

By: Anchia

H.B. No. 3103

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the penalty for fraudulent or deceptive voting
3 practices; creating an offense.

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

5 SECTION 1. Subchapter A, Chapter 61, Election Code, is
6 amended by adding Section 61.015 to read as follows:

7 Sec. 61.015. FRAUDULENT OR DECEPTIVE VOTING PRACTICES. (a)

8 A person commits an offense if the person knowingly:

9 (1) impersonates or uses the identity of another
10 person and votes or attempts to vote as that other person;

11 (2) removes the name of an eligible voter from the list
12 of registered voters or the poll list for the precinct;

13 (3) prevents the deposit in the ballot box of a marked
14 and properly folded ballot that was provided at the polling place to
15 the voter who is depositing it or for whom the deposit is attempted;

16 (4) provides false information to a voter about voting
17 procedures, resulting in the voter:

18 (A) refraining from voting under a reasonable
19 belief that the voter may not vote or that the procedures are
20 intimidating or cumbersome; or

21 (B) otherwise being prevented from casting a
22 ballot that may legally be counted;

23 (5) places restrictions on a voter's exercise of the
24 right to vote that are not required by this code, resulting in the

1 voter:

2 (A) refraining from voting under a reasonable
3 belief that the voter may not vote; or

4 (B) otherwise being prevented from casting a
5 ballot that may legally be counted; or

6 (6) impersonates a law enforcement officer or provides
7 false information about law enforcement procedures for the purpose
8 of intimidating voters regardless of whether the voter casts a
9 vote.

10 (b) An offense under this section is a felony of the first
11 degree.

12 SECTION 2. The heading to Section 64.010, Election Code, is
13 amended to read as follows:

14 Sec. 64.010. UNLAWFULLY PERMITTING [~~OR PREVENTING~~] DEPOSIT
15 OF BALLOT.

16 SECTION 3. Section 64.010(a), Election Code, is amended to
17 read as follows:

18 (a) An election officer commits an offense if the officer [~~+~~
19 [~~(1)~~] permits a person to deposit in the ballot box a
20 ballot that the officer knows was not provided at the polling place
21 to the voter who is depositing the ballot or for whom the deposit is
22 made [~~, or~~

23 [~~(2) prevents the deposit in the ballot box of a marked~~
24 ~~and properly folded ballot that was provided at the polling place to~~
25 ~~the voter who is depositing it or for whom the deposit is~~
26 ~~attempted]~~.

27 SECTION 4. Section 64.012(a), Election Code, is amended to

1 read as follows:

2 (a) A person commits an offense if the person:

3 (1) votes or attempts to vote in an election in which
4 the person knows the person is not eligible to vote;

5 (2) knowingly votes or attempts to vote more than once
6 in an election; or

7 ~~(3) [knowingly impersonates another person and votes
8 or attempts to vote as the impersonated person; or~~

9 [~~4~~] knowingly marks or attempts to mark another
10 person's ballot without the consent of that person.

11 SECTION 5. The change in law made by this Act applies only
12 to an offense committed on or after the effective date of this Act.
13 An offense committed before the effective date of this Act is
14 governed by the law in effect when the offense was committed, and
15 the former law is continued in effect for that purpose. For
16 purposes of this section, an offense was committed before the
17 effective date of this Act if any element of the offense was
18 committed before that date.

19 SECTION 6. This Act takes effect September 1, 2011.