

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.