3. A person commits an offense if the person knowingly:
   (1) provides assistance to a voter who is not eligible for assistance;
   (2) while assisting a voter prepares the voter's ballot in a way other than the way the voter directs or without direction from the voter;
   (3) while assisting a voter suggests by word, sign, or gesture how the voter should vote; or
   (4) provides assistance to a voter who has not requested assistance or selected the person to assist the voter.

(b) A person commits an offense if the person knowingly assists a voter in violation of Section 64.032(c).

(1) An election officer commits an offense if the officer knowingly permits a person to provide assistance:
   (1) to a voter who is not eligible for assistance; or
   (2) in violation of Section 64.032(c).

(4) An offense under this section is a Class A misdemeanor.

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Vernon’s Texas Statutes and Codes Annotated Cumulative
Election Code (Refs & Annos)
Title 7. Early Voting (Refs & Annos)
Subtitl A. Early Voting
*§ Chapter 84. Application for Ballot (Refs & Annos)
*§ Subchapter A. Application for Ballot

§ 84.003. Signing Application by Witness; Assisting Applicant

(a) An early voting ballot application signed for the applicant by a witness other than the early voting clerk or a deputy must indicate the witness's relationship to the applicant or, if unrelated, indicate that fact.

(b) A person who acts as a witness for an applicant for an early voting ballot application commits an offense if the person knowingly fails to comply with Section 1.031. A person who in the presence of the applicant otherwise assists an applicant in completing an early voting ballot application commits an offense if the person knowingly fails to comply with Section 1.031(d) in the same manner as a witness.

(c) An offense under this section is a Class A misdemeanor.

(d) Subsection (b) does not apply if the person is related to the applicant within the second degree by affinity or the third degree by consanguinity, as determined under Subchapter E, Chapter 575, Government Code, or is registered to vote at the same address as the applicant.

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Vermont's Texas Statutes and Codes Annotated Currentness
Title 7: Early Voting (Reps & Anno)
Subtitle A: Early Voting
Subchapter B: Application for Ballot (Reps & Anno)
Subsubchapter C: Application for Ballot
§ 84.004. Unlawfully Witnessing Application for More Than One Applicant

(a) A person commits an offense if, in the same election, the person signs an early voting ballot application as a witness for more than one applicant;

(b) It is an exception to the application of Subsection (a) that the person signed early voting ballot applications for more than one applicant:

(1) as an early voting clerk or deputy early voting clerk;

(2) and the person is related to the additional applicants as a parent, grandparent, spouse, child, or sibling.

(c) A violation of this section does not affect the validity of an application involved in the offense.

(d) Each application signed by the witness in violation of this section constitutes a separate offense.

(e) An offense under this section is a Class B misdemeanor.

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Vermaas Texas Statutes and Codes Annotated, Currentness
Title 7, Early Voting (Refs & Annos)
Subtitle A, Early Voting
§ 60.0991. Carrier Envelope Action by Person Other Than Voter; Offenses

(a) A person commits an offense if the person acts as a witness for a voter in signing the certificate on the carrier envelope and knowingly fails to comply with Section 1.041.

(b) A person other than the voter who deposits the carrier envelope in the mail or with a common or contract carrier must provide the person’s signature, printed name, and residence address on the reverse side of the envelope.

(c) A person commits an offense if the person knowingly violates Subsection (b). It is not a defense to an offense under this subsection that the voter voluntarily gave another person possession of the voter’s carrier envelope.

(d) An offense under this section is a Class B misdemeanor, unless the person is convicted of an offense under Section 64.036 for providing unlawful assistance to the same voter in connection with the same ballot, in which event the offense is a state jail felony.

(e) Subsections (a) and (c) do not apply if the person is related to the individual within the second degree of affinity or the third degree by consanguinity, as determined under Subchapter B, Chapter 573, Government Code, or is registered to vote at the same address as the applicant.

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Effective: September 1, 2007

Vernon's Texas Statutes and Codes Annotated Cumulative
Election Code (Refs & Annos)
Title 7. Early Voting (Refs & Annos)
§ 7.08. Early Voting.
"§ 7.08. Early Voting. Method of Returning Marked Ballot

(a) A marked ballot voted under this chapter must be returned to the early voting clerk in the official carrier envelope. The carrier envelope may be delivered in another envelope and must be transported and delivered only by mail or by common or contract carrier.

