

By: Wolens

H.B. No. 54

A BILL TO BE ENTITLED

1 AN ACT

2 relating to certain early voting by mail procedures and to the
3 prevention of voting fraud generally; providing criminal
4 penalties.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Section 1.012, Election Code, is amended by
7 adding Subsection (d) to read as follows:

8 (d) In this code, "election record" includes:

9 (1) anything distributed or received by government
10 under this code;

11 (2) anything required by law to be kept by others for
12 information of government under this code; or

13 (3) a certificate, application, notice, report, or
14 other document or paper issued or received by government under this
15 code.

16 SECTION 2. Chapter 1, Election Code, is amended by adding
17 Sections 1.017 and 1.018 to read as follows:

18 Sec. 1.017. INELIGIBILITY NO DEFENSE TO PROSECUTION. It is
19 no defense to prosecution under this code that a person who receives
20 an official ballot is ineligible to vote in the election for which
21 the ballot is received.

22 Sec. 1.018. APPLICABILITY OF PENAL CODE. In addition to
23 Section 1.03, Penal Code, and to other titles of the Penal Code that
24 may apply to this code, Title 4, Penal Code, applies to offenses

1 prescribed by this code.

2 SECTION 3. Section 64.036, Election Code, is amended by
3 amending Subsections (a) and (d) and adding Subsections (e) and (f)
4 to read as follows:

5 (a) A person commits an offense if the person knowingly:

6 (1) provides assistance to a voter who is not eligible
7 for assistance;

8 (2) while assisting a voter prepares the voter's
9 ballot in a way other than the way the voter directs or without
10 direction from the voter; ~~[or]~~

11 (3) while assisting a voter suggests by word, sign, or
12 gesture how the voter should vote; or

13 (4) provides assistance to a voter who has not
14 requested assistance or selected the person to assist the voter.

15 (d) Except as provided by Subsection (e), an ~~[An]~~ offense
16 under this section is a Class B misdemeanor.

17 (e) An offense under this section committed in regard to a
18 voter casting an early voting ballot by mail is a Class A
19 misdemeanor unless the person also commits an offense under Section
20 86.010(e) in regard to the carrier envelope for that ballot, in
21 which event the offense under this section is a state jail felony.

22 (f) An offense under this section may be prosecuted under
23 this section or Section 83.081, as appropriate.

24 SECTION 4. Chapter 83, Election Code, is amended by adding
25 Subchapter D to read as follows:

26 SUBCHAPTER D. VOLUNTEER DEPUTY EARLY VOTING ASSISTANTS

27 Sec. 83.071. APPOINTMENT; TERM. (a) To maximize the

1 efficient conduct of early voting by mail, the early voting clerk
2 shall appoint as deputy early voting assistants persons who
3 volunteer to serve.

4 (b) In this code, "volunteer deputy early voting assistant"
5 means a deputy early voting assistant appointed under this
6 subchapter.

7 (c) Volunteer deputy early voting assistants serve for
8 terms expiring December 31 of even-numbered years.

9 Sec. 83.072. PROHIBITION ON REFUSING TO APPOINT. An early
10 voting clerk may not refuse to appoint as a volunteer deputy early
11 voting assistant a person who complies with Section 83.073.

12 Sec. 83.073. REQUEST FOR APPOINTMENT. (a) A person
13 desiring to serve as a volunteer deputy early voting assistant for a
14 particular political subdivision must request appointment by the
15 early voting clerk in person, by telephone, by telephonic facsimile
16 machine, or by mail.

17 (b) The early voting clerk shall mail the person a form for
18 requesting appointment, including an appropriate oath, and a set of
19 the rules applicable to the powers and duties of volunteer deputy
20 early voting assistants.

21 (c) To be appointed, the person must be a qualified voter of
22 the particular political subdivision and must deliver in person to
23 the early voting clerk or a designated deputy early voting clerk the
24 signed and completed oath and request form, including the person's
25 name, residence address, telephone number, voter registration
26 number, driver's license or personal identification card number,
27 and affirmation of an understanding of the applicable rules and

1 intention to comply with them.

2 (d) Before appointment, the person must present in person to
3 the early voting clerk or a designated deputy early voting clerk the
4 person's driver's license or personal identification card issued to
5 the person by the Department of Public Safety.

