

ENHANCED/ CHANGED OFFENSES – SENATE BILL 1

- **Note:** New statutory language is underlined and requisite mental states are *italicized*.

STATUTE	WHO	WHAT	EXCEPTIONS	LEVEL OF OFFENSE
<p>Sec. 13.007, Election Code: False Statement on Application</p>	<p>Anyone</p>	<p>Commits an offense if they <i>intentionally</i> make a false statement or request on a registration application or request, <u>command</u>, <u>coerce</u>, or attempt to induce another person to make a false statement on a registration application.</p> <p>Note*: The law previously already included the mental state of “<i>knowingly</i>,” which is a lesser <i>mens rea</i> than “<i>intentionally</i>.” The verb “<u>coerce</u>” was also added to the list of conduct violating this Section.</p> <p>“Coercion” defined in Black’s law dictionary is: “Compulsion; force; duress. It may be either actual, (direct or positive) where physical force is put upon a man to compel him to do an act against his will, or implied, (legal or constructive) where the relation of the parties is such that one is under subjection to the other and is thereby constrained to do</p>	<p></p>	<p>SB 1 changed this crime from a Class B misdemeanor to a Class A misdemeanor or a State Jail Felony (SJF) if the person: 1) directly or through a third party offers or provides compensation or other benefit to a person for making a false statement on a registration application; or 2) solicits, receives, or accepts compensation or other benefit for requesting, commanding, coercing, or attempting to induce another person to make a false statement.</p> <p>Note*: New <i>in pari materia</i> clause, stating that if conduct under this offense also constitutes another offense in a different statute, the individual can be prosecuted under this statute, the other, or both (likely referring to perjury statutes).</p>

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		what his free will would refuse.”		
Sec. 33.061, Election Code: Unlawfully Obstructing Watcher	Any election official	Commits an offense if they prevent a watcher from observing activities or <u>procedures</u> that <u>person <i>knows</i></u> the watcher is entitled to observe, <u>including by taking any action to obstruct the view of a watcher from the activity or procedure to be observed in a manner that would make observation not reasonably effective.</u>		Still a Class A misdemeanor. But new Sec. 33.063 also adds injunctive relief, writs of mandamus, and other remedies available under law as additional enforcement actions.
Sec. 86.010, Election Code: Unlawfully Assisting Voter Voting Ballot by Mail	Anyone	Commits an offense if the person <i>knowingly</i> fails to comply with Subsection (c) of this Section, stating that the person assisting the voter must sign the written oath prescribed by Sec. 64.034 that is part of the certificate on the official carrier offense.	Adds an exception that a violation of this subsection is not an offense if the person is related to the voter within the second degree by affinity or the third degree by consanguinity or was physically living in the same dwelling as the voter at the time of the event.	SB 1 specifies that only offenses for violations of Subsection (c) are increased to the next higher category of offense under certain circumstances. Violations under the other subsections are no longer increased.
Sec. 86.0105, Election Code: Compensation for Assisting Voters Prohibited	Anyone	Commits an offense if they <u>compensate or offers to compensate</u> another person for assisting voters as provided by Sec. 86.010, without any caveats. [Does not have to be part of a performance-based	Added a section stating that it is not an offense if the person assisting a voter is an attendant or caregiver previously known to the voter.	SJF regardless of whether you have prior convictions under this section or not.

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		<p>compensation scheme based on number of voters assisted or in which another person is presented with a quota of voters, as before]. Also an offense to solicit, receive, or accept compensation for assisting voters under Sec. 86.010.</p> <p>Note*: Changes definition of compensation to reflect “an economic benefit as defined by Sec. 38.01 of the Penal Code.”</p>		
Sec. 276.004, Election Code: Unlawfully Prohibiting Employee from Voting	An employer or anyone who has employment authority over someone	Commits an offense if they refuse to permit the other person to be absent from work (or subjects/threatens to subject them to a penalty) on election day <u>or while early voting is in progress</u> for the purpose of attending the polls to vote.	If the polls are open on election day <u>or while early voting is in progress</u> for voting two consecutive hours outside the voter’s working hours.	Class C Misdemeanor
Sec. 276.013, Election Code: Election Fraud	Anyone	Commits an offense if the person <i>knowingly</i> or <i>intentionally</i> makes an effort to influence the independent exercise of the vote of another in the presence of the ballot or during the voting process, <u>including by altering the ballot of another</u>		Class A misdemeanor, unless the person acted in their capacity as an elected official and then it’s a SJF. If it’s just an attempt to do one of the aforementioned actions, it’s a Class B misdemeanor.

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		<p>or by otherwise causing a <u>ballot to not reflect the intent of the voter</u>; cause a voter to become registered, a ballot to be obtained, or a vote to be cast under false pretenses; cause any <u>false or intentionally</u> misleading statement, representation, or information to be provided to an election official or on any official election-related form or document; <u>prevent a voter from casting a legal ballot in an election in which the voter is eligible to vote</u>; <u>provide false information to a voter with the intent of preventing the voter from voting in an election in which the voter is eligible</u>; cause the ballot not to reflect the intent of the voter; cause a ballot to be voted for another person that the person <i>knows</i> is deceased or otherwise <i>knows</i> not to be a qualified or registered voter; cause or enable a vote to be cast more than once in the same election; or discard or <u>destroy a voter’s completed ballot without the voter’s consent.</u></p>		
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<p>64.012, Election Code: Illegal Voting</p>	<p>Anyone</p>	<p>Commits an offense if the person <i>knowingly or intentionally</i> 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 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; <u>or 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.</u></p>	<p>A person may not be convicted solely on the fact that they signed a provisional ballot affidavit, unless corroborated by other evidence that the person <i>knowingly</i> committed the offense.</p>	<p>Class A misdemeanor (reduced from a second degree felony). <i>In pari materia</i> clause stating that a person can be prosecuted under this law, another law, or both.</p>
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