

## **BILL ANALYSIS**

C.S.H.B. 1679  
By: Burkett  
Elections  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

In certain localities, individuals receive compensation for harvesting mail-in ballots, or going door-to-door collecting eligible ballots and posting them on behalf of voters. Such individuals are compensated on a per-ballot basis. There currently is no statutory limit as to the number of times a person may act as a courier for mail-in ballots in a given election, and concerned parties contend that some mail-in ballot harvesters provide unlawful assistance or unlawful witness to voters, as well as electioneering in the presence of an active ballot. C.S.H.B. 1679 seeks to remedy this situation by, among other provisions, increasing the penalties for certain related offenses.

### **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**

C.S.H.B. 1679 amends the Election Code to increase the penalty for offenses relating to a person's unlawful assistance of a voter with voting from a Class A misdemeanor to a state jail felony. The bill amends provisions relating to the conduct of early voting by mail to prohibit a person from depositing in the mail or with a common or contract carrier more than two carrier envelopes containing ballots voted by other persons in an election, and makes it an offense to knowingly violate that prohibition. The bill increases the penalty for an offense relating to actions involving a carrier envelope by a person other than the voter, including the prohibition established by the bill, from a Class B misdemeanor to a state jail felony. The bill increases from a state jail felony to a third degree felony the penalty for violating that prohibition and providing unlawful assistance to the same voter in connection with the same ballot.

C.S.H.B. 1679 removes an exemption from the provisions regarding an offense relating to actions involving a carrier envelope if the person is registered to vote at the same address as the applicant. The bill exempts an employee of a state licensed care facility where the voter resides and who is working in the normal course of the employee's authorized duties from a provision making it an offense to knowingly violate an applicable requirement for a signature, printed name, and address on a carrier envelope or an applicable prohibition against depositing more than the permissible number of carrier envelopes. The bill exempts such an employee from a provision making it an offense for a person to knowingly possess an official ballot or official carrier envelope provided to another.

C.S.H.B. 1679 increases the penalty for an offense under provisions relating to assisting a voter in preparing a ballot for early voting by mail from a Class A misdemeanor to a state jail felony. The bill increases from a state jail felony to a felony of the third degree the penalty for committing such an offense and providing unlawful assistance to the same voter. The bill removes an exemption from the provision making it an offense for a person providing such assistance to knowingly fail to enter the person's signature, printed name, and residence address

on the voter's official carrier envelope if the person is registered to vote at the same address as the applicant.

**EFFECTIVE DATE**

September 1, 2011.

**COMPARISON OF ORIGINAL AND SUBSTITUTE**

C.S.H.B. 1679 contains provisions not included in the original exempting an employee of a state licensed care facility where the voter resides and who is working in the normal course of the employee's authorized duties from provisions making it an offense to knowingly violate a requirement or prohibition relating to a carrier envelope or to knowingly possess an official ballot or official carrier envelope provided to another.