

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the offense of tampering with a direct recording
3 electronic voting machine; providing criminal penalties.

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

5 SECTION 1. Chapter 33, Penal Code, is amended by adding
6 Section 33.05 to read as follows:

7 Sec. 33.05. TAMPERING WITH DIRECT RECORDING ELECTRONIC
8 VOTING MACHINE. (a) In this section:

9 (1) "Direct recording electronic voting machine" has
10 the meaning assigned by Section 121.003, Election Code.

11 (2) "Measure" has the meaning assigned by Section
12 1.005, Election Code.

13 (b) A person commits an offense if the person accesses a
14 computer, computer network, computer program, computer software,
15 or computer system that is a part of a voting system that uses
16 direct recording electronic voting machines and by means of that
17 access:

18 (1) prevents a person from lawfully casting a vote;

19 (2) changes a lawfully cast vote;

20 (3) prevents a lawfully cast vote from being counted;

21 or

22 (4) causes a vote that was not lawfully cast to be
23 counted.

24 (c) An offense under this section does not require that the

1 votes as affected by the person's actions described by Subsection
2 (b) actually be the votes used in the official determination of the
3 outcome of the election.

4 (d) An offense under this section is a felony of the first
5 degree.

6 (e) Notwithstanding Section 15.01(d), an offense under
7 Section 15.01(a) is a felony of the third degree if the offense the
8 actor intends to commit is an offense under this section.

9 SECTION 2. (a) The change in law made by this Act applies
10 only to an offense committed on or after the effective date of this
11 Act. For purposes of this section, an offense is committed before
12 the effective date of this Act if any element of the offense occurs
13 before the effective date.

14 (b) An offense committed before the effective date of this
15 Act is covered by the law in effect when the offense was committed,
16 and the former law is continued in effect for that purpose.

17 SECTION 3. This Act takes effect September 1, 2005.