

## **BILL ANALYSIS**

C.S.H.B. 3297  
By: Allison  
Elections  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Concerns have been raised regarding reports of potential election fraud during the recent November elections. It has been suggested that the State of Texas has a duty to maintain the integrity of elections held in Texas by making every effort to strengthen ballot security protocols throughout the state. C.S.H.B. 3297 seeks to prevent voter fraud in Texas by revising certain election-related offenses and providing increased penalties.

### **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**

C.S.H.B. 3297 amends the Election Code to expand the conduct constituting election fraud to include a person who knowingly or intentionally makes any effort to do the following:

- cause any false statement, representation, or information to be provided as follows:
  - to an election official; or
  - on an application for voter registration or for ballot by mail, a carrier envelope, or any other official election-related form or document;
- cause the ballot not to reflect the intent of the voter;
- count invalid votes or alter a report to include valid votes;
- fail to count valid votes or alter a report to exclude valid votes;
- 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;
- vote more than once in the same election; and
- discard or destroy another voter's completed ballot without the voter's consent.

The bill enhances the penalty for election fraud from a Class A misdemeanor to a state jail felony if the person committed the offense while acting in the person's capacity as an election official. The bill creates a Class B misdemeanor offense for a person who attempts to commit election fraud.

C.S.H.B. 3297 creates a state jail felony offense for a person who, with the intent to deceive, makes a false statement or swears to the truth of a false statement:

- on a voter registration application; or
- previously made while taking an oath or making a declaration or affidavit prescribed by the Election Code.

C.S.H.B. 3297 expands the conduct constituting an offense for making a false statement, or inducing another person to make a false statement, on a voter registration application to include coercing another person to make a false statement on the application. If conduct constituting the offense also constitutes another offense, the actor may be prosecuted for either offense or both offenses.

C.S.H.B. 3297 expands the conduct constituting illegal voting to include a person who knowingly votes or attempts to vote in an election in Texas after voting in another state in an election in which a federal office appears on the ballot and the election day for both states is the same day. If conduct constituting illegal voting also constitutes another offense, the actor may be prosecuted for either offense or both offenses.

**EFFECTIVE DATE**

September 1, 2021.

**COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 3297 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The original increased the penalty for making a false statement, or inducing another person to make a false statement, on a voter registration application from a Class B misdemeanor to a second degree felony. The substitute does not include that penalty increase but does expand the conduct constituting the offense.

The substitute includes provisions absent from the original expanding the conduct constituting illegal voting and creating an offense for perjury in connection with certain election procedures.

The substitute revises the original's expansion of conduct constituting election fraud. The original increased the penalty for the offense from a Class A misdemeanor to a second degree felony, whereas the substitute does not increase the penalty for the offense but enhances the penalty to a state jail felony if the actor committed the offense while acting in the person's capacity as an election official. The substitute includes a provision absent from the original creating a Class B misdemeanor offense for a person who attempts to commit election fraud.