;

5 (5) count invalid votes or alter a report to include  
6 invalid votes;

7 (6) fail to count valid votes or alter a report to  
8 exclude valid votes;

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

12 (8) vote more than once in the same election; or

13 (9) discard or destroy a voter's completed ballot  
14 without the voter's consent.

15 (b) An offense under this section is a Class A misdemeanor:

16 (1) except that an offense under this section is a  
17 state jail felony if the person committed the offense while acting  
18 in their capacity as an election official; or

19 (2) unless the person is convicted of an attempt. In  
20 that case, the offense is a Class B misdemeanor.

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

23 Sec. 276.018. PERJURY IN CONNECTION WITH CERTAIN ELECTION  
24 PROCEDURES. (a) A person commits an offense if, with the intent to  
25 deceive, the person makes a false statement or swears to the truth  
26 of a false statement:

27 (1) on a registration application; or

1           (2) previously made while taking an oath, or making a  
2 declaration or affidavit prescribed by this code.

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

4           SECTION 5. The change in law made by this Act applies only  
5 to an offense committed on or after the effective date of this Act.  
6 An offense committed before the effective date of this Act is  
7 governed by the law in effect on the date the offense was committed,  
8 and the former law is continued in effect for that purpose. For  
9 purposes of this section, an offense was committed before the  
10 effective date of this Act if any element of the offense occurred  
11 before that date.

12           SECTION 6. This Act takes effect September 1, 2021.