

By: Aliseda

H.B. No. 3628

A BILL TO BE ENTITLED

AN ACT

relating to the offense of unacknowledged assistance to a voter in completing an application for a ballot to be voted by mail.

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

SECTION 1. Sections 84.003(b), (c), and (d), Election Code, are amended to read as follows:

(b) A person who acts as a witness for an applicant for an early voting ballot application commits an offense if the person knowingly fails to comply with Section 1.011. A person who ~~[in the presence of the applicant]~~ otherwise assists an applicant in completing an early voting ballot application commits an offense if the person knowingly fails to comply with Section 1.011(d) in the same manner as a witness.

(c) An offense under this section is a felony of the third degree ~~[Class A misdemeanor]~~.

(d) Subsection (b) does not apply if:

(1) the person is related to the applicant within the second degree by affinity or the third degree by consanguinity, as determined under Subchapter B, Chapter 573, Government Code, or is registered to vote at the same address as the applicant; or

(2) the person provides the applicant with a blank application form for the applicant to complete and the person does not provide on the form any information particular to that applicant.

1 SECTION 2. The change in law made by this Act applies only
2 to an offense committed on or after the effective date of this Act.
3 An offense committed before the effective date of this Act is
4 covered by the law in effect when the offense was committed, and the
5 former law is continued in effect for that purpose. For purposes of
6 this section, an offense was committed before the effective date of
7 this Act if any element of the offense occurred before that date.

8 SECTION 3. This Act takes effect September 1, 2011.