

By: Creighton, et al.  
(Harris, Cain, Parker, Schofield)

S.B. No. 1509

Substitute the following for S.B. No. 1509:

By: Cain

C.S.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(a), Election Code, is amended 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 applicant's driver's license number or the number of a personal identification card issued by the Department of Public Safety; 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;

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

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

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

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

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

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

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

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

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

5           (3-a) a space for entering the information required  
6 under Section 84.002(a)(1-a); and

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

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

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

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

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

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

27           (F) a space for an applicant applying on the

1 ground of age or disability to indicate if the application is an  
2 application under Section 86.0015;

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

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

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

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

11 (f) If the information required under Section  
12 84.002(a)(1-a) included on the application does not match the  
13 information on the applicant's application for voter registration  
14 under Section 13.002(c)(8), the clerk shall reject the application.

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

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

20 (1) the number of the voter's unexpired driver's  
21 license or personal identification card issued by the Department of  
22 Public Safety; or

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

26 (h) No record associating an individual voter with a ballot  
27 may be created.

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

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

4 (1) the carrier envelope certificate is properly  
5 executed;

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

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

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

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

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

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

26 (8) the information required under Section 86.002(g)  
27 provided by the voter matches the information on the voter's

1 application for voter registration under Section 13.002(c)(8).

2           SECTION 7. The changes in law made by this Act apply only to  
3 an application to vote an early voting ballot by mail submitted on  
4 or after the effective date of this Act. An application to vote an  
5 early voting ballot by mail submitted before the effective date of  
6 this Act is governed by the law in effect when the application was  
7 submitted, and the former law is continued in effect for that  
8 purpose.

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