86R4731 GRM-F

By:  Israel H.B. No. 1600

A BILL TO BE ENTITLED

AN ACT

relating to procedures for submitting a ballot to be voted by mail; creating an exception to the application of a criminal offense.

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

SECTION 1.  Section 86.006, Election Code, is amended by amending Subsections (a-1) and (f) to read as follows:

(a-1)  The secretary of state shall prescribe a procedure for the delivery of [~~The voter may deliver~~] a marked ballot in person during the early voting period and on election day. The procedure must provide:

(1)  for a person to deliver the marked ballot to:

(A)  during the early voting period or while the polls are open on election day, the early voting clerk's office;

(B)  during the early voting period, an election officer at an early voting polling place where the voter who marked the ballot is eligible to cast a ballot; or

(C)  [~~only~~] while the polls are open on election day, an election officer at a polling place where the voter who marked the ballot is eligible to cast a ballot;

(2)  for an election officer to accept a marked ballot delivered in person before accepting others offering to vote at the polling place who arrived before the person delivering the ballot;

(3)  for the submission of a form prescribed by the secretary of state that includes the following information:

(A)  the name, address, and signature of the voter who marked the ballot; and

(B)  the name and address of the person delivering the ballot;

(4)  a requirement that for each election a person may only deliver the person's own ballot and the ballot of one other voter; and

(5)  that a person[~~. A voter~~] who delivers the person's own [~~a~~] marked ballot in person must present the documentation required under Section 63.001 [~~an acceptable form of identification described by Section 63.0101~~].

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

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

(2)  physically living in the same dwelling as the voter;

(3)  an early voting clerk or a deputy early voting clerk;

(4)  a person who possesses a ballot or carrier envelope solely for the purpose of lawfully assisting a voter who was eligible for assistance under Section 86.010 and complied fully with:

(A)  Section 86.010; and

(B)  Section 86.0051, if assistance was provided in order to deposit the envelope in the mail or with a common or contract carrier;

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

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

(7)  a person delivering the ballot of one other voter under Subsection (a-1).

SECTION 2.  The changes in law made by this Act apply only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 3.  This Act takes effect September 1, 2019.