

By: Creighton

S.B. No. 1509

A BILL TO BE ENTITLED

AN ACT

1
2 relating to identification requirements for early voting by mail;
3 providing a penalty.

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

5 SECTION 1. Section 84.002, Election Code, is amended by
6 amending Subsection (a) and adding Subsections (c), (d), (e), and
7 (f) to read as follows:

8 (a) An early voting ballot application must include:

9 (1) the applicant's name and the address at which the
10 applicant is registered to vote;

11 (1-a) a legible photograph or copy of:

12 (A) one form of photo identification listed in
13 Section 63.0101(a); or

14 (B) one form of identification listed in Section
15 63.0101(b) accompanied by a declaration of reasonable impediment as
16 described in Section 63.001(i);

17 (1-b) the last four digits of the applicant's social
18 security number or a statement that the applicant has not been
19 issued a social security number;

20 (2) for an application for a ballot to be voted by mail
21 on the ground of absence from the county of residence, the address
22 outside the applicant's county of residence to which the ballot is
23 to be mailed;

24 (3) for an application for a ballot to be voted by mail

1 on the ground of age or disability, the address of the hospital,
2 nursing home or other long-term care facility, or retirement
3 center, or of a person related to the applicant within the second
4 degree by affinity or the third degree by consanguinity, as
5 determined under Chapter 573, Government Code, if the applicant is
6 living at that address and that address is different from the
7 address at which the applicant is registered to vote;

8 (4) for an application for a ballot to be voted by mail
9 on the ground of confinement in jail, the address of the jail or of a
10 person related to the applicant within the degree described by
11 Subdivision (3);

12 (5) for an application for a ballot to be voted by mail
13 on any ground, an indication of each election for which the
14 applicant is applying for a ballot; and

15 (6) an indication of the ground of eligibility for
16 early voting.

17 (c) If the requirement for identification prescribed by
18 Subsection (a)(1-a) is not met, the voter may be provided an
19 official ballot under Chapter 86 if the voter executes an affidavit
20 declaring the voter cannot obtain identification due to a religious
21 objection or an emergency. The affidavit must be in the same form as
22 an affidavit used for a provisional ballot under Section
23 65.054(b)(2)(B) or (C).

24 (d) A person is subject to prosecution for perjury under
25 Chapter 37, Penal Code, or Section 63.0013 for a false statement or
26 false information on a document executed under this section.

27 (e) Section 63.0101(c) applies to documentation provided

1 under this section.

2 (f) A legible photograph or copy of solely the side of a
3 driver's license, election identification certificate, or personal
4 identification card issued to a person by the Department of Public
5 Safety displaying the person's photograph is sufficient to meet the
6 requirement for identification prescribed by Subsection
7 (a)(1-a)(A).

8 SECTION 2. Section 84.011(a), Election Code, is amended to
9 read as follows:

10 (a) The officially prescribed application form for an early
11 voting ballot must include:

12 (1) immediately preceding the signature space the
13 statement: "I certify that the information given in this
14 application is true, and I understand that giving false information
15 in this application is a crime.";

16 (2) a statement informing the applicant of the
17 offenses prescribed by Sections 84.003 and 84.004;

18 (3) spaces for entering an applicant's voter
19 registration number and county election precinct of registration,
20 with a statement informing the applicant that failure to furnish
21 that information does not invalidate the application; ~~and~~

22 (4) on an application for a ballot to be voted by mail:

23 (A) a space for an applicant applying on the
24 ground of absence from the county of residence to indicate the date
25 on or after which the applicant can receive mail at the address
26 outside the county;

27 (B) a space for indicating the fact that an

1 applicant whose application is signed by a witness cannot make the
2 applicant's mark and a space for indicating the relationship or
3 lack of relationship of the witness to the applicant;

4 (C) a space for entering an applicant's telephone
5 number, with a statement informing the applicant that failure to
6 furnish that information does not invalidate the application;

7 (D) a space or box for an applicant applying on
8 the ground of age or disability to indicate that the address to
9 which the ballot is to be mailed is the address of a facility or
10 relative described by Section 84.002(a)(3), if applicable;

