

1-1 By: Wolens, Denny, Madden, et al. H.B. No. 54  
1-2 (Senate Sponsor - Shapiro)  
1-3 (In the Senate - Received from the House April 10, 2003;  
1-4 April 14, 2003, read first time and referred to Committee on State  
1-5 Affairs; May 21, 2003, reported adversely, with favorable  
1-6 Committee Substitute by the following vote: Yeas 7, Nays 0;  
1-7 May 21, 2003, sent to printer.)

1-8 COMMITTEE SUBSTITUTE FOR H.B. No. 54 By: Nelson

1-9 A BILL TO BE ENTITLED  
1-10 AN ACT

1-11 relating to certain early voting by mail procedures and to the  
1-12 prevention of voting fraud generally; providing criminal  
1-13 penalties.

1-14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-15 SECTION 1. Section 1.012, Election Code, is amended by  
1-16 adding Subsection (d) to read as follows:

1-17 (d) In this code, "election record" includes:

1-18 (1) anything distributed or received by government  
1-19 under this code;

1-20 (2) anything required by law to be kept by others for  
1-21 information of government under this code; or

1-22 (3) a certificate, application, notice, report, or  
1-23 other document or paper issued or received by government under this  
1-24 code.

1-25 SECTION 2. Chapter 1, Election Code, is amended by adding  
1-26 Sections 1.017, 1.018, and 1.019 to read as follows:

1-27 Sec. 1.017. INELIGIBILITY NO DEFENSE TO PROSECUTION. It is  
1-28 no defense to prosecution under this code that a person who receives  
1-29 an official ballot is ineligible to vote in the election for which  
1-30 the ballot is received.

1-31 Sec. 1.018. APPLICABILITY OF PENAL CODE. In addition to  
1-32 Section 1.03, Penal Code, and to other titles of the Penal Code that  
1-33 may apply to this code, Title 4, Penal Code, applies to offenses  
1-34 prescribed by this code.

1-35 Sec. 1.019. REQUIRED EVIDENCE OR TESTIMONY. (a) A party to  
1-36 an offense under this code may be required to furnish evidence or  
1-37 testimony about the offense.

1-38 (b) Evidence or testimony required to be furnished under  
1-39 this section, or information directly or indirectly derived from  
1-40 that evidence or testimony, may not be used against the party  
1-41 providing the evidence or testimony in a criminal case except for a  
1-42 prosecution of aggravated perjury or contempt.

1-43 SECTION 3. Section 64.012(a), Election Code, is amended to  
1-44 read as follows:

1-45 (a) A person commits an offense if the person:

1-46 (1) votes or attempts to vote in an election in which  
1-47 the person knows the person is not eligible to vote;

1-48 (2) knowingly votes or attempts to vote more than once  
1-49 in an election; ~~or~~

1-50 (3) knowingly impersonates another person and votes or  
1-51 attempts to vote as the impersonated person; or

1-52 (4) knowingly marks or attempts to mark another  
1-53 person's ballot without the consent of that person.

1-54 SECTION 4. Subchapter B, Chapter 64, Election Code, is  
1-55 amended by adding Section 64.0321 to read as follows:

1-56 Sec. 64.0321. DEFINITION. For purposes of this subchapter  
1-57 and Sections 85.035 and 86.010, assisting a voter includes the  
1-58 following conduct by a person other than the voter that occurs while  
1-59 the person is in the presence of the voter's ballot or carrier  
1-60 envelope:

1-61 (1) reading the ballot to the voter;

1-62 (2) directing the voter to read the ballot;

1-63 (3) marking the voter's ballot; or

2-1 (4) directing the voter to mark the ballot.

