

By: Allen

H.B. No. 4384

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 any time the early voting clerk's
office is open until the polls close on election day, the early
voting clerk's office;

(B) at the discretion of the early voting clerk
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) at the discretion of the early voting clerk
[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

1 polling place who arrived before the person delivering the ballot;

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

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

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

8 (4) a requirement that for each election a person may
9 only deliver the person's own ballot and the ballot of one other
10 voter who the person qualifies to assist under Section 64.032(c);
11 and

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

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

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

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

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

1 clerk;

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

6 (A) Section 86.010; and

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

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

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

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

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

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