

By: Berman

H.B. No. 1987

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the offense of possessing another person's official  
3 ballot or official carrier envelope.

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

5 SECTION 1. Section 86.006(f), Election Code, is amended to  
6 read as follows:

7 (f) A person commits an offense if the person knowingly  
8 possesses an official ballot or official carrier envelope provided  
9 under this code to another. Unless the person possessed the ballot  
10 or carrier envelope with intent to defraud the voter or the election  
11 authority, it is an exception to the application of [~~affirmative~~  
12 ~~defense to prosecution under~~] this subsection that the person, on  
13 the date of the offense, was:

14 (1) related to the voter within the second degree by  
15 affinity or the third degree by consanguinity, as determined under  
16 Subchapter B, Chapter 573, Government Code;

17 (2) registered to vote at the same address as the  
18 voter;

19 (3) an early voting clerk or a deputy early voting  
20 clerk;

21 (4) a person who possesses the carrier envelope in  
22 order to deposit the envelope in the mail or with a common or  
23 contract carrier and who provides the information required by  
24 Section 86.0051(b) in accordance with that section;

1           (5) an employee of the United States Postal Service  
2 working in the normal course of the employee's authorized duties;  
3 or

4           (6) a common or contract carrier working in the normal  
5 course of the carrier's authorized duties if the official ballot is  
6 sealed in an official carrier envelope that is accompanied by an  
7 individual delivery receipt for that particular carrier envelope.

8           SECTION 2. The change in law made by this Act applies only  
9 to an offense committed on or after September 1, 2007. An offense  
10 committed before September 1, 2007, is covered by the law in effect  
11 when the offense was committed, and the former law is continued in  
12 effect for that purpose. For purposes of this section, an offense  
13 was committed before September 1, 2007, if any element of the  
14 offense occurred before that date.

15           SECTION 3. This Act takes effect September 1, 2007.