2-2 SECTION 5. Sections 64.036(a) and (d), Election Code, are  
2-3 amended to read as follows:

2-4 (a) A person commits an offense if the person knowingly:

2-5 (1) provides assistance to a voter who is not eligible  
2-6 for assistance;

2-7 (2) while assisting a voter prepares the voter's  
2-8 ballot in a way other than the way the voter directs or without  
2-9 direction from the voter; [or]

2-10 (3) while assisting a voter suggests by word, sign, or  
2-11 gesture how the voter should vote; or

2-12 (4) provides assistance to a voter who has not  
2-13 requested assistance or selected the person to assist the voter.

2-14 (d) An offense under this section is a Class A [~~B~~]  
2-15 misdemeanor.

2-16 SECTION 6. Section 81.005, Election Code, is amended to  
2-17 read as follows:

2-18 Sec. 81.005. COMMON OR CONTRACT CARRIER. (a) A common or  
2-19 contract carrier may not be used to perform an act in accordance  
2-20 with this title unless the carrier:

2-21 (1) is a bona fide, for profit carrier, the primary  
2-22 business of which is transporting or delivering property for  
2-23 compensation and the business practices of which are reasonable and  
2-24 prudent according to the usual standards for the business in which  
2-25 it is engaged;

2-26 (2) routinely uses receipts that:

2-27 (A) permit the carrier to retrieve a receipt or  
2-28 information contained in a receipt;

2-29 (B) provide space for the name and residence  
2-30 address of a person who delivers a parcel to the carrier; and

2-31 (C) provide space for the date, time, and address  
2-32 at which parcels are received by the carrier; and

2-33 (3) complies with laws requiring the carrier to file  
2-34 an assumed name with each county in which the carrier receives or  
2-35 delivers parcels or with the secretary of state, as appropriate.

2-36 (b) A common or contract carrier may not be used to perform  
2-37 an act in accordance with this title if the carrier transports  
2-38 property as an incidental activity of a nontransportation business  
2-39 activity regardless of whether the carrier imposes a separate  
2-40 charge for the transportation.

2-41 SECTION 7. Section 84.003, Election Code, is amended to  
2-42 read as follows:

2-43 Sec. 84.003. SIGNING APPLICATION BY WITNESS; ASSISTING  
2-44 APPLICANT. (a) An early voting ballot application signed for the  
2-45 applicant by a witness other than the early voting clerk or a deputy  
2-46 must indicate the witness's relationship to the applicant or, if  
2-47 unrelated, indicate that fact.

2-48 (b) A person who acts as a witness for an applicant for an  
2-49 early voting ballot application commits an offense if the person  
2-50 knowingly fails to comply with Section 1.011. A person who in the  
2-51 presence of the applicant otherwise assists an applicant in  
2-52 completing an early voting ballot application commits an offense if  
2-53 the person knowingly fails to comply with Section 1.011(d) in the  
2-54 same manner as a witness.

2-55 (c) An offense under this section is a Class A misdemeanor.

2-56 (d) Subsection (b) does not apply if the person is related  
2-57 to the applicant within the second degree by affinity or the third  
2-58 degree by consanguinity, as determined under Subchapter B, Chapter  
2-59 573, Government Code, or is registered to vote at the same address  
2-60 as the applicant.

2-61 SECTION 8. The heading to Section 84.004, Election Code, is  
2-62 amended to read as follows:

2-63 Sec. 84.004. UNLAWFULLY WITNESSING APPLICATION FOR MORE  
2-64 THAN ONE APPLICANT.

2-65 SECTION 9. Section 84.0041(b), Election Code, is amended to  
2-66 read as follows:

2-67 (b) An offense under this section is a state jail felony  
2-68 unless the person is the applicant, is related to the applicant  
2-69 within the second degree by affinity or the third degree by  
2-70 consanguinity, as determined under Subchapter B, Chapter 573,

3-1 Government Code, or is registered to vote at the same address as the  
 3-2 applicant, in which event the offense is a Class A misdemeanor.

