

- SUBJECT:** Prohibiting the suspension of mail ballot requirements by certain parties
- COMMITTEE:** Elections — favorable, without amendment
- VOTE:** 5 ayes — Cain, Clardy, Jetton, Schofield, Swanson
- 4 nays — J. González, Beckley, Bucy, Fierro
- SENATE VOTE:** On final passage, April 12 — 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; Ed Johnson; (*Registered, but did not testify*: Gerald Welty, Convention of States; Deon Starnes, Election Integrity Committee, RPT; Alan Vera, Harris County Republican Party Ballot Security Committee; Chad Ennis, Texas Public Policy Foundation; Tom Nobis, The Republican Party of Texas; and 12 individuals)
- Against — Rene Perez, Libertarian Party of Texas; (*Registered, but did not testify*: Lauren Coffee, ACLU of Texas; Joanne Richards, Common Ground for Texans; Tammy Narvaez, Harris County Commissioners Court; Cinde Weatherby, League of Women Voters of Texas; Jason Taper, Religious Action Center of Reform Judaism Texas; Phil Bunker, Teamsters JC 58; James Slattery, Texas Civil Rights Project; Glen Maxey, Texas Democratic Party; Joshua Houston, Texas Impact; Chloe Goodman, Workers Defense Action Fund; and 12 individuals)
- On — Christina Adkins, Texas Secretary of State
- BACKGROUND:** Election Code sec. 87.041(b) specifies that an early voting ballot voted by mail may be accepted only if:
- the carrier envelope certificate is properly executed;
 - neither the voter’s signature on the ballot application nor on the carrier envelope certificate is deemed to have been executed by a

- person other than the voter, unless signed by a witness;
- the voter's ballot application states a legal ground for voting early by mail;
 - the voter is registered to vote, if registration is required by law;
 - the address to which the ballot was mailed to the voter was outside the voter's county of residence, if the ground for early voting is absence from the county of residence;
 - a statement of residence is returned in the carrier envelope and indicates that the voter satisfies residence requirements, for certain specified voters; and
 - the address to which the ballot was mailed to the voter is an address that is otherwise required.

Concerns have been raised about the suspension of mail-in ballot requirements by certain election officials and early voting ballot boards. Some have called for an explicit prohibition on the suspension of mail ballot requirements by these parties and for certain accountability measures.

DIGEST:

SB 1112 would prohibit a county clerk, elections administrator, early voting clerk, or early voting ballot board from suspending a requirement under Election Code sec. 87.041(b) for an early voting ballot voted by mail.

It would be a class A misdemeanor (up to one year in jail and/or a maximum fine of \$4,000) for a county clerk, elections administrator, or early voting clerk to suspend a requirement related to a voter's signature on the ballot application and carrier envelope certificate.

The bill would take effect September 1, 2021, and would apply only to an offense committed on or after that date.