

By: Burkett

H.B. No. 1679

A BILL TO BE ENTITLED

AN ACT

relating to aid provided to certain voters; providing criminal penalties.

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

SECTION 1. Section 64.036(d), Election Code, is amended to read as follows:

(d) An offense under this section is a state jail felony ~~[Class A misdemeanor]~~.

SECTION 2. Section 86.0051, Election Code, is amended by adding Subsection (b-1) and amending Subsections (c), (d), and (e) to read as follows:

(b-1) A person may not deposit in the mail or with a common or contract carrier more than two carrier envelopes containing ballots voted by other persons in an election.

(c) A person commits an offense if the person knowingly violates Subsection (b) or (b-1). It is not a defense to an offense under this subsection that the voter voluntarily gave another person possession of the voter's carrier envelope.

(d) An offense under this section is a state jail felony ~~[Class B misdemeanor]~~, unless the person is convicted of an offense under Section 64.036 for providing unlawful assistance to the same voter in connection with the same ballot, in which event the offense is a ~~[state jail]~~ felony of the third degree.

(e) Subsections (a) and (c) do not apply if the person is

1 related to the applicant within the second degree by affinity or the
2 third degree by consanguinity, as determined under Subchapter B,
3 Chapter 573, Government Code~~[, or is registered to vote at the same~~
4 ~~address as the applicant]~~.

5 SECTION 3. Sections 86.010(g) and (h), Election Code, are
6 amended to read as follows:

7 (g) An offense under this section is a state jail felony
8 ~~[Class A misdemeanor]~~ unless the person is convicted of an offense
9 under Section 64.036 for providing unlawful assistance to the same
10 voter, in which event the offense is a ~~[state jail]~~ felony of the
11 third degree.

12 (h) Subsection (f) does not apply if the person is related
13 to the applicant within the second degree by affinity or the third
14 degree by consanguinity, as determined under Subchapter B, Chapter
15 573, Government Code~~[, or is registered to vote at the same address~~
16 ~~as the applicant]~~.

17 SECTION 4. The changes in law made by this Act apply only to
18 an offense committed on or after the effective date of this Act. An
19 offense committed before the effective date of this Act is governed
20 by the law in effect on the date the offense was committed, and the
21 former law is continued in effect for that purpose. For purposes of
22 this section, an offense was committed before the effective date of
23 this Act if any element of the offense occurred before that date.

24 SECTION 5. This Act takes effect September 1, 2011.