

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

**FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION**

**March 28, 2011**

**TO:** Honorable Larry Taylor, Chair, House Committee on Elections

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

**IN RE: HB3055** by Pena (Relating to the penalty for providing false information on an application for a ballot to be voted by mail.), **As Introduced**

**No significant fiscal implication to the State is anticipated.**

The bill would no longer exempt certain people from an offense, pertaining to providing false information on an early voting application for ballot, being a state jail felony instead of a Class A misdemeanor. The changes in law made by the bill would only apply to an offense committed on or after the effective date of this Act. It is anticipated that any costs associated with implementation of the legislation could be absorbed within existing resources. The bill would take effect on September 1, 2011.

**Local Government Impact**

The bill would amend Section 84.0041(b), Election Code, to make any offense under that section a state jail felony, removing the exception which makes an offense in certain cases punishable as a Class A misdemeanor.

Conviction of a Class A misdemeanor is punishable by a fine not to exceed \$4,000; confinement in county jail for a term not to exceed one year; or both the fine and the confinement. The bill would provide a savings to counties that currently house offenders to whom the exception applies in county jails; if the bill were implemented these offenders would be housed in state jails instead.

Savings to local entities would vary depending on the number of offenses which would no longer be punishable by a Class A misdemeanor under the provisions of the bill; however, these savings are not anticipated to be significant.

**Source Agencies:** 307 Secretary of State

**LBB Staff:** JOB, JT, BTA, KKR