

SUBJECT: Prohibiting amendment, suspension of early voting by mail procedures

COMMITTEE: Elections — favorable, without amendment

VOTE: 5 ayes — Cain, Clardy, Jetton, Schofield, Swanson

2 nays — J. González, Bucy

2 absent — Beckley, Fierro

SENATE VOTE: On final passage, April 26 — 18-13 (Alvarado, Blanco, Eckhardt, Gutierrez, Hinojosa, Johnson, Lucio, Menéndez, Miles, Powell, West, Whitmire, Zaffirini)

WITNESSES: For — Robert L. Green, Travis County Republican Party Election Integrity Committee; (*Registered, but did not testify*: Deon Starnes, Election Integrity, RPT; Michael Wolfe)

Against — (*Registered, but did not testify*: Daniel Collins, El Paso County; Rene Perez, Libertarian Party of Texas; James Slattery, Texas Civil Rights Project; Julie Wheeler, Travis County Commissioners Court; Susana Carranza; Idona Griffith; Vanessa MacDougal)

On — (*Registered, but did not testify*: Christina Adkins, Texas Secretary of State)

BACKGROUND: Government Code sec. 418.016(a) allows the governor to suspend the provisions of any regulatory statute prescribing the procedures for conduct of state business or the orders or rules of a state agency if strict compliance with the provisions, orders, or rules would in any way prevent, hinder, or delay necessary action in coping with a disaster.

Concerns have been raised that last-minute changes to qualifications for voting early by mail or election procedures jeopardize voter participation in the electoral process and undermine election integrity.

**DIGEST:** SB 1675 would specify that the qualifications for early voting by mail and procedures for conducting early voting by mail could not be amended or suspended for any reason, except as specifically permitted by statute.

The governor could not suspend a provision of a statute, an order, or a rule under the governor's disaster powers if the provision, order, or rule was related to the qualifications or procedures for early voting by mail. Upon declaration of a state of disaster, the governor could suspend the statute governing the method of returning a marked early voting ballot only for the purpose of allowing a voter registered to vote at an address located in a disaster area to deliver a marked ballot to the early voting clerk's office on or before election day.

The presiding officer of the governing body of a political subdivision could not suspend a provision of a statute, rule, or order under provisions relating to the declaration of a local disaster if that statute, rule, or order was related to the qualifications or procedures for early voting by mail.

The bill would take effect September 1, 2021.