

SUBJECT: Increasing penalties for unlawful participation in political party activities

COMMITTEE: Elections — favorable, without amendment

VOTE: 6 ayes — Laubenberg, R. Anderson, Fallon, Larson, Reynolds, Swanson

1 nay — Israel

WITNESSES: For — Bill Fairbrother, Texas Republican County Chairmen's Association; (*Registered, but did not testify*: Alan Vera, Harris County Republican Party Ballot Security Committee; Glen Maxey, Texas Democratic Party)

Against — (*Registered, but did not testify*: Yannis Banks, Texas NAACP)

On — Keith Ingram, Texas Secretary of State, Elections Division

BACKGROUND: Election Code, sec. 162.014 makes it an offense if a person knowingly votes or attempts to vote in a primary election, or participates or attempts to participate in a convention of a party after having voted in a primary election or participated in a convention of another party during the same voting year. This offense is a class C misdemeanor (maximum fine of \$500).

DIGEST: HB 1086 would make the offense described in Election Code, sec. 162.014 a second-degree felony (two to 20 years in prison and an optional fine of up to \$10,000) if completed, or a state-jail felony (180 days to two years in a state jail and an optional fine of up to \$10,000) if attempted.

The bill would take effect September 1, 2017, and would apply only to an offense committed on or after that date.

SUPPORTERS SAY: HB 1086 is necessary to protect the integrity of primary elections in Texas. Illegal voting in a general election is a second-degree felony or a state-jail felony for an attempt. This bill simply would make the penalties the same for voting illegally in a primary election.

OPPONENTS  
SAY:

HB 1086 would increase the penalty from the lowest level misdemeanor to a state-jail felony or a second-degree felony, which would be too severe for this offense, as many Texans are unaware that it is against the law to participate in more than one party's election activities in an election year.