

BILL ANALYSIS

C.S.H.B. 1994
By: Talton
Elections
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Under current law, an individual can assist multiple voters who cast their ballots by mail. The individuals assisting these voters are required to sign the envelope into which the voter places their ballot, as a record of who is offering assistance. This requirement was added during the 78th legislative session to help create safeguards against voter fraud directed at those individuals, often the elderly or disabled, who vote early by mail. Despite this, some unscrupulous individuals still allegedly go to nursing homes, hospitals, and other assisted living centers where they "help" multiple voters cast their ballots, sometimes marking the ballots contrary to the wishes of the voter. CSHB 1994 attempts to further curb fraud directed at those who vote by mail by providing that an individual may only assist one such voter in each election, unless the individual falls into one of the excepted categories.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

CSHB 1994 amends the Election Code by providing that a person commits a Class B misdemeanor if, in the same election, the person assists more than one voter casting a ballot by mail. The bill provides exceptions to this offense for an individual

- who is an early voting clerk or deputy early voting clerk acting in an official capacity;
- who is related to each additional assisted voter as a parent, grandparent, spouse, child, or sibling; or
- who provides assistance at a facility, including a nursing home or group home, as defined by the Health and Safety Code, and in the presence of a volunteer deputy registrar.

The bill prohibits a vote cast with the assistance of a person who commits this offense from being counted in the election with respect to which the offense is committed. The bill also provides that each ballot, after the first, for which the person gives assistance is a separate offense.

EFFECTIVE DATE

September 1, 2005.

COMPARISON OF ORIGINAL TO SUBSTITUTE

CSHB 1994 modifies the original by adding the exception to the offense for assistance provided at certain facilities, in the presence of a volunteer deputy registrar. The substitute also modifies the original by prohibiting votes cast with the assistance of someone who commits an offense, as provided by the bill, from being counted, rather than providing that the offense does not affect the validity of the ballot.