6 Sec. 83.074. CERTIFICATE OF APPOINTMENT. (a) If a person is
7 to be appointed a volunteer deputy early voting assistant, the
8 early voting clerk shall prepare a certificate of appointment in
9 duplicate containing:

10 (1) the date of appointment;

11 (2) the statement: "I, _____, Early Voting
12 Clerk for (name of political subdivision), do hereby appoint
13 _____ as a volunteer deputy early voting assistant for
14 (name of political subdivision).";

15 (3) the person's residence address;

16 (4) the person's voter registration number;

17 (5) a statement that the term of the appointment
18 expires December 31 of an even-numbered year; and

19 (6) the person's identification number as a volunteer
20 deputy early voting assistant, which must be the person's driver's
21 license or personal identification card number.

22 (b) The early voting clerk shall sign the certificate and
23 issue the original to the appointee, who shall sign it on receipt.

24 (c) A volunteer deputy early voting assistant shall present
25 the certificate as identification to an early voting applicant or
26 voter when collecting or receiving an application or carrier
27 envelope.

1 (d) A certificate of appointment creates a presumption that
2 the person is a volunteer deputy early voting assistant.

3 Sec. 83.075. ACTIVE APPOINTMENT FILE. The early voting
4 clerk shall maintain a file containing the duplicate certificates
5 of appointment of the volunteer deputy early voting assistants
6 whose appointments are effective.

7 Sec. 83.076. INACTIVE APPOINTMENT FILE. (a) The early
8 voting clerk shall maintain a file containing the duplicate
9 certificates of appointment of the volunteer deputy early voting
10 assistants whose appointments have been terminated.

11 (b) Each certificate and notice of termination shall be
12 retained on file for two years after the date of termination.

13 Sec. 83.077. TERMINATION OF APPOINTMENT. (a) An
14 appointment as a volunteer deputy early voting assistant is
15 terminated on:

16 (1) the expiration of the volunteer deputy's term of
17 appointment; or

18 (2) the final conviction of the volunteer deputy for
19 an election-related offense.

20 (b) The early voting clerk may terminate the appointment of
21 a volunteer deputy early voting assistant on a determination by the
22 clerk that the volunteer deputy:

23 (1) failed to adequately perform a duty under this
24 subchapter;

25 (2) failed to comply with Section 15.021 within 30
26 days after the date the volunteer deputy has knowledge of the change
27 in registration information; or

1 (3) failed to comply with a procedure prescribed by
2 the secretary of state to ensure the accountability of the carrier
3 envelopes.

4 (c) A person whose appointment is terminated under
5 Subsection (a)(2) may not be reappointed as a volunteer deputy
6 early voting assistant.

7 (d) Immediately on the termination of an appointment for a
8 ground other than Subsection (a)(1), the early voting clerk shall
9 deliver written notice of the termination to the volunteer deputy
10 early voting assistant by mail to the most recent residence address
11 listed on the volunteer deputy's certificate of appointment or a
12 notice submitted by the volunteer deputy under Section 15.021.

13 (e) A notice of termination must state the reason for the
14 termination and direct the person:

15 (1) to stop activity as a volunteer deputy early
16 voting assistant immediately; and

17 (2) to deliver the certificate of appointment, receipt
18 forms, and receipts, applications, and carrier envelopes in the
19 volunteer deputy's possession to the early voting clerk not later
20 than the second day after the date the deputy receives the
21 termination notice.

22 Sec. 83.078. COMPENSATION; BOND. (a) A person may not
23 receive compensation from a political subdivision or a political
24 campaign for service as a volunteer deputy early voting assistant.

25 (b) A volunteer deputy early voting assistant is not
26 required to give a bond in connection with the deputy's service.

27 Sec. 83.079. POWERS GENERALLY. A volunteer deputy early

1 voting assistant may, throughout the political subdivision for
2 which the volunteer deputy is appointed, collect or receive from
3 applicants for submission in person or by mail to the early voting
4 clerk signed applications for a ballot to be voted by mail and from
5 voters for delivery in person to the early voting clerk signed
6 carrier envelopes, as provided by this subchapter.

7 Sec. 83.080. REVIEW OF APPLICATION OR CARRIER ENVELOPE. (a)
8 On receipt of an early voting ballot application or carrier
9 envelope, a volunteer deputy early voting assistant shall review it
10 for completeness in the applicant's or voter's presence.

