

BILL ANALYSIS

Senate Research Center
87S30490 TSS-D

S.B. 10
By: Hughes
State Affairs
10/4/2021
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

S.B. 10 changes Section 64.012(b) of the Election Code to change the penalty for illegal voting from a Class A misdemeanor to a felony of the second degree unless the person is convicted of an attempt. If the person is convicted of an attempt, the felony shall be a state jail felony.

S.B. 10 also amends Section 276.013(b) of the Election Code to remove the Class B misdemeanor penalty for attempt of election fraud and provides that election fraud is a Class A misdemeanor unless the person committed the offense while acting in the person's capacity as an election official. If acting under their capacity as an election official, election fraud is a state jail felony.

As proposed, S.B. 10 amends current law relating to increasing the criminal penalty for committing certain offenses relating to elections.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 64.012(b), Election Code, as effective December 2, 2021, as follows:

(b) Provides that an offense under Section 64.012 (Illegal Voting) is a felony of the second degree unless the person is convicted of an attempt, in which case, the offense is a state jail felony. Deletes existing text providing that an offense under this section is a Class A misdemeanor.

SECTION 2. Amends Section 276.013(b), Election Code, as effective December 2, 2021, as follows:

(b) Provides that an offense under Section 276.013 (Election Fraud) is a Class A misdemeanor, unless 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. Deletes existing text providing that an offense under this section is a Class A misdemeanor, unless the person is convicted of an attempt, in which case the offense is a Class B misdemeanor. Makes nonsubstantive changes.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: the 91st day after the last day of the legislative session.