

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:

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

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

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

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

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

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

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

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

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

1 with:

2 (A) Section 86.010; and

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

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

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

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

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

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