

By: Creighton, et al.

S.B. No. 1509

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

1 outside the applicant's county of residence to which the ballot is
2 to be mailed;

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

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

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

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

20 (c) A person 70 years of age or older may use the number of a
21 driver's license or personal identification card that has expired
22 for the purpose of fulfilling the requirement under Subsection
23 (a)(1-a) if the license or identification is otherwise valid.

24 SECTION 3. Section 84.011(a), Election Code, is amended to
25 read as follows:

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

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

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

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

11 (3-a) a space for entering the information required
12 under Section 84.002(a)(1-a); and

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

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

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

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

25 (D) a space or box for an applicant applying on
26 the ground of age or disability to indicate that the address to
27 which the ballot is to be mailed is the address of a facility or

1 relative described by Section 84.002(a)(3), if applicable;

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

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

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

11 (H) a statement informing the applicant of the
12 condition prescribed by Section 81.005; and

13 (I) a statement informing the applicant of the
14 requirement prescribed by Section 86.003(c).

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

17 (f) If the information required under Section
18 84.002(a)(1-a) included on the application does not match the
19 information on the applicant's application for voter registration
20 under Section 13.002(c)(8), the clerk shall reject the application.

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

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

26 (1) the number of the voter's driver's license or
27 personal identification card issued by the Department of Public

1 Safety that has not expired or that expired no earlier than four
2 years before the date of presentation; or

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

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

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

12 SECTION 6. Section 87.041(b), Election Code, is amended to
13 read as follows:

14 (b) A ballot may be accepted only if:

15 (1) the carrier envelope certificate is properly
16 executed;

17 (2) neither the voter's signature on the ballot
18 application nor the signature on the carrier envelope certificate
19 is determined to have been executed by a person other than the
20 voter, unless signed by a witness;

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

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

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

1 the county of residence;

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

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

10 (8) the information required under Section 86.002(g)
11 provided by the voter matches the information on the voter's
12 application for voter registration under Section 13.002(c)(8).

13 SECTION 7. The changes in law made by this Act apply only to
14 an application to vote an early voting ballot by mail submitted on
15 or after the effective date of this Act. An application to vote an
16 early voting ballot by mail submitted before the effective date of
17 this Act is governed by the law in effect when the application was
18 submitted, and the former law is continued in effect for that
19 purpose.

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