A BILL TO BE ENTITLED
AN ACT
relating to conduct constituting the criminal offense of election fraud; increasing a criminal penalty.
BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
SECTION 1. Sections 13.007(b) and (c), Election Code, are amended to read as follows:
(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 adding Subsection (c) to read as follows:
(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.
including by altering the ballot or otherwise causing the ballot not to reflect the intent of the voter;

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

(3) 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;

(4) vote more than once in an election;

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

   (A) to an election official; or

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

(6) discard or destroy another voter's completed ballot without the voter's consent; or

(7) in the person's capacity as an election officer, cause:

   (A) a valid vote not to be counted; or

   (B) an invalid vote to be counted.

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

SECTION 4. 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 5. This Act takes effect September 1, 2021.