

## **BILL ANALYSIS**

C.S.H.B. 2449  
By: Aliseda  
Elections  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Interested parties contend that when conducting election fraud investigations the investigating authority must find a certain number of ballots in the hand of a vote harvester at one time in order to charge the person with a certain offense, but that if the investigating authority finds the vote harvester with slightly fewer ballots for multiple days in a row, the investigating authority is unable to charge the vote harvester with such offense. C.S.H.B. 2449 seeks to address this issue by establishing provisions relating to unlawfully obtaining another person's ballot to be voted by mail.

### **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. 2449 amends the Election Code to establish that unlawfully obtaining ballots or carrier envelopes pursuant to one scheme or continuing course of conduct, whether from the same or several sources, in violation of provisions of law relating to the method of returning a marked early voting ballot may be considered as one offense and the number of ballots or carrier envelopes aggregated in determining the grade of the offense.

### **EFFECTIVE DATE**

September 1, 2011.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

C.S.H.B. 2449 differs from the original by establishing that unlawfully obtaining ballots or carrier envelopes pursuant to one scheme or continuing course of conduct, whether from the same or several sources, in violation of provisions of law relating to the method of returning a marked early voting ballot, may be considered as one offense and the number of ballots or carrier envelopes aggregated in determining the grade of the offense, whereas the original establishes that ballots or carrier envelopes that are possessed pursuant to a continuous course of conduct by a person over one or more days may be aggregated in determining the number of ballots or carrier envelopes a person possesses for purposes of determining a condition that establishes the penalty classification of an offense related to knowingly possessing another person's official ballot or official carrier envelope.