

**HOUSE OF REPRESENTATIVES  
COMPILATION OF PUBLIC COMMENTS**

Submitted to the Committee on Elections  
For HB 5053

Compiled on: Thursday, March 30, 2023 10:11 PM

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Hearing Date: March 30, 2023 10:30 AM - or upon final adjourn./recess or bill referral if permission granted

Susan Valliant  
Texas First  
Arlington, TX

House Bill 5053 by DeAyala allows for adjourning districts and counties to prosecute election offenders. It goes to the heart of accountability for all districts and counties. I support HB 5053.

William Fredricks  
none  
West, TX

I feel it is extremely important to all Texans that we lock down our election system to corruption and deceit from either side of the political isle. We need clean, fair and honest elections. That is why I support this bill.

Deborah Fredricks  
None  
West, TX

All election offenses should be prosecuted in a timely fashion in the appropriate venue.

Kelley Rumps  
self retired  
The Woodlands, TX

I support this bill.

Debra Wolgemuth  
County GOP Election Integrity Coordinator  
Waco TX, TX

Currently, counties are dependent on the Attorney General's office to prosecute Election Law offenders for 254 Texas Counties. It would be easier to handle smaller Election Law cases on the local level by the District Attorney. The Attorney General could provide backup support and assistance on all Election Law cases, if the county requests. (Perhaps our small counties would need this option?)

I support HB 5053.

Rhonda Anderson  
self  
Longview, TX

I support HB5053, we need election integrity at every level.

Tim Dowling  
none  
Corpus Christi, TX

Comments about HB 5053.

This radical and unprecedented bill should not be enacted. It allows a prosecutor in an neighboring “judicial district” (typically a neighboring county) to second guess the charging decisions of a prosecutor in the “home county” where (1) an alleged offense that is either a misdemeanor or felony under the Election Code occurred; or (2) a misdemeanor or felony “otherwise related” to a Texas election occurred. Item (2) is very vague, as no definition of what “otherwise related” means is provided.

This bill is actually even worse than allowing for the “second guessing” of the judgment of the home county prosecutor where the alleged violation occurred. A prosecutor in a neighboring county could indict and charge an alleged violation that did not occur in his or her county even while the prosecutor in the home county where the alleged violation occurred is still investigating the matter. This is an unprecedented usurpation of the power and prerogatives of the home county prosecutor. This bill proposes giving power to a neighboring foreign county prosecutor to reject decisions by the home county prosecutor (and even act before the home county prosecutor) even though no one in the home county gave any prosecutorial power to the “foreign” prosecutor in any election. The power given by the voters in the home county to the prosecutor they elected is transferred regarding the alleged violations to a prosecutor they never voted for. This bill is profoundly democratic, as it gives a foreign prosecutor the power to make decision for citizens who never cast a single vote for him or her. What crimes are charged in the home county should be decided by the home county prosecutor who was elected by the voters of that county, and not by someone else.

There is no other provision in Texas law that allows a prosecutor in County X to charge for a crime that occurred in another county (say County Y). This bill violates the foundational principle of Texas law that the trial of an alleged criminal violation occurs in the county where that alleged violation occurred.

This bill is a transparent political power grab to try to wrest away control of what alleged election crimes are charged in the home county by a prosecutor in a neighboring county who disagrees with the judgment of the home county prosecutor. Much confusion and even chaos is very foreseeable if this bill passes.

Those in favor of this bill presumably believe they know how it would operate. But this power so freely given to foreign county prosecutors by this bill can swing back in ways they may not expect.

If there is dissatisfaction with the judgment of the home county prosecutor, there are remedies for that. First, that prosecutor can be voted out of office when he or she is next up for re-election. Second, before any such election occurs, a petition can be brought under Texas law to remove a prosecutor from office. [Part 1 of 2]

Tim Dowling

none

Corpus Christi, TX

Part 2 of 2:

For example, such an effort is occurring in Nueces County (Corpus Christi) right now. See Judge to allow trial in petition seeking removal of Nueces County DA (caller.com). If such an effort is successful, the next prosecutor will have the opportunity to charge what the removed prosecutor decided not to charge.

