

1-1 By: Burkett, et al. (Senate Sponsor - Paxton) H.B. No. 148
 1-2 (In the Senate - Received from the House April 29, 2013;
 1-3 April 30, 2013, read first time and referred to Committee on State
 1-4 Affairs; May 14, 2013, reported favorably by the following vote:
 1-5 Yeas 5, Nays 3; May 14, 2013, sent to printer.)

1-6 COMMITTEE VOTE

| | Yea | Nay | Absent | PNV |
|------|-----|-----|--------|-----|
| 1-7 | | | | |
| 1-8 | X | | | |
| 1-9 | X | | | |
| 1-10 | | X | | |
| 1-11 | X | | | |
| 1-12 | X | | | |
| 1-13 | | X | | |
| 1-14 | X | | | |
| 1-15 | | X | | |
| 1-16 | | | X | |

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to aid provided to certain voters; providing criminal
 1-20 penalties.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Section 86.0051, Election Code, is amended by
 1-23 adding Subsections (b-1) and (f) and amending Subsections (c), (d),
 1-24 and (e) to read as follows:

1-25 (b-1) A person to whom Section 86.006(f)(4) applies may not
 1-26 deposit in the mail or with a common or contract carrier more than
 1-27 10 carrier envelopes containing ballots voted by other persons in
 1-28 an election. This subsection does not apply to a carrier envelope
 1-29 containing a ballot voted by a member of the armed forces of the
 1-30 United States or the spouse or dependent of a member.

1-31 (c) A person commits an offense if the person knowingly
 1-32 violates Subsection (b) or (b-1) or knowingly directs a person to
 1-33 engage in conduct that violates Subsection (b-1). It is not a
 1-34 defense to an offense under this subsection that the voter
 1-35 voluntarily gave another person possession of the voter's carrier
 1-36 envelope.

1-37 (d) An offense under this section is a Class A [B]
 1-38 misdemeanor, unless the person is convicted of an offense under
 1-39 Section 64.036 for providing unlawful assistance to the same voter
 1-40 in connection with the same ballot, in which event the offense is a
 1-41 state jail felony.

1-42 (e) Subsections (a) and (c) do not apply if the person is
 1-43 related to the applicant within the second degree by affinity or the
 1-44 third degree by consanguinity, as determined under Subchapter B,
 1-45 Chapter 573, Government Code[, or is registered to vote at the same
 1-46 address as the applicant]. Subsection (c) does not apply to an
 1-47 employee of a state licensed care facility or state-certified
 1-48 facility not subject to state licensure where the voter resides who
 1-49 is working in the normal course of the employee's authorized
 1-50 duties.

1-51 (f) It is an affirmative defense to prosecution for an
 1-52 offense under this section that the person deposited carrier
 1-53 envelopes containing ballots voted by another person if the voter
 1-54 requested assistance from the person in depositing the envelope and
 1-55 that assistance was provided in the course of the person's normal
 1-56 duties as caretaker of the voter.

1-57 SECTION 2. Chapter 86, Election Code, is amended by adding
 1-58 Section 86.0052 to read as follows:

1-59 Sec. 86.0052. COMPENSATION OF ANOTHER FOR COLLECTING
 1-60 BALLOTING MATERIALS PROHIBITED. (a) A person commits an offense if
 1-61 the person compensates another person to engage in conduct

2-1 prohibited by Section 86.0051(b-1).

2-2 (b) Except as provided by Subsection (c), an offense under
2-3 this section is a misdemeanor punishable by:

2-4 (1) confinement in jail for a term of not more than one
2-5 year or less than 30 days; or

2-6 (2) confinement described by Subdivision (1) and a
2-7 fine not to exceed \$4,000.

2-8 (c) An offense under this section is a state jail felony if
2-9 it is shown on the trial of an offense under this section that the
2-10 defendant was previously convicted two or more times under this
2-11 section.

2-12 SECTION 3. Section 86.006, Election Code, is amended by
2-13 amending Subsection (f) and adding Subsection (j) to read as
2-14 follows:

2-15 (f) A person commits an offense if the person knowingly
2-16 possesses an official ballot or official carrier envelope provided
2-17 under this code to another. Unless the person possessed the ballot
2-18 or carrier envelope with intent to defraud the voter or the election
2-19 authority, this subsection does not apply to a person who, on the
2-20 date of the offense, was:

2-21 (1) related to the voter within the second degree by
2-22 affinity or the third degree by consanguinity, as determined under
2-23 Subchapter B, Chapter 573, Government Code;

2-24 (2) registered to vote at the same address as the
2-25 voter;

2-26 (3) an early voting clerk or a deputy early voting
2-27 clerk;

2-28 (4) a person who possesses the carrier envelope in
2-29 order to deposit the envelope in the mail or with a common or
2-30 contract carrier and who provides the information required by
2-31 Section 86.0051(b) in accordance with that section;

2-32 (5) an employee of the United States Postal Service
2-33 working in the normal course of the employee's authorized duties;
2-34 [~~or~~]

2-35 (6) a common or contract carrier working in the normal
2-36 course of the carrier's authorized duties if the official ballot is
2-37 sealed in an official carrier envelope that is accompanied by an
2-38 individual delivery receipt for that particular carrier envelope;
2-39 or

2-40 (7) an employee of a state licensed care facility or
2-41 state-certified facility not subject to state licensure where the
2-42 voter resides who is working in the normal course of the employee's
2-43 authorized duties.

2-44 (j) It is an affirmative defense to prosecution for an
2-45 offense under Subsection (f) that the person possessed an official
2-46 ballot or official carrier envelope provided to a voter, other than
2-47 the person, if the voter requested assistance from the person and
2-48 that assistance was provided in the course of the person's normal
2-49 duties as caretaker of the voter.

2-50 SECTION 4. Section 86.010(h), Election Code, is amended to
2-51 read as follows:

2-52 (h) Subsection (f) does not apply if the person is related
2-53 to the applicant within the second degree by affinity or the third
2-54 degree by consanguinity, as determined under Subchapter B, Chapter
2-55 573, Government Code [~~, or is registered to vote at the same address~~
2-56 ~~as the applicant].~~

2-57 SECTION 5. Section 86.013(d), Election Code, is amended to
2-58 read as follows:

2-59 (d) The following textual material, as prescribed by the
2-60 secretary of state, must be printed on the reverse side of the
2-61 official carrier envelope or on a separate sheet accompanying the
2-62 carrier envelope when it is provided:

2-63 (1) the prohibition prescribed by Section 86.006(b);

2-64 (2) the conditions for delivery by common or contract
2-65 carrier prescribed by Sections 81.005 and 86.006;

2-66 (3) the requirements for the legal execution and
2-67 delivery of the carrier envelope, including the limitation on
2-68 depositing carrier envelopes containing ballots voted by other
2-69 persons prescribed by Section 86.0051(b-1);

3-1 (4) the prohibition prescribed by Section 86.006(e);
3-2 and
3-3 (5) the offenses prescribed by Sections 86.006(f) and
3-4 86.010(f).

3-5 SECTION 6. The changes in law made by this Act apply only to
3-6 an offense committed on or after the effective date of this Act. An
3-7 offense committed before the effective date of this Act is governed
3-8 by the law in effect on the date the offense was committed, and the
3-9 former law is continued in effect for that purpose. For purposes of
3-10 this section, an offense was committed before the effective date of
3-11 this Act if any element of the offense occurred before that date.

3-12 SECTION 7. This Act takes effect September 1, 2013.

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