By:  Creighton S.B. No. 1509

(In the Senate - Filed March 11, 2021; March 24, 2021, read first time and referred to Committee on State Affairs; April 22, 2021, reported adversely, with favorable Committee Substitute by the following vote: Yeas 6, Nays 3; April 22, 2021, sent to printer.)

COMMITTEE VOTE

               Yea Nay Absent  PNV

Hughes          X

Birdwell        X

Campbell        X

Hall            X

Lucio               X

Nelson          X

Powell              X

Schwertner      X

Zaffirini           X

COMMITTEE SUBSTITUTE FOR S.B. No. 1509 By:  Lucio

A BILL TO BE ENTITLED

AN ACT

relating to identification requirements for early voting by mail.

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

SECTION 1.  Section 84.001(b), Election Code, is amended to read as follows:

(b)  An application must be in writing and signed by the applicant using ink on paper. An electronic signature or photocopied signature is not permitted.

SECTION 2.  Section 84.002, Election Code, is amended by amending Subsection (a) and adding Subsection (c) 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)  the following information:

(A)  the number of the applicant's driver's license or personal identification card issued by the Department of Public Safety that has not expired or that expired no earlier than four years before the date of application; or

(B)  if the applicant has not been issued a number described by Paragraph (A), the last four digits of the applicant's 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)  A person 70 years of age or older may use the number of a driver's license or personal identification card that has expired for the purpose of fulfilling the requirement under Subsection (a)(1-a) if the license or identification is otherwise valid.

SECTION 3.  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;

(3-a)  a space for entering the information required under Section 84.002(a)(1-a); 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).

SECTION 4.  Section 86.001, Election Code, is amended by adding Subsection (f) to read as follows:

(f)  If the information required under Section 84.002(a)(1-a) included on the application does not match the information on the applicant's application for voter registration under Section 13.002(c)(8), the clerk shall reject the application.

SECTION 5.  Section 86.002, Election Code, is amended by adding Subsections (g), (h), and (i) to read as follows:

(g)  The carrier envelope must include a space that is hidden from view when the envelope is sealed for the voter to enter the following information:

(1)  the number of the voter's driver's license or personal identification card issued by the Department of Public Safety that has not expired or that expired no earlier than four years before the date of presentation; or

(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.

(h)  A person 70 years of age or older may use the number of a driver's license or personal identification card that has expired for purposes of Subsection (g) if the license or identification is otherwise valid.

(i)  No record associating an individual voter with a ballot may be created.

SECTION 6.  Section 87.041(b), Election Code, is amended 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 information required under Section 86.002(g) provided by the voter matches the information on the voter's application for voter registration under Section 13.002(c)(8).

SECTION 7.  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 8.  This Act takes effect September 1, 2021.

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