This bill is absurd, and should not be approved by the House Elections committee.

Mary Gagnon

self

Corpus Christi, TX

I am strongly in favor of this bill. Candidates' districts often cross over county lines. Therefore the rights of voters in one county may be infringed by fraud in an adjacent county. If a county/judicial district isn't willing to prosecute election fraud, we need to expand who else can prosecute. Election fraud needs to be prosecuted.

Natalie Olsson

Self and Election Integrity Project of Nueces County

Corpus Christi, TX

I am in favor of this bill. If a county/judicial district isn't willing to prosecute election fraud, whether it's a misdemeanor or a felony, we need to expand who else can prosecute. It's not fair to the voters to allow potential fraud to go unprosecuted.

Cynthia Triggs

Self - Retired

Georgetown, TX

It is critical that election laws be followed and that election officials who violate those laws are prosecuted. In the past few elections those accused of crimes have not faced charges because the local D.A. chose to ignore the law because of political considerations. We will not have free and fair elections as long as election officials who violate the law go unpunished.

Please support this bill to ensure our election laws are followed.

Thank you for your consideration.

Pamela Woods

EIP Nueces County

Corpus Christi, TX

I am in favor of this bill. I am also in favor of more state wide control and processes in voting by county or precinct to provide State jurisdiction in prosecuting Election violations. And having the State apply pressure on the County elected Sheriffs to provide immediate application of the state wide voting laws. But having said that some, a minor percentage of the process needs to be given to the counties for any particular needs.

Kristen McCarty

Self- RWCK & FBC GOP Election Integrity Co-Chair

Katy, TX

Please support HB5053

In Fort Bend County the Elections Commissions meetings consisted of the Fort Bend County Judge, the Election Administrator, the GOP and Dem Chair, the tech team Lead, and the District Attorney. These meeting were video recorded and posted on the FBC Elections Website. Many Election decisions were decided and approved jointly by this team. If there were an issue with the Elections that needed to be prosecuted, there would be a conflict of interest in Fort Bend County because the DA is on the Elections Committee. There needs to be an option to prosecute outside the local jurisdiction in which the offense occurred.

Please support HB5053

Kristen McCarty

Jeff Reese

"self" retired law enforcement - Former Sergeant, Harris County Sheriff's Office

Houston 77064, TX

This bill is unnecessary and opens up the penal code to partisan politics.

Patricia Cummings

Self

Lorena, TX

My name is Patricia Cummings, and I am a Texas citizen residing in zip code 76655. I write to support HB 5053. There are times when laws are not enforced in jurisdictions evenly, this bill will enable the adjoining judicial district or county to ensure the appropriate judicial process is correctly applied. Thank you for your service to the citizens of Texas.

dianna biskan

Self retired

Plano, TX

I SUPPORT HB 5053

Dianna Biskan

7714 Element

Plano 75024

Steve Hadley

SELF

Spring, TX

Not needed standards are in place. That is politically motivated action. No, Hell No!

Chris Donofrio

Self

The Woodlands, TX

I oppose HB 5053.

I believe its intention is to reduce the chance of corruption by keeping everything in the same county. If so, I applaud that.

I just don't think that HB 5053, as proposed, would accomplish this.

Instead, I would expect it to be used to move cases from their originating county to an adjacent county that best serves the political and/or personal interests of those dealing with either making the charges or being charged. For example, Harris County (Democrat) is bordered by some Republican counties. What's to prevent a Republican in Harris County from wanting a trial in an adjoining Republican county? And vice versa. Would a person choose a venue where their chance of acquittal is better? Would political pressures trying to get a conviction or an acquittal provide a biased desire to find a place to achieve the desired result? This just seems like court-shopping.

Please, think about these questions.

Until they can be resolved, I urge the committee to let this bill die.

Respectfully,

Chris J Donofrio

Marian Stanko

Self / Retired

San Antonio, TX

Supports.

