

## **BILL ANALYSIS**

H.B. 2405  
By: Keel  
Elections  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

The Texas Election Code currently provides that a person who has not applied for a ballot to be voted early by mail is not entitled to receive such a ballot. The language in current law, however, has been interpreted in a manner that allows such a ballot to be cast, and the votes to be counted, even though the person was ineligible to receive the ballot in the first place. House Bill 2405 clarifies that such ballots are not to be counted and creates an offense for an ineligible person who casts a mail ballot.

### **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**

House Bill 2405 amends the Election Code to prohibit the counting of a marked ballot voted by mail of a person who has not made an application for that ballot, in an election ordered on or after the effective date. The bill provides, for these elections, that a person commits a Class A misdemeanor if the person votes a ballot by mail with knowledge that the person is not entitled to receive that ballot.

### **EFFECTIVE DATE**

September 1, 2005.