

BILL ANALYSIS

Senate Research Center

H.B. 521
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State Affairs
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Texas law requires polling places to provide reasonable accommodations for voters with disabilities, including curbside voting. However, concerns have been raised about the consistency of these accommodations, the potential misuse of curbside voting, and the need for additional safeguards against election fraud related to voter assistance.

H.B. 521 strengthens curbside voting procedures by establishing a 20-foot boundary around a designated curbside voting parking space where electioneering is prohibited, like the existing prohibition of electioneering within 100 feet of the entrance to a polling place.

To help prevent misuse of curbside voting, H.B. 521 also requires voters using curbside voting to sign an oath affirming their inability to enter the polling place without assistance or risk of injury. This ensures the accommodation is used appropriately while maintaining accessibility for eligible voters.

H.B. 521 also further strengthens transparency in the reporting requirements for individuals who assist seven or more voters during an election and discourages fraudulent assistance activities by creating penalties for intentionally failing to comply with these reporting requirements.

Preventing misuse of curbside voting helps improve and preserve access to this accommodation for Texans who genuinely require curbside assistance and helps preserve the integrity of the ballots cast in this manner.

H.B. 521 amends current law relating to accommodating voters with a disability and creates a criminal offense.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the secretary of state in SECTION 2 (Section 64.009, Election Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 61.003(a), Election Code, to provide that a person commits an offense if, during the voting period and within 100 feet of an outside door through which a voter may enter the building in which a polling place is located or within 20 feet of a parking space designated for curbside voting under Section 64.009 (Voter Unable to Enter Polling Place), the person loiters or electioneers for or against any candidate, measure, or political party.

SECTION 2. Amends Section 64.009, Election Code, by amending Subsections (a), (a-1), (f), (g), and (h) and adding Subsections (a-3), (a-4), (a-5), (i), and (j), as follows:

(a) Requires an election officer, subject to Subsection (a-5), if a voter is physically unable to enter the polling place without personal assistance or likelihood of injuring the voter's health, on the voter's request, to deliver a ballot to the voter at the polling entrance or curb. Makes a nonsubstantive change.

(a-1) Requires that an area for parking at each polling place reserved for voting be clearly marked with a sign indicating and displaying certain information, including displaying, in large font that is clearly readable from a vehicle, that electioneering is prohibited within 20 feet of the parking space. Makes nonsubstantive changes.

(a-3) Requires a voter, before an election officer is authorized to deliver a ballot to the voter under Subsection (a), to complete and sign a form, provided by the election officer, that contains a certain statement. Sets forth the required language of the statement.

(a-4) Prohibits an election officer who delivers a ballot to the voter at the polling place entrance or curb, except as provided by Subchapter B (Assisting Voter), from providing assistance in marking the ballot.

(a-5) Requires two election officers, if four or more election officers are present at the polling place, to deliver a ballot to the voter at the polling place entrance or curb.

(f) Requires a person who, during the early voting period and on election day, rather than a person who simultaneously, assists seven or more voters voting under this section by providing the voters with transportation to the polling place to complete and sign a form, provided by an election officer, that contains the person's name and address and whether the person is providing assistance solely under this section or under both this section and Subchapter B.

(g) Requires that a form completed under Subsection (a-3) or (f) be delivered to the secretary of state (SOS) as soon as practicable.

(h) Requires SOS to prescribe the forms and process required by this section and adopt rules necessary to implement this section, rather than to prescribe the form described by Subsection (f).

(i) Provides that a person commits an offense if the person intentionally fails to complete the form required by Subsection (f).

(j) Provides that an offense under this section is a Class A misdemeanor.

SECTION 3. Amends Section 64.0322, Election Code, by amending Subsection (a) and adding Subsection (c), as follows:

(a) Requires a person, rather than requires a person other than an election officer, who assists a voter in accordance with Chapter 64 (Voting Procedures) to complete a form stating certain information.

(c) Requires the county clerk, not later than the 30th day after the date of the election, to report to SOS information regarding any individual who assisted a total of seven or more voters during the early voting period and on election day.

SECTION 4. Amends Section 85.036(a), Election Code, to prohibit a person, during the time an early voting polling place is open for the conduct of early voting, from electioneering for or against any candidate, measure, or political party in or within 100 feet of an outside door through which a voter may enter the building or structure in which the early voting polling place is located or within 20 feet of a parking space designated for curbside voting under Section 64.009, and to make nonsubstantive changes.

SECTION 5. Effective date: September 1, 2025.