

BILL ANALYSIS

H.B. 2320
By: Jetton
Elections
Committee Report (Unamended)

BACKGROUND AND PURPOSE

There is a common practice in political campaigning in which voters receive an application for a ballot by mail that is already prefilled, requiring the voter to simply sign and return the application. Unfortunately, the voter can unknowingly commit voter fraud if the information contained in the application is incorrect but the application is still signed and returned. Furthermore, when these applications are delivered to the voter from sitting office holders, there is an implication that the applications are properly prefilled, regardless of if they are not. H.B. 2320 seeks to address this issue by creating an offense for prefilling an application for a ballot to be voted by mail.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill expressly does one or more of the following: creates a criminal offense, increases the punishment for an existing criminal offense or category of offenses, or changes the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 2320 amends the Election Code to create a state jail felony offense for a person who does the following:

- indicates the ground of eligibility for early voting on an application for ballot by mail; and
- distributes the application to an applicant with intent that the applicant will submit it on the applicant's behalf to the early voting clerk.

The offense does not apply to a person who signed the ballot application as a witness or otherwise lawfully assisted the applicant.

EFFECTIVE DATE

September 1, 2021.