

## **BILL ANALYSIS**

Senate Research Center  
87R10932 TSS-D

S.B. 1509  
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State Affairs  
4/16/2021  
As Filed

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

When a Texan submits an application for a ballot by mail, only their first and last name, address, date of birth, and a phone number or email address for contact purposes are required. While this information should match the information on their voter registration, there is no requirement to verify the identity of the voter.

S.B. 1509 requires that a voter submit a photo, copy, or scan of the front side of the acceptable photo ID card. The same photo ID cards that are acceptable for in-person voting are accepted with the application, and the same process for voting if a voter does not have or cannot obtain an acceptable photo ID is followed. Additionally, if the voter does not have an acceptable photo ID, the forms required to vote, a reasonable impediment declaration or provisional ballot affidavit, are mailed to the voter along with the application.

S.B. 1509 also empowers signature verification committees by granting them the authority to compare the photo ID number submitted on the photo/copy/scan of the ID with the photo ID number the voter provides on the absentee ballot that the voter mails in, which this bill requires.

In all aspects, S.B. 1509 aims to match the process and procedure required for in-person voting. It provides Texans with greater peace of mind and ensures that absentee voting provides at least the same level of security as in person voting.

As proposed, S.B. 1509 amends current law relating to identification requirements for early voting by mail and provides a penalty.

### **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 Section 84.002, Election Code, by amending Subsection (a) and adding Subsections (c), (d), (e), and (f), as follows:

(a) Requires that an early voting ballot application include:

(1) the applicant's name and the address at which the applicant is registered to vote;

(1-a) a legible photograph or copy of:

(A) one form of photo identification listed in Section 63.0101(a) (relating to acceptable forms of photo identification); or

(B) one form of identification listed in Section 63.0101(b) (relating to acceptable forms of proof of identification) accompanied by a declaration of reasonable impediment as described in Section 63.001(i) (relating to the requirement that an election officer notify a voter that the voter may be

accepted for voting by completing a certain declaration if a certain requirement for identification is not met);

(1-b) the last four digits of the applicant's social security number or a statement that the applicant has not been issued a social security number;

(c) Authorizes the voter, if the requirement for identification prescribed by Subsection (a)(1-a) is not met, to be provided an official ballot under Chapter 86 (Conduct of Voting by Mail) if the voter executes an affidavit declaring the voter cannot obtain identification due to a religious objection or an emergency. Requires that the affidavit be in the same form as an affidavit used for a provisional ballot under Section 65.054(b)(2)(B) (relating to the requirement that a provisional ballot be accepted if the board determines that the person executes an affidavit under penalty of perjury that states the voter has a religious objection to being photographed) or (C) (relating to the requirement that a provisional ballot be accepted if the board determines that the person executes an affidavit under penalty of perjury that states the voter does not have any identification meeting certain requirements as a result of a certain natural disaster).

(d) Provides that a person is subject to prosecution for perjury under Chapter 37 (Perjury and Other Falsification), Penal Code, or Section 63.0013 for a false statement or false information on a document executed under Section 84.002 (Contents of Application).

(e) Provides that Section 63.0101(c) (relating to the authorization of a person 70 years of age or older to use a certain form of identification that has expired for the purposes of voting if the identification is otherwise valid) applies to documentation provided under Section 84.002.

(f) Provides that a legible photograph or copy of solely the side of a driver's license, election identification certificate, or personal identification card issued to a person by the Texas Department of Public Safety (DPS) displaying the person's photograph is sufficient to meet the requirement for identification prescribed by Subsection (a)(1-a)(A).

SECTION 2. Amends Section 84.011(a), Election Code, as follows:

(a) Requires that the officially prescribed application form for an early voting ballot include:

(1) and (2) makes no changes to these subdivisions;

(3) makes a nonsubstantive change to this subdivision;

(4) on an application for a ballot to be voted by mail:

(A) - (G) makes no changes to these paragraphs;

(H) and (I) makes nonsubstantive changes to these paragraphs; and

(J) a statement informing the applicant of the requirement that the applicant include:

(i) a legible photograph or copy of identification described by Section 84.002(a)(1-a); and

(ii) the last four digits of the applicant's social security number or a statement that the applicant has not been issued a social security number under Section 84.002(a)(1-b); and

(5) any forms that may be required to meet the identification requirements of Section 84.002.

SECTION 3. Amends Section 86.001, Election Code, by adding Subsections (f) and (f-1), as follows:

(f) Requires the clerk to reject the application if the application does not include a legible photograph or copy of one form of photo identification listed in Section 63.0101(a), one form of identification listed in Section 63.0101(b) accompanied by a declaration of reasonable impediment, or an affidavit of religious objection or emergency under Section 84.002(c).

(f-1) Requires the clerk to reject the application if the applicant does not include the last four digits of the applicant's social security number or a statement that the applicant has not been issued a social security number.

SECTION 4. Amends Section 86.002, Election Code, by adding Subsection (g), as follows:

(g) Requires that a ballot provided under Chapter 86 (Conduct of Voting by Mail) include a space for the voter to enter the following information:

(1) the voter's Texas driver's license number or the number of a personal identification card issued by DPS;

(2) if the voter has not been issued a number described by Subdivision (1), the last four digits of the voter's social security number; or

(3) a statement by the voter that the voter has not been issued a number described by Subdivision (1) or (2).

SECTION 5. Amends Section 87.041, Election Code, by amending Subsection (b) and adding Subsection (b-1), as follows:

(b) Authorizes a ballot to be accepted only if certain conditions are met, including the condition that the voter has provided the information required under Section 86.002(g) and the board is able to verify the identity of the voter with that information.

(b-1) Requires the early voting ballot board (board), before a ballot voted by mail on which is included a statement under Section 86.002(g)(3) is authorized to be accepted, to verify that the voter did not include a driver's license number or number of a personal identification card issued by DPS or the last four digits of the voter's social security number with the voter's early voting ballot application. Prohibits the board, if the information was provided with the voter's early voting ballot application, from accepting the ballot

SECTION 6. Provides that the changes in law made by this Act apply only to an application to vote an early voting ballot by mail submitted on or after the effective date of this Act. Provides that an application to vote an early voting ballot by mail submitted before the effective date of this Act is governed by the law in effect when the application was submitted, and the former law is continued in effect for that purpose.

SECTION 7. Effective date: September 1, 2021.