BILL ANALYSIS

Senate Research Center

89R2062 MPF-D

S.B. 1436
By: Bettencourt
State Affairs
3/20/2025
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Under the Election Code, there are requirements for reviewing ballot by mail carrier envelopes by the Signature Verification Committee and the Early Voting Ballot Board. The requirements include:

1. Proper execution
2. The signature on the application or carrier envelope is determined to be executed by a person other than the voter
3. The application states a legal reason for voting by mail
4. A voter is registered to vote
5. If absentee voting, the address on the application is outside of the county
6. If a statement of residence is required, one is included
7. Address requirements are met
8. Identifying information on the carrier envelope identifies the same voter on the application

In the past, the Harris County Election Administrator ("EA") instructed the Signature Verification Committee that they were not to verify the identification on the application to the voter records because the EA staff had already done that comparison. Additionally, the Signature Verification Committee was instructed to compare the identification numbers between the application and the carrier envelope. They were instructed to not compare the signatures. After a call to the secretary of state and approximately 700 carrier envelopes were reviewed, the Signature Verification Committee was instructed to follow the law as described above.

S.B. 1436 would require that the county clerk, elections administrator, early voting clerk, or early voting ballot board may not suspend the requirements of the mail ballot review. S.B. 1436 would create an offense for violation of this section, a Class A misdemeanor.

As proposed, S.B. 1436 amends current law relating to accepting an early voting ballot voted by mail and creates a criminal offense.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter C, Chapter 87, Election Code, by adding Section 87.0412, as follows:

Sec. 87.0412. SUSPENSION OF ACCEPTING VOTER REQUIREMENTS PROHIBITED. (a) Prohibits a county clerk, elections administrator, early voting clerk, or early voting ballot board from suspending the requirements under Section 87.041(b) (relating to the conditions under which an early voting ballot voted by mail is authorized to be accepted).

(b) Provides that a county clerk, elections administrator, or early voting clerk who violates this section commits an offense. Provides that an offense under this section is a Class A misdemeanor.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2025.