

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. Chapter 86, Election Code, is amended by adding Section 86.0052 to read as follows:

Sec. 86.0052. COMPENSATION FOR CARRIER ENVELOPE ACTION PROHIBITED. (a) A person commits an offense if the person:

(1) compensates another person for depositing the carrier envelope in the mail or with a common or contract carrier as provided by Section 86.0051(b), as part of any performance-based compensation scheme based on the number of ballots deposited or in which another person is presented with a quota of ballots to deposit as provided by Section 86.0051(b);

(2) engages in another practice that causes another person's compensation from or employment status with the person to be dependent on the number of ballots deposited as provided by Section 86.0051(b); or

(3) with knowledge that accepting compensation for such activity is illegal, accepts compensation for an activity described by Subdivision (1) or (2).

(b) Except as provided by Subsection (c), an offense under this section is a misdemeanor punishable by:

(1) confinement in jail for a term of not more than one

1 year or less than 30 days; or

2 (2) confinement described by Subdivision (1) and a
3 fine not to exceed \$4,000.

4 (c) An offense under this section is a state jail felony if
5 it is shown on the trial of an offense under this section that the
6 defendant was previously convicted two or more times under this
7 section.

8 (d) An officer, director, or other agent of an entity that
9 commits an offense under this section is punishable for the
10 offense.

11 (e) For purposes of this section, compensation means any
12 form of monetary payment, goods, services, benefits, or promises or
13 offers of employment, or any other form of consideration offered to
14 another person in exchange for depositing ballots.

15 SECTION 2. Chapter 86, Election Code, is amended by adding
16 Section 86.0105 to read as follows:

17 Sec. 86.0105. COMPENSATION FOR ASSISTING VOTERS
18 PROHIBITED. (a) A person commits an offense if the person:

19 (1) compensates another person for assisting voters as
20 provided by Section 86.010, as part of any performance-based
21 compensation scheme based on the number of voters assisted or in
22 which another person is presented with a quota of voters to be
23 assisted as provided by Section 86.010;

24 (2) engages in another practice that causes another
25 person's compensation from or employment status with the person to
26 be dependent on the number of voters assisted as provided by Section
27 86.010; or

1 (3) with knowledge that accepting compensation for
2 such activity is illegal, accepts compensation for an activity
3 described by Subdivision (1) or (2).

4 (b) Except as provided by Subsection (c), an offense under
5 this section is a misdemeanor punishable by:

6 (1) confinement in jail for a term of not more than one
7 year or less than 30 days; or

8 (2) confinement described by Subdivision (1) and a
9 fine not to exceed \$4,000.

10 (c) An offense under this section is a state jail felony if
11 it is shown on the trial of an offense under this section that the
12 defendant was previously convicted two or more times under this
13 section.

14 (d) An officer, director, or other agent of an entity that
15 commits an offense under this section is punishable for the
16 offense.

17 (e) For purposes of this section, compensation means any
18 form of monetary payment, goods, services, benefits, or promises or
19 offers of employment, or any other form of consideration offered to
20 another person in exchange for assisting voters.

21 SECTION 3. Section 86.013(d), Election Code, is amended to
22 read as follows:

23 (d) The following textual material, as prescribed by the
24 secretary of state, must be printed on the reverse side of the
25 official carrier envelope or on a separate sheet accompanying the
26 carrier envelope when it is provided:

27 (1) the prohibition prescribed by Section 86.006(b);

1 (2) the conditions for delivery by common or contract
2 carrier prescribed by Sections 81.005 and 86.006;

3 (3) the requirements for the legal execution and
4 delivery of the carrier envelope, including the prohibition on
5 compensation for depositing carrier envelopes containing ballots
6 voted by other persons under Section 86.0052;

7 (4) the prohibition prescribed by Section 86.006(e);
8 and

9 (5) the offenses prescribed by Sections 86.006(f) and
10 86.010(f).

11 SECTION 4. The changes in law made by this Act apply only to
12 an offense committed on or after the effective date of this Act. An
13 offense committed before the effective date of this Act is governed
14 by the law in effect on the date the offense was committed, and the
15 former law is continued in effect for that purpose. For purposes of
16 this section, an offense was committed before the effective date of
17 this Act if any element of the offense occurred before that date.

18 SECTION 5. This Act takes effect September 1, 2013.

President of the Senate

Speaker of the House

I certify that H.B. No. 148 was passed by the House on April 26, 2013, by the following vote: Yeas 93, Nays 48, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 148 on May 23, 2013, by the following vote: Yeas 132, Nays 11, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 148 was passed by the Senate, with amendments, on May 21, 2013, by the following vote: Yeas 29, Nays 2.

Secretary of the Senate

APPROVED: _____

Date

Governor