

BILL ANALYSIS

C.S.S.B. 1509
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Elections
Committee Report (Substituted)

BACKGROUND AND PURPOSE

In the 2020 elections, nearly half of the voters in Texas voted with an absentee or mail-in ballot, a sharp increase from 2018 when nearly a quarter of voters in Texas voted with these ballots. While voting by mail is convenient, it has been suggested that mail-in ballots can make elections more susceptible to voter fraud. To mitigate fraud in mail-in voting, many states have proposed legislation to ensure that all mail-in ballots are cast legally. There have been calls in Texas for voters to provide their driver's license number on applications for these ballots and on carrier envelopes containing these ballots. C.S.S.B. 1509 seeks to strengthen the integrity of elections in Texas by, among other things, requiring mail-in applicants and voters to provide certain specified information prior to the acceptance of their application or ballot.

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

ANALYSIS

C.S.S.B. 1509 amends the Election Code to require an applicant's signature on an application for an early voting ballot by mail to be made in writing using ink on paper and to prohibit the use of a photocopied signature. The bill includes among the required contents of the application and the carrier envelope of a ballot voted early by mail the following information:

- the voter's or applicant's driver's license number or the number of a personal identification card issued by the Department of Public Safety; or
- if the voter or applicant has not been issued either number, the last four digits of the voter's or applicant's social security number.

The bill includes among the contents of the officially prescribed application form for the ballot a space for entering that information and requires the space on the carrier envelope for that information to be hidden from view when the envelope is sealed. The bill prohibits the creation of a record associating an individual voter with a ballot and requires the driver's license number or number of the personal identification card entered on the carrier envelope to be unexpired.

C.S.S.B. 1509 requires the early voting clerk to reject the application if the driver's license number or number of a personal identification card included on the application does not match the information on the applicable voter registration application and provides that a ballot may be accepted only if, among other requirements for acceptance, the applicable information matches the information on the voter's application for voter registration.

EFFECTIVE DATE

September 1, 2021.

COMPARISON OF SENATE ENGROSSED AND SUBSTITUTE

While C.S.S.B. 1509 may differ from the engrossed in minor or nonsubstantive ways, the following summarizes the substantial differences between the engrossed and committee substitute versions of the bill.

Both the engrossed and the substitute expand the required contents of an application for an early voting ballot by mail and the carrier envelope of a ballot voted by early mail. The engrossed required both the application and carrier envelope to include the number of the applicant's or voter's driver's license or personal identification card issued by DPS that has not expired or that expired no earlier than four years before the date of application or presentation of the ballot, as applicable. The substitute eliminates the requirement that the number of the applicant's driver's license or personal identification card entered on the application be from a driver's license or personal identification card issued by DPS that has not expired or that expired no earlier than four years before the date of the application. The substitute requires that the voter's driver's license or personal identification card number entered on the carrier envelope be from an unexpired driver's license or personal identification card issued by DPS.

The substitute does not include authorizations present in the engrossed for a person 70 years of age or older to use the number of a driver's license or personal identification card that has expired but is otherwise valid for fulfilling the bill's content requirements for the application or envelope.