11 (b) The volunteer deputy early voting assistant shall
12 return the application or carrier envelope to the applicant or
13 voter for completion and resubmission if the application or carrier
14 envelope does not contain all the required information and the
15 required signature.

16 Sec. 83.081. ISSUANCE OF RECEIPT. (a) On receipt of a
17 completed carrier envelope, a volunteer deputy early voting
18 assistant shall prepare a receipt in duplicate on a form furnished
19 by the early voting clerk.

20 (b) The receipt must contain:

21 (1) the name of the voter;
22 (2) the date the completed carrier envelope is
23 submitted to the volunteer deputy early voting assistant; and

24 (3) the volunteer deputy's identification number.

25 (c) The volunteer deputy early voting assistant shall sign
26 the receipt in the voter's presence and shall give the original to
27 the voter.

1 (d) The volunteer deputy early voting assistant shall
2 deliver the duplicate receipt to the early voting clerk. The early
3 voting clerk shall retain the receipt on file with the voter's
4 application.

5 (e) A volunteer deputy early voting assistant commits an
6 offense if the deputy knowingly fails to comply with this section.
7 An offense under this section is a Class A misdemeanor. An offense
8 under this section may be prosecuted under this section or Section
9 64.036, as appropriate.

10 (f) The secretary of state may prescribe a procedure that is
11 an alternative to the procedure prescribed by this section that
12 will ensure the accountability of the carrier envelopes.

13 Sec. 83.082. SUBMISSION OR DELIVERY OF APPLICATION OR
14 CARRIER ENVELOPE. (a) A volunteer deputy early voting assistant
15 shall submit to the early voting clerk in person or by mail each
16 completed early voting ballot application received by the volunteer
17 deputy from an applicant.

18 (b) A volunteer deputy early voting assistant shall deliver
19 to the early voting clerk in person each completed carrier envelope
20 received by the volunteer deputy from a voter.

21 (c) An application or carrier envelope shall be submitted or
22 delivered not later than 24 hours after the time the application or
23 carrier envelope is received by the volunteer deputy early voting
24 assistant unless an earlier submission or delivery is necessary to
25 ensure timely receipt and processing by the early voting clerk.

26 Sec. 83.083. FAILURE TO SUBMIT OR DELIVER APPLICATION OR
27 CARRIER ENVELOPE. (a) A volunteer deputy early voting assistant

1 commits an offense if the volunteer deputy knowingly fails to
2 comply with Section 83.082.

3 (b) An offense under this section is a Class A misdemeanor.

4 Sec. 83.084. PURPORTEDLY ACTING AS VOLUNTEER DEPUTY EARLY
5 VOTING ASSISTANT. (a) A person commits an offense if the person
6 purports to act as a volunteer deputy early voting assistant when
7 the person does not have an effective appointment as a volunteer
8 deputy early voting assistant.

9 (b) An offense under this section is a Class A misdemeanor.

10 Sec. 83.085. ADDITIONAL PROCEDURES. The secretary of state
11 by rule shall prescribe any additional procedures necessary for the
12 orderly and proper administration of this subchapter. The system
13 for the appointment, powers, duties, and accountability of
14 volunteer deputy early voting assistants must be designed to
15 maximize the efficient conduct of early voting by mail and to
16 minimize the potential for illegal activity in connection with
17 early voting by mail.

18 SECTION 5. Section 84.003, Election Code, is amended to
19 read as follows:

20 Sec. 84.003. SIGNING APPLICATION BY WITNESS; ASSISTING
21 APPLICANT. (a) An early voting ballot application signed for the
22 applicant by a witness other than the early voting clerk or a deputy
23 must indicate the witness's relationship to the applicant or, if
24 unrelated, indicate that fact.

25 (b) A person who acts as a witness for an applicant for an
26 early voting ballot application commits an offense if the person
27 knowingly fails to comply with Section 1.011. A person who

1 otherwise assists an applicant in completing an early voting ballot
2 application commits an offense if the person knowingly fails to
3 comply with Section 1.011(d) in the same manner as a witness.

4 (c) An offense under this section is a Class A misdemeanor
5 unless the person is related to the applicant within the second
6 degree by affinity or the third degree by consanguinity, as
7 determined under Subchapter B, Chapter 573, Government Code, or is
8 registered to vote at the same address as the applicant, in which
9 event the offense is a Class C misdemeanor.

