

## Enhanced and Expanded Criminal Penalties in House Bill 6

### Section 3.04

- Creates a new Class B misdemeanor offense for election monitors who intentionally or knowingly refuse to accept a watcher for service when acceptance of the watcher is required by the section.

### Section 3.07

- Expands the offense for when “a person serves in an official capacity at a location where the presence of watchers is authorized and knowingly prevents a watcher from observing” to include “by having a watcher removed from the polling place or requiring a watcher to leave the polling place, unless the watcher engages voter fraud.”

### Section 4.02

- Includes a new section in the oath that a person selected to provide assistance to a voter must take “I did not pressure or intimidate the voter into choosing me to provide assistance.” This can be criminalized in combination with the addition of the “PERJURY IN CONNECTION WITH CERTAIN VOTING PROCEDURES” addition to Section 5.05.

### Page 11 (Sec 4.03)

#### COMPENSATION FOR CARRIER ENVELOPE ACTION PROHIBITED

- Expands the existing State Jail Felony to attempted compensation as well as actually paying someone and to soliciting and receiving compensation rather than merely accepting it.

### Page 12 (Sec 4.04)

#### REQUIREMENTS OF THOSE THAT ASSIST A VOTER

- If someone assisting a voter in voting by mail fails to disclose the required information and commits Unlawful Assistance under Chap 64 (a Class A Misdemeanor), the offense is a Third Degree Felony

### Page 13 (Sec 4.05)

#### COMPENSATION FOR THOSE ASSISTING VOTERS PROHIBITED

- Expands the existing State Jail Felony to cover not only actual compensation but attempted compensation with the same penalty
- Expands existing State Jail Felony to cover soliciting and receiving compensation, not just accepting it.
- Adds “offers to compensate”, “solicits”, “receives”
- Expands definition of “compensation” to include “political favor, official act of discretion”
- Makes an offense under the section a state jail felony without requiring that the defendant was previously convicted two or more times under the section, as was previously required.

### Page 14 (Sec 5.01)

#### OFFENSES RELATED TO PROVISIONAL VOTING

- Creates a new State Jail Felony related to an election official knowingly providing false documentation to a voter

Page 15 (Sec 5.03)

#### ENGAGING IN ORGANIZED ELECTION FRAUD ACTIVITY

- Adds “further” ballot harvesting to illegal behavior in (a)(1) which is an enhancement to other voting offenses, similar in concept to organized crime statutes in Chap 72 of the Penal Code
- Significantly expands the existing Third Degree Felony to apply to:
  - Offers for a vote harvesting service from a third party;
  - Offers of compensation for vote harvesting by a third party; and
  - “knowingly collects or possesses a mail ballot or official carrier envelope from a voter in connection with vote harvesting services”

Page 15 (Sec 5.03)

#### ELECTION FRAUD

- Increases the existing penalty of Class A Misdemeanor to Second Degree Felony
- Adds to the offense of election fraud (now a 2nd degree felony):
  - count invalid votes or alter a report to include invalid votes
  - fail to count valid votes or alter a report to exclude valid votes

Page 18 (Sec 5.05)

#### UNLAWFUL SOLICITATION OR DISTRIBUTION OF APPLICATION TO VOTE BY MAIL

- Creates a new State Jail Felony
- The offense involves a range of behaviors related to the vote by mail application process

Page 19 (Sec 5.05)

#### UNLAWFUL DISTRIBUTION OF BALLOTS AND BALLOTING MATERIALS

- Creates a State Jail Felony for distributing early voting ballots to someone other than the person that submitted the application to vote by mail

Sec 5.05

#### UNLAWFUL ALTERING OF ELECTION PROCEDURES

- Creates a new State Jail Felony for public officials who knowingly issue an order altering or suspending an election standard, practice, or procedure mandated by law or rule unless the alteration or suspension is expressly authorized.

Page 19 (5.05)

#### PERJURY IN CONNECTION WITH CERTAIN VOTING PROCEDURES

- Creates a Class A Misdemeanor that can be enhanced to a State Jail Felony
- If a person violates the Oath for assisting a voter in Election Code 64.034, they could be charged with this narrow version of perjury
- If you violate the oath three or more times it is a State Jail Felony

Page 19 (Sec 5.05)

#### UNLAWFUL ALTERING OF ELECTION PROCEDURES

- Creates a new State Jail Felony
- A local election official cannot make a change or order that is not directly authorized in state law without sending a request and receiving approval from the Secretary of State
  - Failing to request and receive approval leads to a State Jail Felony

Page 22 (Sec 6.04)

#### TAMPERING WITH COURT SITTING PANELS

- Creates a new State Jail Felony for attempting to influence the assignment of justices to a panel hearing an appeal

Page 24 (Sec 6.06)

- Creates a new State Jail Felony for attempting to influence the assignment of judges in an election case