

## **BILL ANALYSIS**

H.B. 3444  
By: Anchia  
Elections  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

According to the House Committee on Elections interim report to the 81st Legislature, Regular Session, 2009, residents in some Texas counties are concerned by the impact politically-motivated voting assistants may have on the mail-in ballot process. The report states that additional voter education outreach is necessary to help mail-in ballot voters and individuals that provide assistance to mail-in voters understand the law.

H.B. 3444 requires a person who assists more than five voters in an election with the preparation of their ballots to register as an early voting assistant, sets forth conditions relating to this registration, and requires the early voting clerk to maintain current registrations in a file that is available to the public for inspection. The bill makes it a Class A misdemeanor to knowingly violate these registration requirements.

### **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**

H.B. 3444 amends the Election Code to require a person who assists more than five voters in an election with the preparation of their ballots to register as an early voting assistant. The bill requires the secretary of state to prescribe an early voting assistant registration form, which includes a space for the person's name, signature, address, telephone number, and voter registration number and the date of signing; the oath required of a person selected to provide assistance to a voter under state law; and a space for the person to indicate whether the person has ever been convicted of an offense in connection with conduct directly attributable to an election.

H.B. 3444 requires each person required to register to file the form with the early voting clerk and establishes that such a registration expires on December 31 of each odd-numbered year. The bill requires the early voting clerk to maintain current registrations in a file that is available to the public for inspection. The bill makes registration as an early voting assistant inapplicable to a person assisting a voter if the person assisting the voter is related to the voter within the second degree by affinity or the third degree by consanguinity, as determined under state law; who is registered to vote at the same address as the voter; who is employed by the nursing home or other long-term care facility or retirement center in which the voter resides; who is employed by the hospital in which the voter is a patient at the time the assistance is provided; or an early voting clerk or deputy early voting clerk.

H.B. 3444 establishes that a person is ineligible for registration if the person has been finally convicted of an offense in connection with conduct directly attributable to an election and makes it a Class A misdemeanor to knowingly violate the registration requirements under these provisions.

H.B. 3444 includes a person who is registered as an early voting assistant among those persons authorized to be selected by a voter casting a ballot by mail who would be eligible under state law to receive assistance at a polling place. The bill adds the telephone number of a person who assists a voter to prepare a ballot to be voted by mail to the identification information the person is required to enter on the official carrier envelope of the voter.

**EFFECTIVE DATE**

January 1, 2010.