

By: Schofield

H.B. No. 2139

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the offense of engaging in organized election fraud activity.

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

SECTION 1. Chapter 276, Election Code, is amended by adding Section 276.011 to read as follows:

Sec. 276.011. ENGAGING IN ORGANIZED ELECTION FRAUD ACTIVITY. (a) A person commits an offense if, with the intent to establish, maintain, or participate in a vote harvesting organization, the person commits or conspires to commit one or more offenses under Titles 1 through 7.

(b) An offense under this section is one category higher than the most serious offense listed in Subsection (a) that is committed, and if the most serious offense is a Class A misdemeanor, the offense is a state jail felony.

(c) At the punishment stage of a trial, the defendant may raise the issue as to whether in voluntary and complete renunciation of the offense the defendant withdrew from the vote harvesting organization before commission of an offense listed in Subsection (a) and made substantial effort to prevent the commission of the offense. If the defendant proves the issue in the affirmative by a preponderance of the evidence the offense is the same category of offense as the most serious offense listed in Subsection (a) that is committed.

1       (d) In this section, "vote harvesting organization" means  
2 three or more persons who collaborate in committing offenses under  
3 Titles 1 through 7, although participants may not know each other's  
4 identity, membership in the organization may change from time to  
5 time, and participants may stand in a candidate-consultant,  
6 donor-consultant, consultant-field operative, or other arm's  
7 length relationship in the organization's operations.

8       (e) For purposes of this section, "conspires to commit"  
9 means that a person agrees with one or more persons that they or one  
10 or more of them engage in conduct that would constitute the offense  
11 and that person and one or more of them perform an overt act in  
12 pursuance of the agreement. An agreement constituting conspiring  
13 to commit may be inferred from the acts of the parties.

14       SECTION 2. The change in law made by this Act applies only  
15 to an offense committed on or after the effective date of this Act.  
16 An offense committed before the effective date of this Act is  
17 governed by the law in effect when the offense was committed, and  
18 the former law is continued in effect for that purpose. For purposes  
19 of this section, an offense was committed before the effective date  
20 of this Act if any element of the offense occurred before that date.

21       SECTION 3. This Act takes effect September 1, 2017.