

BILL ANALYSIS

Senate Research Center

S.B. 1675
By: Campbell et al.
State Affairs
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

To maintain the integrity of amending voting by mail laws with checks and balances, the Election Protection Act prohibits the governor, local governments, and state agencies from making changes to voting by mail laws without the approval of the legislature. This Act seeks to safeguard Texans' right to engage in the legislative process and protects elections from various last minute changes to mail-in ballot laws.

Key Provisions:

- Adds Section 81.006, Election Code, to prohibit amending mail-in ballot laws without a statutory change.
- Amends Section 418.016, Government Code, limiting the governor's executive power to suspend voting by mail laws.
 - Regarding mail-in ballot laws: the governor may issue an executive order permitting voters in a declared disaster area to drop off mail-in ballots to the voting clerk's office before election day. (This was in place during the 2020 General Election.)
- Amends Section 418.108 (Declaration of Local Disaster), Government Code, prohibiting the presiding officer of the governing body of a political subdivision from suspending or amending voting by mail laws.

As proposed, S.B. 1675 amends current law relating to procedures for early voting by mail and voting by mail.

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 Chapter 81, Election Code, by adding Section 81.006, as follows:

Sec. 81.006. MODIFICATION OF EARLY VOTING BY MAIL AND VOTING BY MAIL QUALIFICATIONS AND PROCEDURES. Prohibits the qualifications, except as specifically permitted by statute, from being amended or suspended for any reason for:

- (1) early voting by mail and procedures for conducting early voting by mail; and
- (2) voting by mail and procedures for conducting voting by mail.

SECTION 2. Amends Section 418.016, Government Code, by adding Subsection (i), as follows:

(i) Prohibits the governor, notwithstanding Subsection (a) (relating to the governor's authority to suspend certain laws and rules due to a disaster) and except as provided by this subsection, from suspending a provision of a statute, an order, or a rule under Section 418.016 (Suspension of Certain Laws and Rules) if the provision, order, or rule is related to the qualifications or procedures for early voting by mail and voting by mail.

Authorizes the governor, upon declaration of state of disaster, to suspend Section 86.006(a-1) (relating to the time frame when a voter is authorized to deliver a marked ballot to the early voting clerk's office), Election Code, only for the purpose of allowing a voter registered to vote at an address located in a disaster area to deliver a marked ballot voted under Section 86.006(a-1) to the early voting clerk's office on or before election day.

SECTION 3. Amends Section 418.108, Government Code, by adding Subsection (j), as follows:

(j) Prohibits the presiding officer of the governing body of a political subdivision from suspending a provision of a statute, an order, or a rule under Section 418.108 (Declaration of Local Disaster) if the provision, order, or rule is related to the qualifications or procedures for early voting by mail and voting by mail.

SECTION 4. Effective date: September 1, 2021.