

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION**

**April 12, 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 criminal conduct in election matters.), **As Introduced**

<b>No significant fiscal implication to the State is anticipated.</b>
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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 require that one of these offices promptly investigate any complaints on receipt of two or more sworn affidavits that assert criminal wrongdoing in the election process.

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 take effect immediately if it receives the required two-thirds vote in each house; otherwise, it would take effect on the 91st day after the last day of the legislative session.

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 attorney general to conduct an investigation when the secretary of state determines that sufficient facts exist to warrant an investigation. Under the proposed changes in Section 15.028 of the 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; however it is anticipated that this increase could be absorbed by current 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