

By: Zedler

H.B. No. 76

A BILL TO BE ENTITLED

AN ACT

relating to certain criminal offenses involving an election.

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

SECTION 1. Section 64.036(d), Election Code, is amended to read as follows:

(d) An offense under this section is a felony of the third degree [~~Class A misdemeanor~~].

SECTION 2. Section 86.006(g), Election Code, is amended to read as follows:

(g) An offense under Subsection (f) is:

(1) a Class A [~~B~~] misdemeanor if the person possesses or has possessed at least one but fewer than three [~~10~~] ballots or carrier envelopes during an election cycle unless the person possesses or has possessed the ballots or carrier envelopes without the consent of the voters, in which event the offense is a [~~state jail~~] felony of the third degree; or

(2) a felony of the third degree [~~Class A misdemeanor~~] if the person possesses or has possessed three or more [~~at least 10 but fewer than 20~~] ballots or carrier envelopes during an election cycle unless the person possesses or has possessed the ballots or carrier envelopes without the consent of the voters, in which event the offense is a felony of the second [~~third~~] degree[, ~~or~~

~~[(3) a state jail felony if the person possesses 20 or more ballots or carrier envelopes unless the person possesses the~~

1 ~~ballots or carrier envelopes without the consent of the voters, in~~
2 ~~which event the offense is a felony of the second degree].~~

3 SECTION 3. Section 86.010(g), Election Code, is amended to
4 read as follows:

5 (g) An offense under this section is a felony of the third
6 degree [~~Class A misdemeanor~~] unless the person is convicted of an
7 offense under Section 64.036 for providing unlawful assistance to
8 the same voter, in which event the offense is a [~~state jail~~] felony
9 of the second degree.

10 SECTION 4. The changes in law made by this Act apply only to
11 an offense committed on or after the effective date of this Act. An
12 offense committed before the effective date of this Act is covered
13 by the law in effect at the time the offense was committed, and the
14 former law is continued in effect for that purpose. For purposes of
15 this section, an offense was committed before the effective date of
16 this Act if any element of the offense was committed before that
17 date.

18 SECTION 5. This Act takes effect November 1, 2005.