3-3 SECTION 10. Section 84.011(a), Election Code, is amended to  
 3-4 read as follows:

3-5 (a) The officially prescribed application form for an early  
 3-6 voting ballot must include:

3-7 (1) immediately preceding the signature space the  
 3-8 statement: "I certify that the information given in this  
 3-9 application is true, and I understand that giving false information  
 3-10 in this application is a crime.";

3-11 (2) a statement informing the applicant of the  
 3-12 offenses [offense] prescribed by Sections 84.003 and [Section]  
 3-13 84.004;

3-14 (3) spaces for entering an applicant's voter  
 3-15 registration number and county election precinct of registration,  
 3-16 with a statement informing the applicant that failure to furnish  
 3-17 that information does not invalidate the application; and

3-18 (4) on an application for a ballot to be voted by mail:

3-19 (A) a space for an applicant applying on the  
 3-20 ground of absence from the county of residence to indicate the date  
 3-21 on or after which the applicant can receive mail at the address  
 3-22 outside the county;

3-23 (B) a space for indicating the fact that an  
 3-24 applicant whose application is signed by a witness cannot make the  
 3-25 applicant's mark and a space for indicating the relationship or  
 3-26 lack of relationship of the witness to the applicant;

3-27 (C) a space for entering an applicant's telephone  
 3-28 number, with a statement informing the applicant that failure to  
 3-29 furnish that information does not invalidate the application;

3-30 (D) a space or box for an applicant applying on  
 3-31 the ground of age or disability to indicate that the address to  
 3-32 which the ballot is to be mailed is the address of a facility or  
 3-33 relative described by Section 84.002(a)(3), if applicable;

3-34 (E) a space or box for an applicant applying on  
 3-35 the ground of confinement in jail to indicate that the address to  
 3-36 which the ballot is to be mailed is the address of a relative  
 3-37 described by Section 84.002(a)(4), if applicable;

3-38 (F) spaces [a space] for entering the signature,  
 3-39 printed name, and residence address of any person assisting the  
 3-40 applicant;

3-41 (G) a statement informing the applicant of the  
 3-42 condition prescribed by Section 81.005; and

3-43 (H) a statement informing the applicant of the  
 3-44 requirement prescribed by Section 86.003(c).

3-45 SECTION 11. Section 84.032, Election Code, is amended by  
 3-46 adding Subsection (e) to read as follows:

3-47 (e) A request for cancellation in a manner other than as  
 3-48 authorized by this section, including a request by letter, has no  
 3-49 effect.

3-50 SECTION 12. Section 86.004, Election Code, is amended to  
 3-51 read as follows:

3-52 Sec. 86.004. TIME FOR PROVIDING BALLOT TO VOTER. The  
 3-53 balloting materials for voting by mail shall be mailed to a voter  
 3-54 entitled to vote by mail not later than the seventh calendar day  
 3-55 after the later of the date the clerk accepts the voter's  
 3-56 application for a ballot to be voted by mail or the date [voters as  
 3-57 soon as practicable after] the ballots become available for  
 3-58 mailing, except that if that mailing date is [but not] earlier than  
 3-59 the 45th day before election day, the balloting materials shall be  
 3-60 mailed not later than the 38th day before election day.

3-61 SECTION 13. Chapter 86, Election Code, is amended by adding  
 3-62 Section 86.0051 to read as follows:

3-63 Sec. 86.0051. CARRIER ENVELOPE ACTION BY PERSON OTHER THAN  
 3-64 VOTER; OFFENSES. (a) A person commits an offense if the person  
 3-65 acts as a witness for a voter in signing the certificate on the  
 3-66 carrier envelope and knowingly fails to comply with Section 1.011.

3-67 (b) A person other than the voter who deposits the carrier  
 3-68 envelope in the mail or with a common or contract carrier must  
 3-69 provide the person's signature, printed name, and residence address  
 3-70 on the reverse side of the envelope.

4-1 (c) A person commits an offense if the person knowingly  
 4-2 violates Subsection (b). It is not a defense to an offense under  
 4-3 this subsection that the voter voluntarily gave another person  
 4-4 possession of the voter's carrier envelope.

