

SUBJECT: Penalty for false information on an early voting ballot application

COMMITTEE: Elections — favorable, without amendment

VOTE: 6 ayes — L. Taylor, Berman, Branch, Burkett, Isaac, P. King
2 nays — Hernandez Luna, Veasey
1 absent — Farias

WITNESSES: For — (*Registered, but did not testify*: Steven Hotze, Conservative Republicans of Texas; Colleen Vera, Kingstreet Patriots – True the Vote Initiative; B.R. “Skipper” Wallace, Texas Republican County Chairman’s Association; Dean Wright, New Revolution Now Institute, Inc.; Mary Beaver; Carlene Denman; Charles Denman; Rosemary Edwards; Robert Green; Melinda Kinley; Barbara Lloyd; Joseph Lloyd; Judith Marie McClellan; Rod Walline)

Against — (*Registered, but did not testify*: Jeff Miller, Disability Rights Texas; Sonia Santana, ACLU-TX)

On — (*Registered, but did not testify*: David Glickler, Office of the Attorney General; Elizabeth Hanshaw Winn, Secretary of State)

BACKGROUND: Elections Code, sec. 84.0041 stipulates that a person who knowingly provides false information on an early ballot application commits a state-jail felony (180 days to two years in a state jail and an optional fine of up to \$10,000), unless the person is the applicant, an affinity relative within the second degree, a blood relative within the third degree, or registered at the same address as the applicant, in which case it is a class A misdemeanor (up to one year in jail and/or a maximum fine of \$4,000).

DIGEST: HB 3055 would make providing false information on an early ballot application a state-jail felony for all offenders.

The changes reflected in the bill would apply only to offenses committed on or after the effective date of September 1, 2011.

**SUPPORTERS
SAY:**

If a person knowingly commits voter fraud, it does not matter if the fraud is committed on his or her own application or that of a family member or stranger. By leveling the criminal penalties for early voting application fraud, HB 3055 would deter and prevent voter fraud before it occurred.

The voter fraud offense requires knowingly providing false information on an early voting ballot application. Those making innocent mistakes without the intent to defraud would not be covered by the fraud offense.

**OPPONENTS
SAY:**

This bill would be an extreme solution that targeted Texas families who made innocent mistakes on their early ballot applications. The bill would make no attempt to further deter voter fraud by persons stealing or falsifying strangers' early ballot applications. Instead, the bill would target the elderly, disabled, and other Texans who occasionally make innocent mistakes on applications. A more appropriate solution to this problem would be to increase voter education, particularly on completion of early ballot applications, rather than increasing the prison population with more nonviolent offenders.