

By: Allison

H.B. No. 3297

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to conduct constituting the criminal offense of election  
3 fraud; increasing a criminal penalty.

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

5 SECTION 1. Sections 13.007(b) and (c), Election Code, are  
6 amended to read as follows:

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

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

14 SECTION 2. Section 64.012, Election Code, is amended by  
15 adding Subsection (c) to read as follows:

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

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

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

23 (1) influence the independent exercise of the vote of  
24 another in the presence of the ballot or during the voting process,

1 including by altering the ballot or otherwise causing the ballot  
2 not to reflect the intent of the voter;

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

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

8 (4) vote more than once in an election;

9 (5) cause any false or intentionally misleading  
10 statement, representation, or information to be provided:

11 (A) to an election official; or

12 (B) on an application for voter registration or  
13 for ballot by mail, a carrier envelope, or any other official  
14 election-related form or document;

15 (6) discard or destroy another voter's completed  
16 ballot without the voter's consent; or

17 (7) in the person's capacity as an election officer,  
18 cause:

19 (A) a valid vote not to be counted; or

20 (B) an invalid vote to be counted.

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

23 SECTION 4. The change in law made by this Act applies only  
24 to an offense committed on or after the effective date of this Act.  
25 An offense committed before the effective date of this Act is  
26 governed by the law in effect on the date the offense was committed,  
27 and the former law is continued in effect for that purpose. For

1 purposes of this section, an offense was committed before the  
2 effective date of this Act if any element of the offense occurred  
3 before that date.

4 SECTION 5. This Act takes effect September 1, 2021.