4-5 (d) An offense under this section is a Class B misdemeanor,  
 4-6 unless the person is convicted of an offense under Section 64.036  
 4-7 for providing unlawful assistance to the same voter in connection  
 4-8 with the same ballot, in which event the offense is a state jail  
 4-9 felony.

4-10 (e) Subsections (a) and (c) do not apply if the person is  
 4-11 related to the applicant within the second degree by affinity or the  
 4-12 third degree by consanguinity, as determined under Subchapter B,  
 4-13 Chapter 573, Government Code, or is registered to vote at the same  
 4-14 address as the applicant.

4-15 SECTION 14. Section 86.006, Election Code, is amended by  
 4-16 amending Subsections (a), (d), and (e) and adding Subsections (f),  
 4-17 (g), and (h) to read as follows:

4-18 (a) A marked ballot voted under this chapter must be  
 4-19 returned to the early voting clerk in the official carrier  
 4-20 envelope. The carrier envelope may be delivered in another  
 4-21 envelope and must be transported and delivered only by mail or by  
 4-22 common or contract carrier.

4-23 (d) Each carrier envelope that is delivered by a common or  
 4-24 contract carrier must be accompanied by an individual delivery  
 4-25 receipt for that particular carrier envelope that indicates the  
 4-26 name and residence address of the individual who actually delivered  
 4-27 the envelope to the carrier and the date, hour, and address at which  
 4-28 the carrier envelope was received by the carrier [~~unless the~~  
 4-29 ~~carrier does not routinely issue a receipt, in which case the~~  
 4-30 ~~secretary of state shall prescribe appropriate procedures for~~  
 4-31 ~~accounting for the delivery]. A delivery of carrier envelopes is~~  
 4-32 prohibited by a common or contract carrier if the delivery  
 4-33 originates from the address of:

4-34 (1) an office [~~the headquarters~~] of a political party  
 4-35 or a candidate in the election;

4-36 (2) a candidate in the election unless the address is  
 4-37 the residence of the early voter;

4-38 (3) a specific-purpose or general-purpose political  
 4-39 committee involved in the election; or

4-40 (4) an entity that requested that the election be  
 4-41 held, unless the delivery is a forwarding to the early voting clerk.

4-42 (e) Carrier envelopes may not be collected and stored at  
 4-43 another location for subsequent delivery to the early voting clerk.  
 4-44 The secretary of state shall prescribe appropriate procedures to  
 4-45 implement this subsection and to provide accountability for the  
 4-46 delivery of the carrier envelopes from the voting place to the early  
 4-47 voting clerk.

4-48 (f) A person commits an offense if the person knowingly  
 4-49 possesses an official ballot or official carrier envelope provided  
 4-50 under this code to another. Unless the person possessed the ballot  
 4-51 or carrier envelope with intent to defraud the voter or the election  
 4-52 authority, it is an affirmative defense to prosecution under this  
 4-53 subsection that the person, on the date of the offense, was:

4-54 (1) related to the voter within the second degree by  
 4-55 affinity or the third degree by consanguinity, as determined under  
 4-56 Subchapter B, Chapter 573, Government Code;

4-57 (2) registered to vote at the same address as the  
 4-58 voter;

4-59 (3) an early voting clerk or a deputy early voting  
 4-60 clerk;

4-61 (4) a person who possesses the carrier envelope in  
 4-62 order to deposit the envelope in the mail or with a common or  
 4-63 contract carrier and who provides the information required by  
 4-64 Section 86.0051(b) in accordance with that section;

4-65 (5) an employee of the United States Postal Service  
 4-66 working in the normal course of the employee's authorized duties;  
 4-67 or

4-68 (6) a common or contract carrier working in the normal  
 4-69 course of the carrier's authorized duties if the official ballot is  
 4-70 sealed in an official carrier envelope that is accompanied by an

5-1 individual delivery receipt for that particular carrier envelope.

