

SENATE AMENDMENTS

2nd Printing

By: Aliseda, Pena, Gonzales of Williamson,
et al.

H.B. No. 2449

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the illegal possession of another person's ballot to be
3 voted by mail.

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

5 SECTION 1. Section 86.006, Election Code, is amended by
6 adding Subsection (g-1) to read as follows:

7 (g-1) When ballots or carrier envelopes are obtained in
8 violation of this section pursuant to one scheme or continuing
9 course of conduct, whether from the same or several sources, the
10 conduct may be considered as one offense and the number of ballots
11 or carrier envelopes aggregated in determining the grade of the
12 offense.

13 SECTION 2. The change in law made by this Act applies only
14 to an offense committed on or after the effective date of this Act.
15 An offense committed before the effective date of this Act is
16 governed by the law in effect when the offense was committed, and
17 the former law is continued in effect for that purpose. For
18 purposes of this section, an offense was committed before the
19 effective date of this Act if any element of the offense occurred
20 before that date.

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

ADOPTED

FLOOR AMENDMENT NO. 1

MAY 24 2011

Atay Spaw
Secretary of the Senate

BY:

Ernesto Rojas

1 Amend H.B. No. 2449 (senate committee printing) by adding the
2 following appropriately numbered SECTION to the bill and
3 renumbering subsequent SECTIONS of the bill accordingly:

4 SECTION _____. Section 86.014(a), Election Code, is amended
5 to read as follows:

6 (a) A copy of an application for a ballot to be voted by mail
7 is not available for public inspection, except to the voter seeking
8 to verify that the information pertaining to the voter is accurate,
9 until the first business day after [~~may be obtained from the early~~
10 ~~voting clerk.~~

11 [~~(1) 72 hours after the time a ballot is mailed to the~~
12 ~~voter, or~~

13 [~~(2) 48 hours after the time a ballot is mailed to the~~
14 ~~voter if the mailing occurs on the fourth day before] election day.~~

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

May 24, 2011

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB2449 by Aliseda (Relating to the illegal possession of another person's ballot to be voted by mail.), **As Passed 2nd House**

No fiscal implication to the State is anticipated.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: JOB, KJG, JT, JB

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

May 16, 2011

TO: Honorable Robert Duncan, Chair, Senate Committee on State Affairs

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB2449 by Aliseda (Relating to the illegal possession of another person's ballot to be voted by mail.), **As Engrossed**

No fiscal implication to the State is anticipated.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: JOB, KJG, JT, JB

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

April 15, 2011

TO: Honorable Larry Taylor, Chair, House Committee on Elections

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB2449 by Aliseda (relating to the illegal possession of another person's ballot to be voted by mail.), **Committee Report 1st House, Substituted**

No fiscal implication to the State is anticipated.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: JOB, JT, JB

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

March 24, 2011

TO: Honorable Larry Taylor, Chair, House Committee on Elections

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB2449 by Aliseda (Relating to the illegal possession of another person's ballot to be voted by mail.), **As Introduced**

No fiscal implication to the State is anticipated.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: JOB, JT, TP

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

CRIMINAL JUSTICE IMPACT STATEMENT

82ND LEGISLATIVE REGULAR SESSION

April 15, 2011

TO: Honorable Larry Taylor, Chair, House Committee on Elections

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB2449 by Aliseda (relating to the illegal possession of another person's ballot to be voted by mail.), **Committee Report 1st House, Substituted**

The bill would amend the Election Code by allowing the aggregation of the number of ballots or carrier envelopes in determining the grade of the offense, when obtained pursuant to one scheme or continuing course of conduct, for illegal possession of another person's ballot to be voted by mail. Under current statute, possession of an official ballot or official carrier envelope provided to be voted by mail is a Class B misdemeanor if the person possesses at least one but fewer than 10 ballots or carrier envelopes unless the possession does not involve the consent of the voters, in which event is a state jail felony. The offense is a Class A misdemeanor if the person possesses at least 10 but fewer than 20 ballots or carrier envelopes unless the possession does not involve the consent of the voters, in which event the is a felony of the third degree. The offense is a state jail felony if the person possesses 20 or more ballots or carrier envelopes unless the possession does not involve the consent of the voters, in which event is a felony of the second degree.

A state jail felony is punishable by confinement in a state jail for a term from 180 days to 2 years and, in addition to confinement, an optional fine not to exceed \$10,000 or Class A Misdemeanor punishment (mandatory post conviction community supervision). A felony of the third degree is punishable by confinement in prison for a term from 2 to 10 years and, in addition to confinement, an optional fine not to exceed \$10,000. A felony of the second degree is punishable by confinement in prison for a term from 2 to 20 years and, in addition to confinement, an optional fine not to exceed \$10,000.

Expanding the list of behaviors for which a penalty is applied for any criminal offense is expected to result in increased demands upon the correctional resources of counties or of the State due to longer terms of probation, or longer terms of confinement in county jail, state jail or prison. For this analysis, it is assumed the number of offenders convicted under this statute would not result in a significant impact on the programs and workload of state corrections agencies or on the demand for resources and services of those agencies.

Source Agencies:

LBB Staff: JOB, ADM, GG, LM

LEGISLATIVE BUDGET BOARD
Austin, Texas

CRIMINAL JUSTICE IMPACT STATEMENT

82ND LEGISLATIVE REGULAR SESSION

March 24, 2011

TO: Honorable Larry Taylor, Chair, House Committee on Elections

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB2449 by Aliseda (Relating to the illegal possession of another person's ballot to be voted by mail.), **As Introduced**

The bill would amend the Election Code by allowing to aggregate the number of ballots or carrier envelopes a person possesses on the course of conduct over one or more days, for the offense of illegal possession of another person's ballot to be voted by mail. Under current statute, possession of an official ballot or official carrier envelope provided to be voted by mail is a Class B misdemeanor if the person possesses at least one but fewer than 10 ballots or carrier envelopes unless the possession does not involve the consent of the voters, in which event is a state jail felony. The offense is a Class A misdemeanor if the person possesses at least 10 but fewer than 20 ballots or carrier envelopes unless the possession does not involve the consent of the voters, in which event the is a felony of the third degree. The offense is a state jail felony if the person possesses 20 or more ballots or carrier envelopes unless the possession does not involve the consent of the voters, in which event is a felony of the second degree.

A state jail felony is punishable by confinement in a state jail for a term from 180 days to 2 years and, in addition to confinement, an optional fine not to exceed \$10,000 or Class A Misdemeanor punishment (mandatory post conviction community supervision). A felony of the third degree is punishable by confinement in prison for a term from 2 to 10 years and, in addition to confinement, an optional fine not to exceed \$10,000. A felony of the second degree is punishable by confinement in prison for a term from 2 to 20 years and, in addition to confinement, an optional fine not to exceed \$10,000.

Expanding the list of behaviors for which a penalty is applied for any criminal offense is expected to result in increased demands upon the correctional resources of counties or of the State due to longer terms of probation, or longer terms of confinement in county jail, state jail or prison. For this analysis, it is assumed the number of offenders convicted under this statute would not result in a significant impact on the programs and workload of state corrections agencies or on the demand for resources and services of those agencies.

Source Agencies:

LBB Staff: JOB, GG, LM, ADM