

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

April 25, 2005

TO: Honorable Mary Denny, Chair, House Committee on Elections

FROM: John S. O'Brien, Deputy Director, Legislative Budget Board

IN RE: HB3208 by Zedler (Relating to the investigation of certain criminal conduct in election matters.), **Committee Report 1st House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would extend concurrent jurisdiction over allegations of criminal wrongdoing in elections to the Office of the Attorney General (OAG). This jurisdiction would be concurrent with that of the local county or district attorney. The bill would allow individuals to report to the attorney general or the local prosecutor allegations of alleged criminal conduct in conjunction with the election.

The bill would require that when one of these offices receives two or more sworn affidavits that assert criminal wrongdoing in the election process, the receiving office must investigate promptly. Following an investigation, if it is determined that criminal conduct has occurred, the office that conducted the investigation would be required to take all necessary actions to prevent criminal conduct in connection with the election.

The bill would allow individuals to report to the OAG or the local prosecutor allegations of alleged criminal conduct in conjunction with the election.

The bill would take effect immediately if it receives the required two-thirds vote in each house; otherwise, it would take effect September 1, 2005.

The OAG's Criminal Investigations Division conducts investigations that relate to the detection and investigation of serious felony crime, to include the investigation of allegations concerning unlawful voting. Currently, the Secretary of State makes a request of the OAG to conduct an investigation when the Secretary of State determines that sufficient facts exist to warrant an investigation. Under the proposed changes to Section 15.028, Election Code, each voter registrar would be required to provide information regarding unlawful voting to the attorney general. It is anticipated that this new reporting requirement would result in additional duties for the OAG, such as record keeping, record filing, and record retention and storage. The proposed changes to Section 273.001, could result in an increase in the number of investigations and subsequent actions that would be required of the OAG. It is anticipated that added responsibilities could be absorbed using existing resources.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 302 Office of the Attorney General

LBB Staff: JOB, DLBa