10 SECTION 6. The heading to Section 84.004, Election Code, is
11 amended to read as follows:

12 Sec. 84.004. UNLAWFULLY WITNESSING APPLICATION FOR MORE
13 THAN ONE APPLICANT.

14 SECTION 7. Section 84.0041(b), Election Code, is amended
15 to read as follows:

16 (b) An offense under this section is a state jail felony
17 unless the person is the applicant, is related to the applicant
18 within the second degree by affinity or the third degree by
19 consanguinity, as determined under Subchapter B, Chapter 573,
20 Government Code, or is registered to vote at the same address as the
21 applicant, in which event the offense is a Class A misdemeanor.

22 SECTION 8. Section 84.007, Election Code, is amended by
23 amending Subsection (b) and adding Subsection (e) to read as
24 follows:

25 (b) An application must be submitted to the early voting
26 clerk [~~by~~]:

- 27 (1) by mail;

1 (2) by common or contract carrier; [~~or~~]

2 (3) by telephonic facsimile machine, if the applicant
3 is absent from the county and if a machine is available in the
4 clerk's office; or

5 (4) in person by a volunteer deputy early voting
6 assistant.

7 (e) Except as provided by Section 84.009, an application may
8 be collected or received from an applicant for submission only by a
9 person related to the applicant within the second degree by
10 affinity or the third degree by consanguinity, as determined under
11 Subchapter B, Chapter 573, Government Code, a person registered to
12 vote at the same address as the applicant, an early voting clerk, a
13 deputy early voting clerk, or a volunteer deputy early voting
14 assistant.

15 SECTION 9. Section 84.011(a), Election Code, is amended to
16 read as follows:

17 (a) The officially prescribed application form for an early
18 voting ballot must include:

19 (1) immediately preceding the signature space the
20 statement: "I certify that the information given in this
21 application is true, and I understand that giving false information
22 in this application is a crime.";

23 (2) a statement informing the applicant of the
24 offenses [~~offense~~] prescribed by Sections 84.003 and [~~Section~~]
25 84.004;

26 (3) spaces for entering an applicant's voter
27 registration number and county election precinct of registration,

1 with a statement informing the applicant that failure to furnish
2 that information does not invalidate the application; and

3 (4) on an application for a ballot to be voted by mail:

4 (A) a space for an applicant applying on the
5 ground of absence from the county of residence to indicate the date
6 on or after which the applicant can receive mail at the address
7 outside the county;

8 (B) a space for indicating the fact that an
9 applicant whose application is signed by a witness cannot make the
10 applicant's mark and a space for indicating the relationship or
11 lack of relationship of the witness to the applicant;

12 (C) a space for entering an applicant's telephone
13 number, with a statement informing the applicant that failure to
14 furnish that information does not invalidate the application;

15 (D) a space or box for an applicant applying on
16 the ground of age or disability to indicate that the address to
17 which the ballot is to be mailed is the address of a facility or
18 relative described by Section 84.002(a)(3), if applicable;

19 (E) a space or box for an applicant applying on
20 the ground of confinement in jail to indicate that the address to
21 which the ballot is to be mailed is the address of a relative
22 described by Section 84.002(a)(4), if applicable;

23 (F) spaces [~~a space~~] for entering the signature,
24 printed name, and residence address of any person assisting the
25 applicant;

26 (G) a statement informing the applicant of the
27 condition prescribed by Section 81.005; [~~and~~]

1 (H) a statement informing the applicant of the
2 requirement prescribed by Section 86.003(c);

3 (I) a statement informing the applicant of the
4 limitation prescribed by Section 84.007(e); and

5 (J) a space for entering the name and
6 identification number of the volunteer deputy early voting
7 assistant, if applicable.

8 SECTION 10. Section 86.006, Election Code, is amended by
9 amending Subsections (a), (d), and (e) and adding Subsections (f),
10 (g), (h), and (i) to read as follows:

11 (a) A marked ballot voted under this chapter must be
12 returned to the early voting clerk in the official carrier
13 envelope. The carrier envelope may be delivered in another
14 envelope and must be delivered:

15 (1) by mail;

16 (2) [~~or~~] by common or contract carrier; or

17 (3) in person by a volunteer deputy early voting
18 assistant.

