

## **BILL ANALYSIS**

C.S.H.B. 2478  
By: Harris  
Elections  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

In the 2020 elections, nearly half of the voters in Texas voted with an absentee or mail-in ballot, a sharp increase from 2018 when nearly a quarter of voters in Texas voted with these ballots. While voting by mail is convenient, it has been suggested that mail-in ballots can make elections more susceptible to voter fraud. To mitigate fraud in mail-in voting, many states have proposed legislation to ensure that all mail-in ballots are cast legally. There have been calls in Texas for voters to provide their driver's license number on applications for these ballots and on carrier envelopes containing these ballots. C.S.H.B. 2478 seeks to strengthen the integrity of elections in Texas by, among other things, requiring mail-in applicants and voters to provide certain specified information prior to the acceptance of their application or ballot.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.H.B. 2478 amends the Election Code to require an applicant's signature on an application for an early voting ballot by mail to be made in writing using ink on paper and to prohibit the use of a photocopied signature. The bill includes among the required contents of the application and the carrier envelope of a ballot voted early by mail the following information:

- the voter's or applicant's driver's license number or the number of a personal identification card issued by the Department of Public Safety; or
- if the voter or applicant has not been issued either number, the last four digits of the voter's or applicant's social security number.

The bill includes among the contents of the officially prescribed application form for the ballot a space for entering that information and requires the space on the carrier envelope for that information to be hidden from view when the envelope is sealed. The bill prohibits the creation of a record associating an individual voter with a ballot and requires the driver's license number or number of the personal identification card entered on the carrier envelope to be unexpired.

C.S.H.B. 2478 requires the early voting clerk to reject the application if the driver's license number or number of a personal identification card included on the application does not match the information on the applicable voter registration application and provides that a ballot may be accepted only if, among other requirements for acceptance, the applicable information matches the information on the voter's application for voter registration.

## **EFFECTIVE DATE**

September 1, 2021.

## **COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 2478 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute includes the following, which are absent from the original:

- a requirement for an applicant's signature on an early voting ballot application to be made in writing using ink on paper; and
- a prohibition against the use of a photocopied signature.

The original requires each early voting ballot application and carrier envelope of a ballot to include a photograph or copy of one form of acceptable photo identification or one form of documentation that is acceptable as proof of identification accompanied by a declaration of reasonable impediment, whereas the substitute requires each application and carrier envelope to include the voter's or applicant's driver's license number, personal identification card number, or the last four digits of the voter's or applicant's social security number, as applicable.

The original requires each application form and carrier envelope to include a statement informing the applicant or voter, as applicable, of the identification requirements and any forms that may be required to meet those requirements, whereas the substitute includes requirements for the application and carrier envelope to include a space for entering the applicable information.

The original requires the early voting clerk to reject the application if the application does not include the requisite photograph or identification, whereas the substitute requires rejection of the application or ballot if the identification numbers entered on the application or carrier envelope do not match the numbers on the application. The substitute includes a prohibition, absent from the original, against the creation of a record associating an individual voter with a ballot.

The substitute does not include the following provisions that are in the original:

- a provision subjecting a person to prosecution for perjury for a false statement or false information on an early voting ballot application; and
- an authorization for a person 70 years of age or older to use an expired but otherwise valid form of photo identification to fulfill the identification requirements.