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LSG Floor Report For General Calendar-Senate Bills- Wednesday, August 9, 2017

<p>SB 5 By: Hancock/ et al. SP: Goldman</p>	<p>Relating to the prevention of fraud in the conduct of an election; creating a criminal offense; increasing criminal penalties.</p>	<p>Elections</p>	<p>SB 5 creates a new Class A misdemeanor for voter fraud and increases several other offenses. These penalties will be enhanced to the next level during the following scenarios: If the individual is found to have other offenses, if the offense involves an individual 65 or older, or if the defendant committed multiple offenses. The bill adds language regarding the preservation of records, illicit use of application for ballot by mail, creating certain notices, and signature verification. The bill also outlines how long precinct election records shall be kept after election day. Currently, only election for federal office information is preserved for 22 months. SB 5 requires that all election data be held for the 22-month period instead of the current 6-month period for nonfederal election information.</p> <p>Verifying signatures SB 5 allows the signature verification committee to use two or more signatures within the previous 6 years on file with the county clerk or voter registrar. The bill allows the verification committee to use the signatures to determine whether they're from the same person or not.</p> <p>New and Enhanced Penalties This bill creates an offense if an individual knowingly provides false information on an application for ballot by mail. It also creates an offense for individuals who intentionally seek an application for a mail in ballot without the voter knowing or approving the request. SB 5 will create an offense if an individual alters information provided by the voter on the application for ballot by mail. The bill would increase the penalty for a carrier envelope action offense from a class B to a class A misdemeanor. SB 5 also adds voting or attempting to vote on a ballot belonging to another person to what constitutes illegal voting. The designated carrier must now provide the person's signature, printed name, and residence address on the reverse side of the envelope. This information must also be provided by an individual who assisted a voter. This process can be achieved by obtaining a carrier envelope and following necessary procedures. It also creates a new offense called election fraud. The offense includes:</p> <ul style="list-style-type: none"> • Influence the independent exercise of the vote of another in the presence of the ballot or during the voting process; • Cause a voter registration application, ballot, or vote to be obtained or cast under false pretenses; • Cause any intentionally misleading statement, representation, or information to be provided to an election official or on an application for ballot by mail, carrier envelope, or other official election-related form or document 	<p>Unfavorable Evaluated by: Ana Ramon 210-382-4295 Ana@Texaslsg.org</p>
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			<p>Returning marked ballots Voters who are unable to turn in their mail in ballots can select someone to send in their sealed carrier envelope. An individual who simply lives with the voter and possess their ballot or envelope with no intent to defraud the voter will not be charged with illegally possessing an official ballot. If the individual who possess the carrier envelope abides by the provisions to sign the envelope they will not be charged with any penalties.</p> <p>Assisting voters with mail in ballots Voters who are unable to turn in their mail in ballots can select someone to send in a sealed carrier envelope. SB 5 states that any unlawful assisting of voters would result in a state-jail felony. This is an increase as the current punishment for this offense is a class A misdemeanor. The bill also clarifies that those living at the same place as the voter are not subject to these provisions.</p> <p>Notifications Within 30 days the presiding judge must notify the Attorney General’s office of a rejected ballot. A rejected mail in ballot may include:</p> <ul style="list-style-type: none"> • Voter was deceased • Voter had already voted in person • Signatures don’t match on the carrier envelope and ballot application • Carrier envelope is missing a witness signature • Carrier envelope was improperly executed by an assistant <p>It’s important to deter mail in ballot fraud and improve the voting process for all Texans. Simply increasing and creating penalties will likely do little to keep bad actors from committing these types of offenses. This bill may also have some unintended consequences that are concerning and need to be addressed. In the section that creates the new penalty for election fraud there is language that may led to the persecution of family members of the voter. The line, “influence the independent exercise of the vote” is very ambiguous and it’s hard to determine what exactly would result from this section. Some fear that it will criminalize family members simply having a political discussion in the presence of a vote by mail ballot. While this is an unlikely scenario it does highlight the ambiguity of the language as written. In sections 5,6, and 7 there is currently language to exclude family members subject to the criminal penalty but this same exception doesn’t apply to Section 11. As stated by the National Institute for Justice, “Increasing the severity of punishments do little to deter crime.” The increase in severity is often not known or of little consequence to true bad actors and will instead lead to more costly prison sentences.</p>	
<p><u>LSG Floor Report For General Calendar- Wednesday, August 9, 2017</u></p>				
<p>HB 331 By: Davis, Sarah / Guillen</p>	<p>Relating to the reappraisal for ad valorem tax purposes of property damaged in a disaster.</p>	<p>Ways & Means</p>	<p>HB 331 would amend the property tax appraisal process by requiring a chief appraiser within a disaster area to reappraise property that sustained a certain percentage of damage. The appraisal shall reflect market value and be completed as soon as possible. This process is currently only on a voluntary basis and HB 331 would make it mandatory. The appraiser has 45 days after the Governor declares a state of emergency to complete the reappraisal. However, the date is reliant on Federal Emergency Management Agency’s damage estimates and subject to change if they have not completed their estimates.</p> <p>This bill would provide a more accurate appraisal for homeowners who have survived natural disasters. Since this is currently voluntary there could be instances of homeowners paying property taxes on an appraisal that doesn’t reflect the status of their property. These types of reforms will provide necessary relief to Texans and provide some assistance during a difficult situation.</p>	<p>Favorable Evaluated by: Ana Ramon 210-382-4295 Ana@Texaslsg.org</p>

