

## **BILL ANALYSIS**

Senate Research Center

S.B. 901  
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### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

There are multiple ongoing investigations at both the local and state level into accusations of mail ballot fraud. Many of the organizations carrying out this fraudulent activity operate in consistent and predictable ways.

S.B. 901 seeks to address the most common practices by allowing signatures on ballot by mail applications and envelopes to be compared to any signature available for the voter, not just two or more as allowed under current law. It also protects evidence of wrongdoing by requiring that mail ballots be counted and stored separately, so that where significant irregularities appear, the opportunity for investigation is preserved. It also raises the penalty on certain crimes associated with mail ballot fraud to a state jail felony in order to further encourage investigation and prosecution of these crimes at the local level.

As proposed, S.B. 901 amends current law relating to election integrity and increases a criminal penalty.

### **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 86.0051(d), Election Code, to provide that an offense under this section (Unlawful Carrier Envelope Action by Person Other Than Voter) is a state jail felony. Deletes existing text specifying that an offense under this section is a Class A misdemeanor, unless it is shown on the trial of an offense under this section that the person committed an offense under Section 64.036 (Unlawful Assistance) for providing unlawful assistance to the same voter in connection with the same ballot, in which event the offense is a state jail felony.

SECTION 2. Amends Section 87.027(i), Election Code, to authorize the signature verification committee to also compare certain signatures with any signature, rather than two or more signatures, of the voter made within the preceding six years and on file with the county clerk or voter registrar to determine whether the signatures are those of the voter.

SECTION 3. Amends Section 87.041(e), Election Code, to authorize the early voting ballot board, in making a determination under Subsection (b)(2) (relating to authorizing the ballot to be accepted if neither the voter's signature on the ballot application nor the signature on the carrier envelope certificate is determined to have been executed by a person other than the voter, unless signed by a witness), to compare the signatures with any signature, rather than two or more signatures, of the voter made within the preceding six years and on file with the county clerk or voter registrar to determine whether the signatures are those of the voter.

SECTION 4. Amends Section 87.042(b), Election Code, to require the early voting ballot board to place the ballot envelope containing an accepted ballot in a separate container from the ballot box containing the early voting ballots voted by personal appearance and to remove an existing exception under Subsection (c) (relating to requiring the ballot envelope to be placed in a separate container if certain conditions are met).

SECTION 5. Amends Sections 87.062(a) and (c), Election Code, as follows:

(a) Makes nonsubstantive changes to this subsection.

(c) Requires ballots voted by mail to be tabulated separately from the ballots voted by personal appearance and to be separately reported on the returns. Deletes existing text requiring the results of all early voting ballots counted by the early voting ballot board under this subchapter (Accepting Early Voting Ballot Voted by Mail) to be included in the same return.

SECTION 6. Amends Section 87.103, Election Code, as follows:

Sec. 87.103. COUNTING BALLOTS AND PREPARING RETURNS. (a) Requires the early voting electronic system ballots counted at a central counting station, the ballots cast at precinct polling places, and the ballots voted by mail to be tabulated separately and to be separately reported on the returns, rather than requiring the early voting electronic system ballots counted at a central counting station to be tabulated separately from the ballots cast at precinct polling places and to be separately reported on the returns.

(b) Requires the early voting returns prepared at the central counting station to include early voting results obtained by the early voting ballot board under Subchapter D (Processing Manually Counted Ballots), rather than under Subchapters D and E.

SECTION 7. Repealer: Section 87.042(c) (relating to requiring the ballot envelope to be placed in a separate container if certain conditions are met), Election Code.

SECTION 8. Makes application of Section 86.0051(d), Election Code, as amended by this Act, prospective. Provides that for purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 9. Effective date: September 1, 2019.