

BILL ANALYSIS

C.S.H.B. 3207
By: Zedler
Elections
Committee Report (Substituted)

BACKGROUND AND PURPOSE

During the last regular session, the legislature enacted strengthened provisions to help curb election fraud relating to ballots voted by mail. The allegations of this type of fraud and of illegal vote activity have continued to increase, however, during recent primary and general elections. The two main areas relating to these allegations are unlawful assistance to voters and vote brokering by individuals who collect or have possession of other voters' mail ballots. Unlawful assistance is currently a Class A misdemeanor, as is the possession of up to 20 mail ballots. Increasing the penalties to felonies would provide greater deterrent to this type of election fraud. CSHB 3207 increases the penalties for certain offenses relating to voting and elections.

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 3207 amends the Election Code to increase the penalty for unlawfully assisting a voter, who is voting either in person or by mail, from a Class A misdemeanor to a third degree felony. The bill increases the penalty for an assistant who fails to provide the required information on the official mail ballot carrier envelope from a Class A misdemeanor to a third degree felony. The bill increases the penalty for a person who commits both of these offenses, with respect to the same voter, from a state jail felony to a felony of the second degree.

The bill also increases the penalties for offenses for knowingly possessing an official ballot or official carrier envelope provided to another individual. The bill provides that an individual who possesses:

- fewer than 3 ballots or carrier envelopes commits a Class A misdemeanor; or
- 3 or more ballots or carrier envelopes commits a felony of the third degree.

For an individual who possess these ballots or carrier envelopes without the consent of the voters, the bill provides that the person commits a felony of the third degree or felony of the second degree, respectively. The bill provides that the penalties for possession also apply to an individual who possessed the number of ballots during any one election cycle. The bill removes the existing three-tier offense provisions of possessing at least one but fewer than 10, at least 10 but fewer than 20, or greater than 20 ballots or carrier envelopes.

The bill provides that these provisions apply only to an offense committed on or after September 1, 2005.

EFFECTIVE DATE

September 1, 2005.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The substitute modifies the original by conforming to Legislative Council drafting style. The substitute also modifies the original by changing the effective date from on passage to September 1, 2005.