

## **BILL ANALYSIS**

H.B. 1462  
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Elections  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Currently, the Texas Attorney General has the authority to investigate alleged criminal election violations only if the election covers more than one county or if the allegations arise from a complaint forwarded to the Attorney General from the Secretary of State. Local county and district attorneys also have the authority to investigate election fraud. However, these cases are often not investigated or brought to trial because these local prosecuting attorneys either lack sufficient resources to adequately build a case or could potentially suffer political consequences if they attempt to proceed with an investigation or pursue prosecution. Consequently, action is often not taken by local officials to preserve the integrity of an election where instances of wrongdoing are discovered. In order to better prevent and prosecute criminal conduct in connection with an election H.B. 1462 gives the Attorney General more authority regarding these cases and requires prompt investigation by prosecuting attorneys.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

H.B. 1462 amends the Election Code by stating that if a voter registrar determines that a person who is not a registered voter voted in an election, then the registrar is required to execute and deliver an affidavit stating the relevant facts to the attorney general and the county or district attorney that has jurisdiction in the territory covered by the election. The bill removes provisions restricting attorney general investigations to affidavits in connection with elections that cover territory in more than one county.

H.B. 1462 requires that if the attorney general or a county or district attorney (who has the relevant jurisdiction) is presented an affidavit alleging criminal conduct in connection with an election by two or more registered voters of that election, then the officer who receives the affidavit is required to investigate the allegations. The bill requires the respected prosecuting attorney, upon receipt of an affidavit from a voter registrar, or a complaint from the secretary of state, to promptly investigate the matter. H.B. 1462 requires that the prosecuting attorney who investigates and determines that a criminal conduct has occurred take necessary actions, in accordance to the Election Code, to prevent criminal conduct in connection with the election.

### **EFFECTIVE DATE**

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2007.