(b) Except as provided by Subsection (c), a carrier envelope may not be returned in an envelope or package containing another carrier envelope.

(c) The carrier envelopes of persons who are registered to vote at the same address may be returned in the same envelope or package.

(d) Each carrier envelope that is delivered by a common or contract carrier must be accompanied by an individual delivery receipt for that particular carrier envelope that indicates the name and residence address of the individual who actually delivered the envelope to the carrier and the date, hour, and address at which the carrier envelope was received by the carrier. A delivery of carrier envelopes is prohibited by a common or contract carrier if the delivery originates from the address of:

(1) an office of a political party or a candidate in the election;
(2) a candidate in the election unless the address is the residence of the early voter;
(3) a specific-purpose or general-purpose political committee involved in the election; or
(4) an entity that requested that the election be held, unless the delivery is a forwarding to the early voting clerk.

(e) Carrier envelopes may not be collected and stored at another location for subsequent delivery to the early voting clerk. The secretary of state shall prescribe appropriate procedures to implement this subsection and to provide accountability for the delivery of the carrier envelopes from the voting place to the early voting clerk.

(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) registered to vote at the same address as the voter;

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

(4) a person who possesses the carrier envelope in order to deposit the envelope in the mail or with a common or contract carrier and who provides the information required by Section 86.005(6), in accordance with that section;

(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.

(g) An offense under Subsection (f) is:

(1) a Class B misdemeanor if the person possesses at least one but fewer than 10 ballots or carrier envelopes unless the person possesses the ballots or carrier envelopes without the consent of the voters, in which event the offense is a state jail felony;

(2) a Class A misdemeanor if the person possesses at least 10 but fewer than 20 ballots or carrier envelopes unless the person possesses the ballots or carrier envelopes without the consent of the voters, in which event the offense is a felony of the third degree; or

(3) a state jail felony if the person possesses 20 or more ballots or carrier envelopes unless the person possesses the ballots or carrier envelopes without the consent of the voters, in which event the offense is a felony of the second degree.

(h) A ballot returned in violation of this section may not be counted. If the early voting clerk determines that the ballot was returned in violation of this section, the clerk shall make a notation on the carrier envelope and treat it as a ballot not timely returned in accordance with Section 86.011(c). If the ballot is returned before the end of the period for early voting by personal appearance, the early voting clerk shall promptly mail or otherwise deliver to the voter a written notice informing the voter that:

(1) the voter's ballot will not be counted because of a violation of this code; and

(2) the voter may vote if otherwise eligible at an early voting polling place or the election day precinct polling place on presentation of the notice.

(i) In the prosecution of an offense under Subsection (f):

(1) the prosecuting attorney is not required to negate the applicability of the provisions of Subsections (f)(1)-(6) in the accusation charging commission of an offense;

(2) the issue of the applicability of a provision of Subsection (f)(1), (2), (3), (4), (5), or (6) is not submitted
to the jury unless evidence of that provision is admitted; and

(3) if the issue of the applicability of a provision of Subsection (f)(1), (2), (3), (4), (5), or (6) is submitted to
the jury, the court shall charge that a reasonable doubt on the issue requires that the defendant be acquitted.

CREDITS

Acts 1985, 69th Leg., ch. 211, § 1, eff. Jan. 1, 1986. Amended by Acts 1987, 70th Leg., ch. 431, § 1, eff. Sept.
1, 1987; Acts 1987, 70th Leg., ch. 472, § 28, eff. Sept. 1, 1987; Acts 1991, 72nd Leg., ch. 203, § 11; Acts
1991, 72nd Leg., ch. 554, § 1, eff. Sept. 1, 1991; Acts 1997, 76th Leg., ch. 138, § 15, eff. Sept. 1, 1997; Acts
2003, 78th Leg., ch. 335, § 14, eff. Sept. 1, 2003; Acts 2007, 80th Leg., ch. 528, § 1, eff. Sept. 1, 2007.

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