

## **BILL ANALYSIS**

Senate Research Center  
80R8440 JRH-F

H.B. 1987  
By: Berman (Duncan)  
State Affairs  
4/17/2007  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Current law provides that a person commits a criminal offense if he or she knowingly possesses another person's official vote-by-mail ballot or another person's official vote-by-mail carrier envelope. However, unless the person possesses the ballot or carrier envelope with the intent to defraud the voter or the appropriate election authority, a person who possesses the ballot or carrier envelope of another may be able to avoid conviction if he or she can establish at least one of the specific affirmative defenses to prosecution.

H.B. 1987 provides that conduct that is currently covered by certain affirmative defenses to prosecution regarding a person committing a criminal offense by knowingly possessing another person's official vote-by-mail ballot or another person's official vote-by-mail carrier envelope would no longer be subject to criminal prosecution.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 86.006(f), Election Code, to provide certain exceptions to the application of this subsection (providing that a person commits an offense if the person knowingly possesses an official ballot or official carrier envelope provided under this code or another), rather than certain affirmative defenses to prosecution under this subsection.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2007.