

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

May 5, 2017

TO: Honorable Jodie Laubenberg, Chair, House Committee on Elections

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB4133 by Fallon (Relating to investigation and prosecution of certain election offenses; creating a criminal offense; increasing criminal penalties.), **Committee Report 1st House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would amend the Election Code as it relates to the investigation and prosecution of certain election offenses. Under the provisions of the bill, the offense of false statement on a voter registration application would be expanded and the punishment increased. The offense of illegal voting would be expanded, and the punishment increased under certain circumstances and decreased under other circumstances. The bill would also increase the punishment for the offense of unlawful participation in party affairs. The bill would create new offenses for the destruction of election records, misuse of voter registration, obstruction of an election investigation or proceeding, and election fraud.

The Secretary of State and Office of Court Administration do not anticipate a significant fiscal impact from implementing the provisions of the bill. This analysis assumes the provisions of the bill addressing felony sanctions for criminal offenses would not result in a significant impact on the demand for state correctional resources.

The bill would take effect September 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 jail for a term not to exceed one year, or both. A Class B misdemeanor is punishable by a fine of not more than \$2000, confinement in jail for a term not to exceed 180 days, 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.

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

LBB Staff: UP, LBO, LM, JPo, JGA