By:  Allison H.B. No. 3297

Substitute the following for H.B. No. 3297:

By:  Cain C.S.H.B. No. 3297

A BILL TO BE ENTITLED

AN ACT

relating to election integrity and the prevention of fraud in the conduct of an election; creating criminal offenses; increasing a criminal penalty.

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

SECTION 1.  Section 13.007, Election Code, is amended by amending Subsections (a), (b) and (c) to read as follows:

(a)  A person commits an offense if the person:

(1)  knowingly 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 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 Subsection (a) and adding Subsection (c) to read as follows:

(a)  A person commits an offense if the person:

(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)  knowingly 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.

(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.

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;

(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)  causes the ballot not to reflect the intent of the voter;

(5)  count invalid votes or alter a report to include invalid votes;

(6)  fail to count valid votes or alter a report to exclude valid votes;

(7)  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;

(8)  vote more than once in the same election; or

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

(b)  An offense under this section is a Class A misdemeanor:

(1)  except that an offense under this section is a state jail felony if the person committed the offense while acting in their capacity as an election official; or

(2)  unless the person is convicted of an attempt. In that case, the offense is a Class B 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 makes a false statement or swears to the truth of a false statement:

(1)  on a registration application; or

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

(b)  An offense under this section is a state jail felony.

SECTION 5.  The change in law made by this Act applies 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 on the date 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 September 1, 2021.