19 (d) Each carrier envelope that is delivered by a common or
20 contract carrier must be accompanied by an individual delivery
21 receipt for that particular carrier envelope that indicates that
22 payment for its delivery was made by the voter and that indicates
23 the date, hour, and address at which the carrier envelope was
24 received by the carrier unless the carrier does not routinely issue
25 a receipt, in which case the secretary of state shall prescribe
26 appropriate procedures for accounting for the delivery. Carrier
27 envelopes covered by Subsection (c) may be accompanied by a single

1 delivery receipt indicating that payment for their delivery was
2 made by one of those voters. A delivery of carrier envelopes is
3 prohibited by a common or contract carrier if the delivery
4 originates from the address of:

5 (1) the headquarters of a political party or a
6 candidate in the election;

7 (2) a candidate in the election unless the address is
8 the residence of the early voter;

9 (3) a specific-purpose or general-purpose political
10 committee involved in the election; or

11 (4) an entity that requested that the election be
12 held, unless the delivery is a forwarding to the early voting clerk.

13 (e) Carrier envelopes may not be collected and stored at
14 another location for subsequent delivery to the early voting clerk.
15 The secretary of state shall prescribe appropriate procedures to
16 implement this subsection and to provide accountability for the
17 delivery of the carrier envelopes from the voting place to the early
18 voting clerk.

19 (f) Except as provided by this section, a carrier envelope
20 may be collected or received from a voter for delivery only by a
21 person related to the voter within the second degree by affinity or
22 the third degree by consanguinity, as determined under Subchapter
23 B, Chapter 573, Government Code, a person registered to vote at the
24 same address as the voter, or a volunteer deputy early voting
25 assistant. A volunteer deputy early voting assistant may not
26 deliver a carrier envelope by mail or by common or contract carrier.

27 (g) A person commits an offense if the person knowingly

1 possesses an official ballot or official carrier envelope provided
2 under this code to another. Unless the person possessed the ballot
3 or carrier envelope with intent to defraud the voter or the election
4 authority, it is an affirmative defense to prosecution under this
5 subsection that the person, on the date of the offense, was:

6 (1) related to the voter within the second degree by
7 affinity or the third degree by consanguinity, as determined under
8 Subchapter B, Chapter 573, Government Code;

9 (2) registered to vote at the same address as the
10 voter;

11 (3) an early voting clerk, a deputy early voting
12 clerk, or a volunteer deputy early voting assistant;

13 (4) an employee of the United States Postal Service
14 working in the normal course of the employee's authorized duties;
15 or

16 (5) a common or contract carrier working in the normal
17 course of the carrier's authorized duties if the official ballot is
18 sealed in an official carrier envelope that is accompanied by an
19 individual delivery receipt for that particular carrier envelope
20 that indicates that payment for its delivery was made by the voter.

21 (h) An offense under Subsection (g) is:

22 (1) a Class C misdemeanor if the person possesses at
23 least one but fewer than 10 ballots or carrier envelopes unless the
24 person possesses the ballots or carrier envelopes without the
25 consent of the voters, in which event the offense is a state jail
26 felony;

27 (2) a Class A misdemeanor if the person possesses at

1 least 10 but fewer than 20 ballots or carrier envelopes unless the
2 person possesses the ballots or carrier envelopes without the
3 consent of the voters, in which event the offense is a felony of the
4 third degree; or

5 (3) a state jail felony if the person possesses 20 or
6 more ballots or carrier envelopes unless the person possesses the
7 ballots or carrier envelopes without the consent of the voters, in
8 which event the offense is a felony of the second degree.

9 (i) [~~e~~] A ballot returned in violation of this section may
10 not be counted. If the early voting clerk determines that the
11 ballot was returned in violation of this section, the clerk shall
12 make a notation on the carrier envelope and treat it as a ballot not
13 timely returned in accordance with Section 86.011(c). If the
14 ballot is returned before the end of the period for early voting by
15 personal appearance, the early voting clerk shall promptly mail or
16 otherwise deliver to the voter a written notice informing the voter
17 that:

18 (1) the voter's ballot will not be counted because of a
19 violation of this code; and

20 (2) the voter may vote if otherwise eligible at an
21 early voting polling place or the election day precinct polling
22 place on presentation of the notice.

