

- SUBJECT:** Increasing the penalty for illegal voting
- COMMITTEE:** Elections — favorable, without amendment
- VOTE:** 7 ayes — L. Taylor, Hernandez Luna, Berman, Branch, Burkett, Farias, P. King
- 0 nays
- 2 absent — Isaac, Veasey
- WITNESSES:** For — (*Registered, but did not testify:* Jim Allison, County Judges and Commissioners Association of Texas; Erin Anderson, King Street Patriots; Brent Connett, Texas Conservative Coalition; Terry Simpson, San Patricio County and County Judges and Commissioners Association; Skipper Wallace, Texas Republican County Chairman’s Association; Dean Wright, New Revolution Now Institute, Inc.; Rosemary Edwards)
- Against — (*Registered, but did not testify:* Sonia Santana, ACLU-TX)
- On — (*Registered, but did not testify:* Elizabeth Hanshaw Winn, Secretary of State)
- BACKGROUND:** Under Elections Code, sec. 64.012, a person who votes despite knowing that he or she is ineligible, knowingly votes multiple times, knowingly impersonates another voter, or knowingly marks another voter’s ballot without the voter’s consent commits a third-degree felony (two to 10 years in prison and an optional fine of up to \$10,000), unless the person is convicted of an attempt, 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 3498 would increase the penalty for a person who voted despite knowing that he or she was ineligible, knowingly voted multiple times, knowingly impersonated another voter, or knowingly marked another voter’s ballot without the voter’s consent from a third-degree felony to a second-degree felony (two to 20 years in prison and an optional fine of up to \$10,000). The penalty for attempting any of these actions would be a state-jail felony (180 days to two years in a state jail and an optional fine of up to \$10,000) rather than a class A misdemeanor.

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

**SUPPORTERS
SAY:**

By increasing the criminal penalties for voter fraud and attempted voter fraud, HB 3498 would go a long way toward deterring and preventing voter fraud before it occurred. Even a limited incidence of voter fraud could tip a close or disputed election. The perception of possible fraud contributes to low confidence in our democratic system.

**OPPONENTS
SAY:**

This bill would be an extreme solution to a problem that does not exist. There is little or no evidence of the voter fraud. No proof exists of organized, widespread voter fraud at the polls. In its interim report to the 82nd Legislature, the Texas House Committee on Elections acknowledged that based on testimony from the Texas Attorney General's Office, evidence of voter fraud is lacking. Such findings show that current law is working, and that this bill is unnecessary.

NOTES:

The changes reflected in the bill are identical to provisions in both the House- and the Senate-passed versions of SB 14 by Fraser, requiring voters to show a photo ID, and also are included the conference committee report on the bill filed on May 4.