

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATURE 1st CALLED SESSION - 2017

August 10, 2017

TO: Honorable Dan Patrick, Lieutenant Governor, Senate

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: SB5 by Hancock (Relating to the prevention of fraud in the conduct of an election; creating a criminal offense; increasing criminal penalties.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

The bill would amend the Election Code as it relates to unlawful conduct in relation to an election. Under the provisions of the bill, certain election offenses would be expanded or their penalties increased depending upon the specific circumstances of the offense. The bill would also create the offense of election fraud.

This analysis assumes any costs associated with the additional duties and responsibilities, as outlined in the provisions of the bill, for the Office of the Attorney General and the Secretary of State can be implemented within existing resources.

This analysis assumes the provisions of the bill addressing felony sanctions would not result in a significant impact on the demand for state correctional resources. The bill would take effect on December 1, 2017 and apply only to an offense committed on or after the effective date of the Act.

Local Government Impact

A Class A misdemeanor is punishable by a fine of not more than \$4,000, confinement in a county jail for a term not to exceed one year, or both. Costs associated with enforcement, prosecution, and confinement could likely be absorbed within existing resources. Revenue gain from fines imposed and collected is not anticipated to have a significant fiscal implication. The Office of the Attorney General indicates the cost for local governments to increase the elections documents retention period from 6 to 22 months is unknown. Counties have reported the potential cost to implement early voting at residential care facilities would be significant so there could be savings from the repeal of certain provisions.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 302 Office of the Attorney General, 307 Secretary of State, 696 Department of Criminal Justice

LBB Staff: UP, SLE, LM, SD, JGA, ASa, AG, JSm