5-2 (g) An offense under Subsection (f) is:

5-3 (1) a Class B misdemeanor if the person possesses at  
 5-4 least one but fewer than 10 ballots or carrier envelopes unless the  
 5-5 person possesses the ballots or carrier envelopes without the  
 5-6 consent of the voters, in which event the offense is a state jail  
 5-7 felony;

5-8 (2) a Class A misdemeanor if the person possesses at  
 5-9 least 10 but fewer than 20 ballots or carrier envelopes unless the  
 5-10 person possesses the ballots or carrier envelopes without the  
 5-11 consent of the voters, in which event the offense is a felony of the  
 5-12 third degree; or

5-13 (3) a state jail felony if the person possesses 20 or  
 5-14 more ballots or carrier envelopes unless the person possesses the  
 5-15 ballots or carrier envelopes without the consent of the voters, in  
 5-16 which event the offense is a felony of the second degree.

5-17 (h) A ballot returned in violation of this section may not  
 5-18 be counted. If the early voting clerk determines that the ballot  
 5-19 was returned in violation of this section, the clerk shall make a  
 5-20 notation on the carrier envelope and treat it as a ballot not timely  
 5-21 returned in accordance with Section 86.011(c). If the ballot is  
 5-22 returned before the end of the period for early voting by personal  
 5-23 appearance, the early voting clerk shall promptly mail or otherwise  
 5-24 deliver to the voter a written notice informing the voter that:

5-25 (1) the voter's ballot will not be counted because of a  
 5-26 violation of this code; and

5-27 (2) the voter may vote if otherwise eligible at an  
 5-28 early voting polling place or the election day precinct polling  
 5-29 place on presentation of the notice.

5-30 SECTION 15. Section 86.010, Election Code, is amended by  
 5-31 amending Subsection (c) and adding Subsections (e), (f), (g), and  
 5-32 (h) to read as follows:

5-33 (c) The person assisting the voter must sign a written oath  
 5-34 prescribed by Section 64.034 that is part of the certificate on the  
 5-35 official carrier envelope.

5-36 (e) A person who assists a voter to prepare a ballot to be  
 5-37 voted by mail shall enter the person's signature, printed name, and  
 5-38 residence address on the official carrier envelope of the voter.

5-39 (f) A person commits an offense if the person knowingly  
 5-40 fails to provide the information on the official carrier envelope  
 5-41 as required by Subsection (e).

5-42 (g) An offense under this section is a Class A misdemeanor  
 5-43 unless the person is convicted of an offense under Section 64.036  
 5-44 for providing unlawful assistance to the same voter, in which event  
 5-45 the offense is a state jail felony.

5-46 (h) Subsection (f) does not apply if the person is related  
 5-47 to the applicant within the second degree by affinity or the third  
 5-48 degree by consanguinity, as determined under Subchapter B, Chapter  
 5-49 573, Government Code, or is registered to vote at the same address  
 5-50 as the applicant.

5-51 SECTION 16. Section 86.013, Election Code, is amended by  
 5-52 amending Subsections (b), (d), and (f) and adding Subsection (g) to  
 5-53 read as follows:

5-54 (b) Spaces [~~for indicating the identity and date of the~~  
 5-55 ~~election]~~ must appear on the reverse side of the official carrier  
 5-56 envelope for:

5-57 (1) indicating the identity and date of the election;  
 5-58 and

5-59 (2) entering the signature, printed name, and  
 5-60 residence address of a person other than the voter who deposits the  
 5-61 carrier envelope in the mail or with a common or contract carrier.

