

SUBJECT: Enhancing the penalty for voting illegally to a felony

COMMITTEE: Elections — favorable, without amendment

VOTE: 5 ayes — Smith, Burrows, Capriglione, DeAyala, Swanson

3 nays — Bucy, E. Morales, Vo

1 absent — Manuel

WITNESSES: For — Alan Vera, Harris County Republican Party Ballot Security Committee; Bradley Hodges; Ed Johnson; Marcia Strickler (*Registered, but did not testify*: Cary Roberts, County and District Clerks Association of Texas; Ed Zenner, RPT; Andrew Eller, State Republican Executive Committee SD24, Republican Party of Texas, Self; Tom Nobis, The Republican Party of Texas; and 11 individuals)

Against — Katya Ehresman, Common Cause Texas; Roxy D. Hall Williamson, GIVERS Vote Texas; Stephanie Swanson, League of Women Voters of Texas; Nelson Linder, NAACP Austin; Veronikah Warms, Texas Civil Rights Project; Susana Carranza; Valerie DeBill; Taylor Trevino (*Registered, but did not testify*: Andrew Hendrickson, ACLU of Texas; Maggie Stern, Children's Defense Fund - Texas; Kathy Mitchell, Just Liberty; Cyrus Reed, Lone Star Chapter Sierra Club; Amber Mills, MOVE Texas Action Fund; Jose Medina, Public Citizen; Joey Bennett, Secure Democracy USA; Birk Wilkison, Texas Democratic Party; Carisa Lopez, Texas Freedom Network; Cynthia Van Maanen, Travis County Democratic Party; and eight individuals)

BACKGROUND: Under Elections Code sec. 64.012, a person commits a class A misdemeanor (up to one year in jail and/or a maximum fine of \$4,000) if the person knowingly or intentionally:

- votes or attempts to vote in an election in which the person knows the person is not eligible to vote;
- votes or attempts to vote more than once in an election;

- votes or attempts to vote a ballot belonging to another person, or by impersonating another person;
- marks or attempts to mark any portion of another person's ballot without the consent of that person, or without specific direction from that person how to mark the ballot; or
- votes or attempts to vote in an election in this state 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.

Some have suggested the penalty for illegal voting should be increased to demonstrate that the crime of illegal voting is a serious offense.

**DIGEST:**

HB 1243 would enhance the offense under Election Code sec. 64.012 from a Class A misdemeanor to a second-degree felony (two to 20 years in prison and an optional fine of up to \$10,000) unless the person was convicted of an attempt, in which event it would be a state-jail felony (180 days to two years in a state jail and an optional fine of up to \$10,000).

Changes made within the bill would apply only to an offense committed on or after the effective date of the bill. An offense committed before the effective date would be governed by the former law, continued in effect for that purpose. An offense was committed before the effective date if any element of the offense occurred before that date.

The bill would take effect September 1, 2023.