

## **BILL ANALYSIS**

C.S.H.B. 952  
By: Toth  
Elections  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

The Heritage Foundation has reported over 1,000 instances of voter fraud in the United States, with over 100 of those instances occurring in Texas. The bill author has informed the committee that instances of fraud undermine voter confidence in elections. C.S.H.B. 952 seeks to bolster faith in electoral outcomes by requiring each early voting ballot voted by mail to include a scannable code of the number assigned to the ballot that is readable by an electronic device and that may be used to verify the authenticity of the ballot. The committee substitute also requires the early voting clerk to develop and implement a system to allow a voter to track the carrier envelope containing the voter's ballot while the envelope is in transit with the United States Postal Service. Additionally, the committee substitute authorizes the secretary of state by rule to provide for the development and implementation of the system in place of the early voting clerk and requires the availability of and instructions to use the system to be printed on the reverse side of the official carrier envelope or on a separate sheet accompanying the carrier envelope when it is provided.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that rulemaking authority is expressly granted to the secretary of state in SECTIONS 1 and 4 of this bill.

### **ANALYSIS**

C.S.H.B. 952 amends the Election Code to require each early voting ballot voted by mail in an election in which the county clerk is the early voting clerk to include a scannable code readable by an electronic device that may be used to verify the authenticity of the ballot. The bill requires the code to correspond to the number assigned to the ballot during the preparation and numbering of ballots. The bill prohibits the creation of a record associating an individual voter with a code assigned to such a ballot and requires the secretary of state by rule to provide for the design and distribution of a system for generating and tracking scannable codes in a manner that, to the greatest extent possible, prevents the unauthorized reproduction or misuse of the mail ballots.

C.S.H.B. 952 requires the early voting clerk, before providing a mail-in ballot with a scannable code to an applicant for a ballot to be voted by mail, to identify the code with an electronic device and make a record indicating that a ballot with the code was issued.

C.S.H.B. 952 requires the early voting clerk to develop and implement a system to allow a voter to track the carrier envelope containing the voter's ballot while the envelope is in transit with

USPS. The bill authorizes the secretary of state by rule to provide for the secretary of state to develop and implement the system in place of the early voting clerk. The bill requires the availability of and instructions to use the system to be printed on the reverse side of the official carrier envelope or on a separate sheet accompanying the carrier envelope when it is provided.

C.S.H.B. 952 requires the early voting ballot board, if a mail-in ballot has a scannable code, to identify the code with an electronic device and compare the code on the ballot to the codes recorded by the early voting clerk under the bill's provisions. The bill prohibits the board from counting the ballot if the code does not match a recorded code and requires any such uncounted ballots to be placed in an envelope and treated in the same manner prescribed for the disposition of rejected early voting ballots voted by mail.

C.S.H.B. 952, with respect to the processing of mail-in ballots counted at a central counting station, requires a ballot that has a scannable code to be identified by an electronic device. The bill prohibits such a ballot from being counted if the code on the ballot does not match a code recorded by the early voting clerk under the bill's provisions. The bill requires any such uncounted ballots to be placed in an envelope and treated in the same manner prescribed for the disposition of rejected early voting ballots voted by mail.

### **EFFECTIVE DATE**

September 1, 2025.

### **COMPARISON OF INTRODUCED AND SUBSTITUTE**

While C.S.H.B. 952 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

Both the introduced and substitute include provisions requiring each early voting ballot voted by mail to include a code readable by an electronic device that may be used to verify the authenticity of the ballot. With respect to that requirement the substitute does the following:

- specifies that the requirement applies in an election in which the county clerk is the early voting clerk, whereas the introduced did not;
- requires the code to correspond to the number assigned to the ballot during the preparation and numbering of ballots, whereas the introduced did not; and
- replaces the type of code that each mail-in ballot must include from a unique code, as in the introduced, to a scannable code.

Both the introduced and substitute require the secretary of state by rule to provide for a system regarding the codes for the purposes of preventing the unauthorized reproduction or misuse of mail ballots. However, the substitute requires this system to be a system for generating and tracking scannable codes, whereas the introduced required the system to be a unique code system.

With respect to the following provisions, the substitute replaces references to a unique code included on each mail-in ballot, as in the introduced, with references to a scannable code included on each mail-in ballot in an election in which the county clerk is the early voting clerk:

- the requirement for a clerk, before providing a ballot with a code to an applicant, to make a record indicating that a ballot with the code was issued; and
- the requirements for the early voting ballot board and central counting station to identify a ballot's code with an electronic device and compare the code on the ballot to the codes recorded by the early voting clerk.

The substitute includes provisions absent from the introduced that do the following:

- require the early voting clerk to develop and implement a system to allow a voter to track the carrier envelope containing the voter's ballot while the envelope is in transit with USPS;
- authorize the secretary of state by rule to provide for the secretary of state to develop and implement the system in place of the early voting clerk; and
- require the availability of and instructions to use the system to be printed on the reverse side of the official carrier envelope or on a separate sheet accompanying the carrier envelope when it is provided.