

BILL ANALYSIS

Senate Research Center
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H.B. 5115
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State Affairs
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Elections are a fundamental aspect of our government. These systems are the means by which Texans participate in our representative democracy. As such, it is important that actions intentionally taken to subvert or change election results are properly discouraged and punished. To ensure that the voices of this state are accurately heard, steps should be taken to bolster election crime penalties.

H.B. 5115 amends Sections 276.013 (a) and (b) of the Election Code to further protect the integrity of our elections. The bill makes four important changes to current statute. These are:

1. adding the actions of counting votes that are invalid, altering reports to include votes the person knows are invalid to the list of offenses, and refusing to count valid votes to the list of election crimes;
2. increasing the penalty for all election crimes listed in this section from a Class A misdemeanor to a felony of the second degree;
3. raising the punishment for elected officials who commit any of these crimes from a state jail felony to a felony of the first degree; and
4. making an attempt to commit any of these crimes a felony of the third degree instead of a Class B misdemeanor.

H.B. 5115 amends current law relating to the penalty for the crime of election fraud and increases a criminal penalty.

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 Sections 276.013(a) and (b), Election Code, as follows:

(a) Provides that a person commits an offense if the person knowingly or intentionally makes any effort to take certain actions, including counting votes the person knows are invalid or altering a report to include votes the person knows are invalid or refusing to count votes the person knows are valid, or altering a report to exclude votes the person knows are valid. Makes nonsubstantive changes.

(b) Provides that an offense under Section 276.013 (Election Fraud) is a felony of the second degree, rather than a Class A misdemeanor, unless the person committed the offense while acting in the person's capacity as an elected official, in which case the offense is a felony of the first degree, rather than a state jail felony, or the person is convicted of an attempt, in which case the offense is a felony of the third degree, rather than a Class B misdemeanor.

SECTION 2. Repealer: Section 276.013(c) (relating to providing that an offense under Section 276.013 is increased to the next higher category of offense if certain criteria are met), Election Code.

Repealer: Section 276.014 (Other Election Offenses), Election Code.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: September 1, 2025.