

SUBJECT: Authorizing certain venues for prosecution of an election offense

COMMITTEE: Elections — committee substitute recommended

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

3 nays — Bucy, Manuel, E. Morales

1 absent — Vo

WITNESSES: For — Alan Vera, Harris County Republican Party Ballot Security Committee; Ed Johnson (*Registered, but did not testify*: Cindy Najera, CCDF USA Travis County; Cindy Siegel, Harris County GOP; Devvie Duke, Republican Party of Texas; Ed Zenner, RPT; Susan Lucas, SREC SD5; Karen Marshall, State Republican Executive Committee; Cindi Castilla, Texas Eagle Forum; Christina Drewry, Texas Freedom Coalition; Robert L. Green, Travis County Republican Party Election Integrity Committee for Legislation; and 8 individuals)

Against — Susana Carranza (*Registered, but did not testify*: Andrew Hendrickson, ACLU of Texas; Yasmine Smith, Austin Area Urban League; Katya Ehresman, Common Cause Texas; Palwasha Sharwani, Engage TX; Roxy Williamson, Galveston Island Voter Education Resource and Services, Texas Grassroots Alliance, and New Endeavor Texas; Gloria Leal, League of United Elected Officials; Stephanie Swanson, League of Women Voters of Texas; Joey Bennett, Secure Democracy USA; Ana Gonzalez, Texas AFL-CIO; Emily Eby French, Texas Civil Rights Project; Carisa Lopez, Texas Freedom Network; Kathryn Williams, Texas Grassroots Alliance; Joshua Houston, Texas Impact; Cynthia Van Maanen, Travis County Democratic Party; and 20 individuals)

On — (*Registered, but did not testify*: Lori Gallagher, Texas First; Karen Darby; Lindsey Gremont)

BACKGROUND: Some have suggested that authorizing election related offenses to be

prosecuted in a county or judicial district other than that in which the offense occurred could help ensure a fair and unbiased venue for the prosecution.

**DIGEST:** CSHB 5053 would authorize an election related offense classified as a felony to be prosecuted in a judicial district adjoining the district in which the offense occurred. An election related offense classified as a misdemeanor could be prosecuted in a county adjoining the county in which the offense occurred.

The bill would repeal a provision authorizing the prosecution of election related offenses in the county in which they occurred, an adjoining county, or Travis county.

The bill would take effect September 1, 2023, and would apply only to a violation of law that occurred on or after the effective date.