

By: Shaheen, Patterson, McQueeney, Fairly,
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H.B. No. 5115

A BILL TO BE ENTITLED

AN ACT

relating to the penalty for the crime of election fraud; increasing
a criminal penalty.

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

SECTION 1. 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 of another or by otherwise causing
a ballot to not 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;

(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) prevent a voter from casting a legal ballot in an
election in which the voter is eligible to vote;

(5) provide false information to a voter with the
intent of preventing the voter from voting in an election in which
the voter is eligible to vote;

(6) cause the ballot not to reflect the intent of the voter;

(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) cause or enable a vote to be cast more than once in the same election; ~~[or]~~

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

(10) count votes the person knows are invalid or alter a report to include votes the person knows are invalid; or

(11) refuse to count votes the person knows are valid or alter a report to exclude votes the person knows are valid.

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

(1) the person committed the offense while acting in the person's capacity as an elected official, in which case the offense is a ~~[state jail]~~ felony of the first degree; or

(2) the person is convicted of an attempt, in which case the offense is a felony of the third degree ~~[Class B misdemeanor]~~.

SECTION 2. The following provisions of the Election Code are repealed:

(1) Section 276.013(c); and

(2) Section 276.014.

SECTION 3. The changes in law made by this Act apply only to an offense committed on or after the effective date of this Act. An

1 offense committed before the effective date of this Act is governed
2 by the law in effect when the offense was committed, and the former
3 law is continued in effect for that purpose. For purposes of this
4 section, an offense was committed before the effective date of this
5 Act if any element of the offense occurred before that date.

6 SECTION 4. This Act takes effect September 1, 2025.