11 (E) a space or box for an applicant applying on
12 the ground of confinement in jail to indicate that the address to
13 which the ballot is to be mailed is the address of a relative
14 described by Section 84.002(a)(4), if applicable;

15 (F) a space for an applicant applying on the
16 ground of age or disability to indicate if the application is an
17 application under Section 86.0015;

18 (G) spaces for entering the signature, printed
19 name, and residence address of any person assisting the applicant;

20 (H) a statement informing the applicant of the
21 condition prescribed by Section 81.005; ~~and~~

22 (I) a statement informing the applicant of the
23 requirement prescribed by Section 86.003(c); and

24 (J) a statement informing the applicant of the
25 requirement that the applicant include:

26 (i) a legible photograph or copy of
27 identification described by Section 84.002(a)(1-a); and

1 (ii) the last four digits of the applicant's
2 social security number or a statement that the applicant has not
3 been issued a social security number under Section 84.002(a)(1-b);
4 and

5 (5) any forms that may be required to meet the
6 identification requirements of Section 84.002.

7 SECTION 3. Section 86.001, Election Code, is amended by
8 adding Subsections (f) and (f-1) to read as follows:

9 (f) If the application does not include a legible photograph
10 or copy of one form of photo identification listed in Section
11 63.0101(a), one form of identification listed in Section 63.0101(b)
12 accompanied by a declaration of reasonable impediment, or an
13 affidavit of religious objection or emergency under Section
14 84.002(c), the clerk shall reject the application.

15 (f-1) If the applicant does not include the last four digits
16 of the applicant's social security number or a statement that the
17 applicant has not been issued a social security number, the clerk
18 shall reject the application.

19 SECTION 4. Section 86.002, Election Code, is amended by
20 adding Subsection (g) to read as follows:

21 (g) A ballot provided under this chapter must include a
22 space for the voter to enter the following information:

23 (1) the voter's Texas driver's license number or the
24 number of a personal identification card issued by the Department
25 of Public Safety;

26 (2) if the voter has not been issued a number described
27 by Subdivision (1), the last four digits of the voter's social

1 security number; or

2 (3) a statement by the voter that the voter has not
3 been issued a number described by Subdivision (1) or (2).

4 SECTION 5. Section 87.041, Election Code, is amended by
5 amending Subsection (b) and adding Subsection (b-1) to read as
6 follows:

7 (b) A ballot may be accepted only if:

8 (1) the carrier envelope certificate is properly
9 executed;

10 (2) neither the voter's signature on the ballot
11 application nor the signature on the carrier envelope certificate
12 is determined to have been executed by a person other than the
13 voter, unless signed by a witness;

14 (3) the voter's ballot application states a legal
15 ground for early voting by mail;

16 (4) the voter is registered to vote, if registration
17 is required by law;

18 (5) the address to which the ballot was mailed to the
19 voter, as indicated by the application, was outside the voter's
20 county of residence, if the ground for early voting is absence from
21 the county of residence;

22 (6) for a voter to whom a statement of residence form
23 was required to be sent under Section 86.002(a), the statement of
24 residence is returned in the carrier envelope and indicates that
25 the voter satisfies the residence requirements prescribed by
26 Section 63.0011; ~~and~~

27 (7) the address to which the ballot was mailed to the

1 voter is an address that is otherwise required by Sections 84.002
2 and 86.003; and

3 (8) the voter has provided the information required
4 under Section 86.002(g) and the board is able to verify the identity
5 of the voter with that information.

6 (b-1) Before a ballot voted by mail on which is included a
7 statement under Section 86.002(g)(3) may be accepted, the board
8 shall verify that the voter did not include a driver's license
9 number or number of a personal identification card issued by the
10 Department of Public Safety or the last four digits of the voter's
11 social security number with the voter's early voting ballot
12 application. If the information was provided with the voter's
13 early voting ballot application, the board may not accept the
14 ballot.

15 SECTION 6. The changes in law made by this Act apply only to
16 an application to vote an early voting ballot by mail submitted on
17 or after the effective date of this Act. An application to vote an
18 early voting ballot by mail submitted before the effective date of
19 this Act is governed by the law in effect when the application was
20 submitted, and the former law is continued in effect for that
21 purpose.

22 SECTION 7. This Act takes effect September 1, 2021.