87S10895 SLB-D

By:  Allison H.B. No. 280

A BILL TO BE ENTITLED

AN ACT

relating to conduct constituting the criminal offense of election fraud; increasing a criminal penalty; creating an offense.

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

SECTION 1.  Section 13.007, Election Code, is amended to read as follows:

Sec. 13.007.  FALSE STATEMENT ON APPLICATION. (a) A person commits an offense if the person knowingly or intentionally:

(1)  makes a false statement; or

(2)  requests, commands, coerces, or attempts to induce another person to make a false statement on a registration application.

(b)  An offense under this section is a felony of the second degree [~~Class B misdemeanor~~].

(c)  If conduct that constitutes an offense under this section also constitutes an offense under another law, the actor may be prosecuted under this section, the other law, or both. [~~For purposes of this code, an offense under this section is considered to be perjury, but may be prosecuted only under this section.~~]

SECTION 2.  Section 64.012, Election Code, is amended by amending Subsections (a) and (b) and adding Subsection (c) to read as follows:

(a)  A person commits an offense if the person knowingly or intentionally:

(1)  votes or attempts to vote in an election in which the person knows the person is not eligible to vote;

(2)  [~~knowingly~~] votes or attempts to vote more than once in an election;

(3)  [~~knowingly~~] votes or attempts to vote a ballot belonging to another person, or by impersonating another person; [~~or~~]

(4)  [~~knowingly~~] marks or attempts to mark any portion of another person's ballot without the consent of that person, or without specific direction from that person how to mark the ballot; or

(5)  votes or attempts to vote in an election in this state after voting in another state in an election in which a federal office appears on the ballot and the election day for both states is the same day.

(b)  An offense under this section is a felony of the second degree [~~unless the person is convicted of an attempt. In that case, the offense is a state jail felony~~].

(c)  If conduct that constitutes an offense under this section also constitutes an offense under any other law, the actor may be prosecuted under this section, the other law, or both.

SECTION 3.  Sections 276.013(a) and (b), Election Code, are amended to read as follows:

(a)  A person commits an offense if the person knowingly or intentionally makes any effort to:

(1)  influence the independent exercise of the vote of another in the presence of the ballot or during the voting process;

(2)  cause a voter to become registered, a ballot to be obtained, or a vote to be cast under false pretenses; [~~or~~]

(3)  cause any false or intentionally misleading statement, representation, or information to be provided:

(A)  to an election official; or

(B)  on an application for ballot by mail, carrier envelope, or any other official election-related form or document;

(4)  cause the ballot not to reflect the intent of the voter;

(5)  cause a ballot to be voted for another person that the person knows to be deceased or otherwise knows not to be a qualified or registered voter;

(6)  cause or enable a vote to be cast more than once in the same election; or

(7)  discard or destroy a voter's completed ballot without the voter's consent.

(b)  An offense under this section is a felony of the second degree, unless:

(1)  the person committed the offense while acting in the person's capacity as an elected official, in which case the offense is a state jail felony; or

(2)  the person is convicted of an attempt, in which case the offense is a felony of the third degree [~~Class A misdemeanor~~].

SECTION 4.  Chapter 276, Election Code, is amended by adding Section 276.018 to read as follows:

Sec. 276.018.  PERJURY IN CONNECTION WITH CERTAIN ELECTION PROCEDURES. (a) A person commits an offense if, with the intent to deceive, the person knowingly or intentionally makes a false statement or swears to the truth of a false statement:

(1)  on a voter registration application; or

(2)  previously made while making an oath, declaration, or affidavit described by this code.

(b)  An offense under this section is a felony of the second degree.

SECTION 5.  The changes in law made by this Act apply only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect when the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 6.  This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect on the 91st day after the last day of the legislative session.