5-62 (d) The following textual material, as prescribed by the  
 5-63 secretary of state, must be printed on the reverse side of the  
 5-64 official carrier envelope or on a separate sheet accompanying the  
 5-65 carrier envelope when it is provided:

5-66 (1) the prohibition prescribed by Section 86.006(b);

5-67 (2) the conditions for delivery by common or contract  
 5-68 carrier prescribed by Sections 81.005 and 86.006; [~~and]~~

5-69 (3) the requirements for the legal execution and  
 5-70 delivery of the carrier envelope;

6-1 (4) the prohibition prescribed by Section 86.006(e);  
6-2 and  
6-3 (5) the offenses prescribed by Sections 86.006(f) and  
6-4 86.010(f).

6-5 (f) The oath of a person assisting a voter must be included  
6-6 on the official carrier envelope as part of the certificate  
6-7 prescribed by Subsection (c).

6-8 (g) The secretary of state by rule shall require that a  
6-9 notice informing voters of the telephone number established under  
6-10 Section 31.0055 and the purpose of the telephone number be printed  
6-11 on:

- 6-12 (1) the official carrier envelope; or
- 6-13 (2) an insert enclosed with the balloting materials  
6-14 for voting by mail sent to the voter.

6-15 SECTION 17. Section 87.121(f), Election Code, is amended to  
6-16 read as follows:

6-17 (f) Information on the roster for a person to whom an early  
6-18 voting mail ballot has been sent is not available for public  
6-19 inspection, except to the voter seeking to verify that the  
6-20 information pertaining to the voter is accurate, until the first  
6-21 business day after<sup>+</sup>

6-22 [~~(1) 72 hours after the time a ballot is mailed to the~~  
6-23 ~~voter; or~~

6-24 [~~(2) 48 hours after the time a ballot is mailed to the~~  
6-25 ~~voter if the mailing occurs on the fourth day before] election day.~~

6-26 SECTION 18. Section 87.121, Election Code, is amended by  
6-27 adding Subsection (h) to read as follows:

6-28 (h) Information on the roster for a person who votes an  
6-29 early voting ballot by mail shall be made available for public  
6-30 inspection not later than the day following the day the early voting  
6-31 clerk receives a ballot voted by mail.

6-32 SECTION 19. Chapter 276, Election Code, is amended by  
6-33 adding Section 276.010 to read as follows:

6-34 Sec. 276.010. UNLAWFUL BUYING AND SELLING OF BALLOTING  
6-35 MATERIALS. (a) A person commits an offense if the person buys,  
6-36 offers to buy, sells, or offers to sell an official ballot, official  
6-37 ballot envelope, official carrier envelope, signed application for  
6-38 an early voting mail ballot, or any other original election record.

6-39 (b) This section does not apply to a person who executes a  
6-40 written contract for the procurement of election supplies necessary  
6-41 to conduct an election under Section 51.003.

6-42 (c) An offense under this section is a state jail felony  
6-43 unless a voter sells a ballot, ballot envelope, or carrier envelope  
6-44 that has been provided to the voter by government, in which event  
6-45 the offense is a Class B misdemeanor.

6-46 SECTION 20. Section 31.03(e), Penal Code, is amended to  
6-47 read as follows:

6-48 (e) Except as provided by Subsection (f), an offense under  
6-49 this section is:

6-50 (1) a Class C misdemeanor if the value of the property  
6-51 stolen is less than:

- 6-52 (A) \$50; or
- 6-53 (B) \$20 and the defendant obtained the property  
6-54 by issuing or passing a check or similar sight order in a manner  
6-55 described by Section 31.06;

6-56 (2) a Class B misdemeanor if:

- 6-57 (A) the value of the property stolen is:
  - 6-58 (i) \$50 or more but less than \$500; or
  - 6-59 (ii) \$20 or more but less than \$500 and the  
6-60 defendant obtained the property by issuing or passing a check or  
6-61 similar sight order in a manner described by Section 31.06; or
- 6-62 (B) the value of the property stolen is less

6-63 than:

