

BILL ANALYSIS

H.B. 289
By: Zedler
Elections
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties note that a voter registrar who determines that an unregistered voter has voted in an election must report information regarding the incident to the district or county attorney who has jurisdiction in the territory covered by the election and is only required to also report the suspected voter fraud to the attorney general if the election covers territory in more than one county. Similarly, the parties note that allegations of criminal misconduct in an election are investigated by a district or county attorney having jurisdiction in the territory covered by an election and are only investigated by the attorney general, on receipt of an affidavit containing the allegations, if the election covers territory in more than one county. H.B. 289 seeks to remove those limitations regarding the authority of the attorney general to investigate certain election-related offenses.

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. 289 amends the Election Code to require a county voter registrar, in any case in which the registrar determines that a person who is not a registered voter voted in an election, to deliver an executed affidavit stating the relevant facts to the attorney general as well as to the county or district attorney having jurisdiction in the territory covered by the election by removing a condition requiring the voter registrar to deliver the affidavit to the attorney general only if the election covers territory in more than one county.

H.B. 289 expands a provision requiring a county or district attorney having jurisdiction in the territory covered by an election to investigate an allegation of criminal misconduct in connection with the election when presented with an affidavit by two or more registered voters of the territory alleging that criminal misconduct to include the attorney general as an optional recipient of such affidavit in all such cases by removing a condition authorizing voters to present such an affidavit to the attorney general only if the election covers territory in more than one county.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2013.