87R10932 TSS-D

By:  Creighton S.B. No. 1509

A BILL TO BE ENTITLED

AN ACT

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

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

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

(a)  An early voting ballot application must include:

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

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

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

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

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

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

(3)  for an application for a ballot to be voted by mail on the ground of age or disability, the address of the hospital, nursing home or other long-term care facility, or retirement center, or of a person related to the applicant within the second degree by affinity or the third degree by consanguinity, as determined under Chapter 573, Government Code, if the applicant is living at that address and that address is different from the address at which the applicant is registered to vote;

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

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

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

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

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

(e)  Section 63.0101(c) applies to documentation provided under this section.

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

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

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

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

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

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

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

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

(B)  a space for indicating the fact that an applicant whose application is signed by a witness cannot make the applicant's mark and a space for indicating the relationship or lack of relationship of the witness to the applicant;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b)  A ballot may be accepted only if:

(1)  the carrier envelope certificate is properly executed;

(2)  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;

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

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

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

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

(7)  the address to which the ballot was mailed to the voter is an address that is otherwise required by Sections 84.002 and 86.003; and

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

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

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

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