

BILL ANALYSIS

Senate Research Center
87R19184 MLH-D

C.S.H.B. 574
By: Bonnen; Goldman (Taylor)
State Affairs
5/3/2021
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

C.S.H.B. 574 is designed to ensure that election fraud committed by any party, not just the voter, is prosecuted as such and that the penalty for similar offenses are comparable. The state's election integrity laws were updated in the first called session of the 85th Legislature with the passage of S.B. 5, which included a photo identification requirement for in-person voting and added a new election fraud statute to prevent unlawful influence of a voter, the casting of a ballot under false pretenses, and lying to election officials.

H.B. 574 adds to this criminal statute the acts of (1) counting invalid votes or including invalid votes in a report of any kind that a person knew were invalid and (2) refusing to count valid votes or excluding them in a report. As filed, the bill heightened an offense under this section, including those original acts described above, from a Class A misdemeanor to a second degree felony.

The committee substitute clarifies that the felony offense only applies to a person who knowingly counts invalid votes, refuses to count valid votes, or alters reports as such.

C.S.H.B. 574 amends current law relating to the creation of criminal offenses involving 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 Chapter 276, Election Code, by adding Section 276.014, as follows:

Sec. 276.014. OTHER ELECTION OFFENSES. (a) Provides that a person commits an offense if the person knowingly or intentionally makes any effort to:

- (1) count votes the person knows are invalid or alter a report to include votes the person knows are invalid; or
- (2) refuse to count valid votes or alter a report to exclude valid votes.

(b) Provides that an offense under this section is felony of the second degree.

SECTION 2. Effective date: September 1, 2021.