

## **BILL ANALYSIS**

H.B. 5115  
By: Shaheen  
Elections  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Under current law, the offense of illegal voting is a second degree felony, but an election fraud offense is only a Class A misdemeanor or, if the actor was acting in their capacity as an elected official, a state jail felony. The bill author has informed the committee that election fraud is a serious offense, and the punishment should be consistent with the punishment for other election-related violations. H.B. 5115 seeks to address this issue by providing for penalty increases for the offense of election fraud.

### **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. 5115 amends the Election Code to expand the conduct that constitutes the offense of election fraud to include knowingly or intentionally making any effort to do the following:

- count votes the person knows are invalid or alter a report to include votes the person knows are invalid; or
- refuse to count votes the person knows are valid or alter a report to exclude votes the person knows are valid.

The bill repeals provisions providing for a separate second degree felony offense for a person who knowingly or intentionally engages in such conduct.

H.B. 5115 increases the following penalties:

- for a person who commits election fraud, from a Class A misdemeanor to a second degree felony;
- for a person who commits election fraud while acting in the person's capacity as an elected official, from a state jail felony to a first degree felony; and
- for a person who is convicted of an election fraud attempt, from a Class B misdemeanor to a third degree felony.

The bill repeals provisions increasing an election fraud offense to the next higher category of offense for a defendant who was previously convicted of an offense under the Election Code or who committed another election fraud offense in the same election or for an offense involving certain voters 65 years of age or older.

H.B. 5115 applies only to an offense committed on or after the bill's effective date. An offense committed before the bill's effective date is governed by the law in effect when the offense was committed, and the former law is continued in effect for that purpose. For these purposes, an offense was committed before the bill's effective date if any element of the offense occurred before that date.

H.B. 5115 repeals Section 276.013(c) and Section 276.014, Election Code.

**EFFECTIVE DATE**

September 1, 2025.