

## **BILL ANALYSIS**

Senate Research Center  
87R16509 BRG-D

C.S.S.B. 1112  
By: Bettencourt et al.  
State Affairs  
3/30/2021  
Committee Report (Substituted)

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

The 2020 election revealed that in too many places, in other states, and in particular in Texas, county clerks, elections administrators, early voting clerks, and/or early voting ballot boards have accepted mail ballots that may not be compliant with one or more of the seven requirements of Texas Election Code Section 87.041(b). Some states even officially suspended requirements that ensure the integrity of the mail-in ballot. In Texas, there have been reports of these requirements being unofficially ignored or avoided in certain counties. The seven review requirements for acceptance of a mail ballot are:

- a properly executed carrier envelop certificate;
- this signature is verified to be the voter's signature;
- legal grounds for voting by mail is identified;
- ensuring the voter is registered to vote;
- the mailing address is outside of the county if voting for absentee reasons;
- a Statement of Residence is included if required; and
- the address to which the ballot was mailed to the voter is an address that is required by other applicable statutes.

C.S.S.B. 1112 would strengthen election integrity in Texas by prohibiting local election officials from suspending any ballot protection measures for early voting mail-in ballots. Further, the bill would create a criminal offense of a Class A misdemeanor for election officials who violate the signature verification requirement, helping to ensure that Texans have full faith in future elections.

C.S.S.B. 1112 amends current law relating to requirements for 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 87.0411, as follows:

Sec. 87.0411. SUSPENSION OF REQUIREMENTS FOR BALLOT VOTED BY MAIL PROHIBITED. (a) Prohibits a county clerk, elections administrator, early voting clerk, or early voting ballot board from suspending a requirement under Section 87.041(b) (relating to certain requirements that must be met for a ballot to be accepted).

(b) Provides that a county clerk, elections administrator, or early voting clerk who violates this section by suspending a requirement under Section 87.041(b)(2) (relating to accepting a ballot only if certain signatures are not determined to have been executed by a person other than the voter, unless signed by a witness) 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, 2021.