- 6-64 (i) \$50 and the defendant has previously  
6-65 been convicted of any grade of theft; or
- 6-66 (ii) \$20, the defendant has previously been  
6-67 convicted of any grade of theft, and the defendant obtained the  
6-68 property by issuing or passing a check or similar sight order in a  
6-69 manner described by Section 31.06;

6-70 (3) a Class A misdemeanor if the value of the property

7-1 stolen is \$500 or more but less than \$1,500;  
7-2 (4) a state jail felony if:  
7-3 (A) the value of the property stolen is \$1,500 or  
7-4 more but less than \$20,000, or the property is less than 10 head of  
7-5 cattle, horses, or exotic livestock or exotic fowl as defined by  
7-6 Section 142.001, Agriculture Code, or any part thereof under the  
7-7 value of \$20,000, or less than 100 head of sheep, swine, or goats or  
7-8 any part thereof under the value of \$20,000;  
7-9 (B) regardless of value, the property is stolen  
7-10 from the person of another or from a human corpse or grave;  
7-11 (C) the property stolen is a firearm, as defined  
7-12 by Section 46.01; [~~or~~]  
7-13 (D) the value of the property stolen is less than  
7-14 \$1,500 and the defendant has been previously convicted two or more  
7-15 times of any grade of theft; or  
7-16 (E) the property stolen is an official ballot or  
7-17 official carrier envelope for an election;  
7-18 (5) a felony of the third degree if the value of the  
7-19 property stolen is \$20,000 or more but less than \$100,000, or the  
7-20 property is:  
7-21 (A) 10 or more head of cattle, horses, or exotic  
7-22 livestock or exotic fowl as defined by Section 142.001, Agriculture  
7-23 Code, stolen during a single transaction and having an aggregate  
7-24 value of less than \$100,000; or  
7-25 (B) 100 or more head of sheep, swine, or goats  
7-26 stolen during a single transaction and having an aggregate value of  
7-27 less than \$100,000;  
7-28 (6) a felony of the second degree if the value of the  
7-29 property stolen is \$100,000 or more but less than \$200,000; or  
7-30 (7) a felony of the first degree if the value of the  
7-31 property stolen is \$200,000 or more.  
7-32 SECTION 21. Section 37.01(2), Penal Code, is amended to  
7-33 read as follows:  
7-34 (2) "Governmental record" means:  
7-35 (A) anything belonging to, received by, or kept  
7-36 by government for information, including a court record;  
7-37 (B) anything required by law to be kept by others  
7-38 for information of government;  
7-39 (C) a license, certificate, permit, seal, title,  
7-40 letter of patent, or similar document issued by government, by  
7-41 another state, or by the United States; [~~or~~]  
7-42 (D) a standard proof of motor vehicle liability  
7-43 insurance form described by Section 601.081, Transportation Code, a  
7-44 certificate of an insurance company described by Section 601.083 of  
7-45 that code, a document purporting to be such a form or certificate  
7-46 that is not issued by an insurer authorized to write motor vehicle  
7-47 liability insurance in this state, an electronic submission in a  
7-48 form described by Section 502.153(i), Transportation Code, or an  
7-49 evidence of financial responsibility described by Section 601.053  
7-50 of that code; or  
7-51 (E) an official ballot or other election record.  
7-52 SECTION 22. In the enforcement of the provisions of this  
7-53 Act, a district or county attorney may not, for the purpose of  
7-54 intimidating a group of voters, prosecute a person on account of the  
7-55 person's race, ethnicity, or age. A violation of this section may  
7-56 be prosecuted under Section 36.03 or 39.03, Penal Code.  
7-57 SECTION 23. The changes in law made by this Act apply only  
7-58 to an election for which the action ordering the election is taken  
7-59 on or after the effective date of this Act. An election for which  
7-60 the action ordering the election is taken before the effective date  
7-61 of this Act is governed by the law in effect on the date that action  
7-62 is taken, and the former law is continued in effect for this  
7-63 purpose.  
7-64 SECTION 24. This Act takes effect September 1, 2003.

7-65

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