23 SECTION 11. Section 86.010, Election Code, is amended by
24 adding Subsection (e) to read as follows:

25 (e) A person assisting a voter in preparing a ballot to be
26 voted by mail commits an offense if the person knowingly fails to
27 enter the person's signature, printed name, and residence address

1 on the certificate on the carrier envelope in the spaces provided.
2 An offense under this subsection is a Class B misdemeanor unless the
3 person is related to the voter within the second degree by affinity
4 or the third degree by consanguinity, as determined under
5 Subchapter B, Chapter 573, Government Code, or is registered to
6 vote at the same address as the voter, in which event the offense is
7 a Class C misdemeanor.

8 SECTION 12. Sections 86.013(b), (d), and (f), Election
9 Code, are amended to read as follows:

10 (b) Spaces [~~for indicating the identity and date of the~~
11 ~~election~~] must appear on the reverse side of the official carrier
12 envelope for indicating:

- 13 (1) the identity and date of the election; and
14 (2) the name and identification number of the
15 volunteer deputy early voting assistant, if applicable.

16 (d) The following textual material, as prescribed by the
17 secretary of state, must be printed on the reverse side of the
18 official carrier envelope or on a separate sheet accompanying the
19 carrier envelope when it is provided:

- 20 (1) the prohibition prescribed by Section 86.006(b);
21 (2) the conditions for delivery by common or contract
22 carrier prescribed by Sections 81.005 and 86.006; [~~and~~]
23 (3) the requirements for the legal execution and
24 delivery of the carrier envelope, including requirements relating
25 to volunteer deputy early voting assistants;
26 (4) the prohibition prescribed by Section 86.006(e);
27 (5) the limitations prescribed by Section 86.006(f);

1 and

2 (6) the offenses prescribed by Sections 64.036(e),
3 86.006(g), and 86.010(e).

4 (f) The oath of a person assisting a voter must be included
5 on the official carrier envelope as part of the certificate
6 prescribed by Subsection (c).

7 SECTION 13. Section 87.121(f), Election Code, is amended to
8 read as follows:

9 (f) Information on the roster for a person to whom an early
10 voting mail ballot has been sent is not available for public
11 inspection, except to the voter seeking to verify that the
12 information pertaining to the voter is accurate, until the first
13 business day after [+

14 [~~(1) 72 hours after the time a ballot is mailed to the~~
15 ~~voter, or~~

16 [~~(2) 48 hours after the time a ballot is mailed to the~~
17 ~~voter if the mailing occurs on the fourth day before]~~ election day.

18 SECTION 14. Chapter 276, Election Code, is amended by
19 adding Section 276.010 to read as follows:

20 Sec. 276.010. UNLAWFUL BUYING AND SELLING OF BALLOTING
21 MATERIALS. (a) A person commits an offense if the person buys,
22 offers to buy, sells, or offers to sell an official ballot, official
23 ballot envelope, official carrier envelope, signed application for
24 an early voting mail ballot, or any other original election record.

25 (b) It is an exception to the application of this section
26 that the sale is part of a contract to which one party is a
27 government.

1 (c) An offense under this section is a state jail felony
2 unless a voter sells a ballot, ballot envelope, or carrier envelope
3 that has been provided to the voter by government, in which event
4 the offense is a Class B misdemeanor.

5 SECTION 15. Section 37.01(2), Penal Code, is amended to
6 read as follows:

7 (2) "Governmental record" means:

8 (A) anything belonging to, received by, or kept
9 by government for information, including a court record;

10 (B) anything required by law to be kept by others
11 for information of government;

12 (C) a license, certificate, permit, seal, title,
13 letter of patent, or similar document issued by government, by
14 another state, or by the United States; ~~or~~

15 (D) a standard proof of motor vehicle liability
16 insurance form described by Section 601.081, Transportation Code,
17 a certificate of an insurance company described by Section 601.083
18 of that code, a document purporting to be such a form or certificate
19 that is not issued by an insurer authorized to write motor vehicle
20 liability insurance in this state, an electronic submission in a
21 form described by Section 502.153(i), Transportation Code, or an
22 evidence of financial responsibility described by Section 601.053
23 of that code; or

24 (E) an official ballot or other election record.

25 SECTION 16. The changes in law made by this Act apply only
26 to an election for which the action ordering the election is taken
27 on or after the effective date of this Act. An election for which

1 the action ordering the election is taken before the effective date
2 of this Act is governed by the law in effect on the date that action
3 is taken, and the former law is continued in effect for this
4 purpose.

5 SECTION 17. This Act takes effect September 1, 2003.