

By: Zedler, Flynn, Eissler

H.B. No. 3208

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the investigation of certain criminal conduct in
3 election matters.

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

5 SECTION 1. Section 15.028, Election Code, is amended to
6 read as follows:

7 Sec. 15.028. NOTICE OF UNLAWFUL VOTING TO PROSECUTOR.

8 [~~(a)~~] If the registrar determines that a person who is not a
9 registered voter voted in an election, the registrar shall execute
10 and deliver to the attorney general and the county or district
11 attorney having jurisdiction in the territory covered by the
12 election an affidavit stating the relevant facts.

13 [~~(b) If the election covers territory in more than one~~
14 ~~county, the registrar shall also deliver an affidavit to the~~
15 ~~attorney general.]~~

16 SECTION 2. Section 273.001, Election Code, is amended by
17 amending Subsections (a), (c), and (d), and adding Subsection (f)
18 to read as follows:

19 (a) If two or more registered voters of the territory
20 covered by an election present affidavits alleging criminal conduct
21 in connection with the election to the county or district attorney
22 having jurisdiction in that territory or the attorney general, the
23 officer to whom an affidavit is presented shall investigate the
24 allegations [~~the county or district attorney shall investigate the~~

1 ~~allegations]. [If the election covers territory in more than one~~
2 ~~county, the voters may present the affidavits to the attorney~~
3 ~~general, and the attorney general shall investigate the~~
4 ~~allegations.]~~

5 (c) On receipt of an affidavit under Section 15.028, the
6 county or district attorney having jurisdiction and, if applicable,
7 the attorney general shall promptly investigate the matter.

8 (d) On referral of a complaint from the secretary of state
9 under Section 31.006, the attorney general shall promptly ~~may~~
10 investigate the allegations.

11 (f) Following an investigation, if the attorney general or
12 the county or district attorney having jurisdiction determines that
13 criminal conduct has occurred, the officer making the determination
14 shall take all necessary actions in accordance with this code to
15 prevent criminal conduct in connection with the election.

16 SECTION 3. 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 September 1, 2005.