Samuel Aundra Fryer

Self / Election Integrity Project Nueces County

Corpus Christi, TX

I am wholeheartedly in favor of this bill. Given the sensitive nature of elections and the growing public distrust of the election process, expanding the ability to prosecute election fraud, regardless of it being a misdemeanor or a felony, only makes sense if a county/judicial district is unwilling to prosecute. This will help deter election fraud and help regain public confidence in the election process.

Robyn Honig

Self/None

Austin, TX

I oppose HB 5053.

Jean Michel Beique

Self

Katy, TX

Support

Bonnie Wallace

retired; self

LLANO, TX

I SUPPORT this bill. It will provide a method to punish election law infractions that apparently most often go unpunished. Vote YES!!!!!!!

Tom Nobis  
The Republican Party of Texas and Self  
Houston, TX

I support the bill. As some local District Attorneys fail to prosecute election fraud, allowing District Attorneys in adjoining jurisdictions will provide a remedy.

Carl Jones, TDP Non Urban Rural Caucus State Field Coordinator  
TDP Non Urbsn Rural Caucus I'lll  
Spicewood, TX

I OPPOSE HB 5053. What is the reason for this bill? Answer:: to try to further intimidate Democratic inclined voters and election officials in urban counties like Harris County. This is an insidious attempt to move the "offense" to be litigated in RED counties to seek an easier path for punishment of innocent and inadvertent voting practice mistakes. This is a shameful and cowardly bill.

Bonnie Seelig  
Self retired  
Spicewood, TX

FOR  
I support prosecution of election offenses. Some prosecutors don't believe that is necessary. Let's find another venue.

Taylor Trevino  
self - organizer  
Austin, TX

I strongly urge Representatives to oppose this bill.

Sarah Berel-Harrop  
Self / Seminarian, Intern Minister & Director of Religious Education  
Farmers Branch, TX

I oppose this bill. This is a subtle form of pre-emption and too prone to abuse. People who have nothing to do with a particular county, prosecutors with no accountability to the voters, could interfere with the elections process of another county. People with political or personal vendettas can prevail upon prosecutors outside the county to harass their enemies. Even if the prosecution is not successful, it would have a chilling, voter suppressive effect. This is particularly the case when considering the racial dynamics of white flight in our state (ie, white folks who have moved to the outskirts of an urban area could manipulate elections in that urban area even though they don't live there anymore through this legislation). The fact that at the same time that this bill is being proposed, vague election laws that would criminalize innocent mistakes (SB2) are also moving through the legislature make this bill even more dangerous.

James Ransdell  
Self  
Seguin, TX

We need this bill to provide a mechanism to prosecute election law offenses. Vote YES Please.

susan white  
Self  
Katy, TX

I support this bill.

Kim Perrine  
Self  
Leander, TX

Against: would allow prosecuting election offenses in adjoining areas. Think cheating in Wilco prosecuted in Travis. I don't think so.

Alison Johnson  
Self  
Sugar Land, TX

Support Please Approve

Janis Reinken  
Self / Attorney  
Austin, TX

I oppose HB 5053, and its companion SB 2208, which reveal an effort to shift the prosecution of an election offense (felony or misdemeanor) to a county other than the one where the alleged offense occurred.

Section 1 of the Bill would amend Chapter 13 of the Code of Criminal Procedure to allow an adjacent judicial district to prosecute (and presumably, try and adjudicate) a felony case other than where the offense occurred. It would allow prosecution of a misdemeanor election offense in an adjoining county other than the county where the offense occurred. This makes no sense. This legislation is misguided, because it would shift costs and efforts for the prosecution process across county lines, and may actually alter the assignment of cases from one judicial district to another. This may also impact the rights of the accused regarding a grand jury indictment for a felony, under Chapter 1 of the Code of Criminal Procedure, or the right to seek a change of venue under Chapter 31 of the Code of Criminal Procedure.

Also, this legislation is unnecessary and confusing, as there are other mechanisms under the Code of Criminal Procedure for managing these legal matters.

Please do not advance HB 5053, since it is misguided, unnecessary and confusing. It is a solution in search of a problem, which is not a sound reason to pass a Bill.

Respectfully,

Janis Reinken 03-30-23