

## NEW OFFENSES – SENATE BILL 1

STATUTE	WHO	WHAT	EXCEPTIONS	LEVEL OF OFFENSE
Sec. 33.051, Election Code: Acceptance of Poll Watchers	An election officer	Commits an offense if they <i>knowingly</i> or <i>intentionally</i> refuse to accept a watcher for service when acceptance of the watcher is required by this section.		Class A Misdemeanor
Sec. 63.0111, Election Code: Offenses Related to Provisional Voting	An election judge	Commits an offense if the judge <i>knowingly</i> provides a voter with a form for an affidavit required by Sec. 63.001 if the form contains information that the judge entered on the form <i>knowing</i> it was false.		State Jail Felony (SJF)
Sec. 276.015, Election Code: Vote Harvesting	Anyone	Commits an offense if the person, directly or through a third party, <i>knowingly</i> provides or offers to provide vote harvesting services in exchange for compensation or other benefit. Also an offense for the inverse (providing or offering to provide compensation/benefit to other person). Also an offense to <i>knowingly</i> collect or possess a mail ballot or official carrier envelope in connection with vote harvesting services.	If there is no compensation/other benefit involves, if the interaction did not occur in the presence of the ballot or during the voting process, if the interactions didn't directly involve an official ballot or ballot by mail, if the interactions were not conducted in-person with a voter, or if the activity was not designed to deliver votes for or against a specific candidate or measure.	Third degree felony + <i>in pari materia</i> clause stating that an actor can be prosecuted under this statute, any other statute that applies, or both.  <b>Note*:</b> An elections officer must give any records necessary to investigate vote harvesting to a law enforcement officer upon request.
Sec. 276.016, Election Code: Unlawful Solicitation and Distribution of Application to Vote by Mail	A public official or election official	Commits an offense if the official, while acting in their official capacity, <i>knowingly</i> : solicits the submission of an application to vote by mail from a person who didn't request an application; distributes an application to vote by mail to a person who didn't request the application (unless distribution is expressly authorized by another provision of the Election Code); authorizes or approves the expenditure of public funds to facilitate third-party distribution of an application to vote by mail to a	Not an offense to "distribute" an application by providing access to it through a publicly accessible website. Not an offense for an official to complete any portion of an application if they were lawfully assisting the applicant under Sec. 84.003. Not an offense to	SJF

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		person who did not request the application; or completes any portion of the application and distributes it to an applicant.	provide general information about voting by mail, the vote by mail process, or the timelines associated with voting. Also an exception if the official was acting as a candidate for a public elective office.	
Sec. 276.017, Election Code: Unlawful Distribution of Early Voting Ballots and Balloting Materials	An early voting clerk or other election official	Commits an offense if the clerk or official <i>knowingly</i> mails or otherwise provides an early voting ballot by mail or other materials to a person who the clerk or official <i>knows</i> did not submit an application under Sec. 84.001.		Class A Misdemeanor
Sec. 276.018, Election Code: Perjury in Connection with Certain Election Procedures	Anyone	Commits an offense if, <i>with the intent to deceive</i> , the person <i>knowingly</i> or <i>intentionally</i> makes a false statement or swears to the truth of a false statement: 1) on a voter registration application; or 2) previously made while making an oath, declaration, or affidavit described by the Election Code.		SJF
Sec. 22.304, Government Code: Court Sitting in Panels for Certain Election Proceedings	Anyone, including a public official	Commits an offense if the person communicates with a court clerk with the <i>intention</i> of influencing or attempting to influence the composition of a three-justice panel assigned a specific proceeding under this section of the Government Code.		Class A Misdemeanor
Sec. 23.301, Government Code: Assignment of Certain Election Proceedings	Anyone, including a public official	Commits an offense if the person communicates with a county or district clerk with the <i>intention</i> of influencing or attempting to influence the court or judge assigned to a proceeding under this section of the Government Code.		Class A misdemeanor, except it is a SJF if it's shown at trial that the person committed the offense while acting in their official capacity as an election official.