

By: Keel, Hodge

H.B. No. 2405

A BILL TO BE ENTITLED

1 AN ACT

2 relating to prohibiting a person not entitled to receive an early
3 voting ballot by mail from casting that ballot; providing a
4 criminal penalty.

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

6 SECTION 1. Section 84.001, Election Code, is amended by
7 amending Subsection (f) and adding Subsection (g) to read as
8 follows:

9 (f) A person who has not made an application as provided by
10 this title is not entitled to receive an early voting ballot to be
11 voted by mail. A marked ballot voted by mail of a person who has not
12 made an application as provided by this title may not be counted.

13 (g) A person commits an offense if, with the intent that an
14 unlawful ballot be cast, the person directs the return of a marked
15 early voting ballot by mail as provided by Section 86.006 with the
16 knowledge that the ballot is from a voter who is not entitled to
17 receive an early voting ballot to be voted by mail. An offense
18 under this subsection is a Class C misdemeanor.

19 SECTION 2. Section 86.002, Election Code, is amended by
20 adding Subsection (h) to read as follows:

21 (h) The clerk shall include with the balloting materials a
22 notice in a form prescribed by the secretary of state:

23 (1) informing the voter of the categories of persons
24 who are eligible to vote by mail; and

1 (2) stating that the voter should not cast the ballot
2 unless the voter or a person authorized by this code to assist the
3 voter requested the ballot.

4 SECTION 3. This Act applies only to an election ordered on
5 or after the effective date of this Act.

6 SECTION 4. This Act takes effect September 1, 2005.