



# **Voter Suppression Legislation in Texas**

*May 15, 2021*

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Texas is moving towards changes to election laws that will criminalize activities by election officials, limit the ability of election officials to send applications to vote by mail, allow partisan poll watchers greater leeway in polling places, reduce early voting hours, restrict curbside voting, and require the largest counties to distribute polling places in a way that could reduce polling locations in minority communities.

The Texas House and Senate have both passed versions of SB7, an omnibus bill to restrict voting. In the next two weeks, they will reconcile their differences, and likely pass a final bill that will be signed into law by the Governor. Although we do not yet know exactly what will be in that final bill, we know what has already passed the House and Senate, respectively. There are material differences between the two versions.

The following lays out the key provisions in SB7 as it passed the Texas House (May 7) and the Texas Senate (April 1). This chart is based on the following materials:

- The engrossed version of SB7 as it passed the Senate. Here: <https://capitol.texas.gov/tlodocs/87R/billtext/pdf/SB00007E.pdf#navpanes=0>.
- The House Committee Version of SB7. Here <https://capitol.texas.gov/tlodocs/87R/billtext/pdf/SB00007H.pdf#navpanes=0>
  - Combined with the floor amendments. Here: <https://capitol.texas.gov/BillLookup/Actions.aspx?LegSess=87R&Bill=SB7>
  - ***An engrossed version of the House bill is not yet available. This chart will be updated once that is available.***

TOPIC	HOUSE-PASSED VERSION	SENATE-PASSED VERSION
<b>CIVIL AND CRIMINAL PENALTIES FOR ELECTION OR PUBLIC OFFICIALS</b>		
	<p>Makes it a “state jail felony” for a person to knowingly and intentionally make any effort to</p> <ul style="list-style-type: none"> <li>• “count votes that are invalid or should otherwise not be counted under law”</li> <li>• “fail to count votes that were lawfully cast”</li> <li>• “alter[] the ballot of another or otherwise causing a ballot to not reflect the intent of the voter”,</li> <li>• “prevent a voter from casting a legal ballot in an election they are eligible to vote in” or</li> <li>• “provide false information to a voter with the intent of preventing the voter from voting in an election in which the voter is eligible to vote”</li> </ul>	<p>It is an offense for a person to knowingly and intentionally make any effort to</p> <ul style="list-style-type: none"> <li>• count votes or alter a report to include votes the person knows are invalid;</li> <li>• refuse to count valid votes or alter a report to exclude valid votes</li> </ul>
	<p>Makes it a “state jail felony” for a public official knowingly to</p> <ul style="list-style-type: none"> <li>• solicit a person to submit an application for an early voting ballot (whether directly or through a third party)</li> <li>• distribute an application to vote by mail to a person who did not request it</li> </ul>	<p>Bars an early voting clerk from making any “attempt to solicit a person to complete an application for an early voting ballot” directly or through a third party.</p> <p>Bars public officials from:</p> <ul style="list-style-type: none"> <li>• distributing an application to vote by mail to a person who did not request it</li> </ul>

	<ul style="list-style-type: none"> <li>• authorize or approve the use of public funds to facilitate third party distribution of an early voting application to a person who did not request one</li> <li>• complete any portion of an application and then distribute it to an applicant</li> <li>• <i>exempts</i> the early voting clerk when they provide the application via a link on the internet or when they provide lawful assistance to an applicant</li> <li>• <i>exempts</i> the provision of general information about voting by mail</li> </ul>	<ul style="list-style-type: none"> <li>• using public funds to facilitate third party distribution of an early voting application to a person who did not request one</li> </ul>
	<p>Makes it a “state jail felony” for an early voting clerk or election official knowingly to send or provide an early voting ballot or “other early voting by mail ballot materials” to someone who did not submit an application.</p>	
	<p>Makes it a “state jail felony” for an election judge to provide a provisional voter with a form for an affidavit that contains false information entered by the judge.</p>	
	<p>Makes an election official subject to misdemeanor criminal penalty for:</p> <ul style="list-style-type: none"> <li>• taking “any action to obstruct the view of a [poll] watcher or distance the watcher from the activity or procedure to be observed in manner that would make observation not reasonably effective;”</li> </ul>	<p>Makes an election official subject to a misdemeanor criminal penalty for:</p> <ul style="list-style-type: none"> <li>• an action taken to distance or obstruct the view of a watcher in a way that makes observation reasonably ineffective.</li> <li>• Knowingly refusing to accept a watcher for service whose</li> </ul>

	<ul style="list-style-type: none"> <li>intentionally or knowingly refus[ing] to accept a watcher for service whose acceptance is required by the election code</li> </ul>	acceptance is required by the election code
	<p>Makes it unlawful for a public official to “knowingly alter, waive, or suspend an election standard, practice, or procedure mandated by law or rule unless the alteration, waiver, or suspension is expressly authorized by this code.”</p> <p>The penalty is not specified, but in general, the Texas Penal Code applies to violations of the Election Code.</p>	
		Election officials are subject to civil penalties for violating the election code. The penalties may include termination of employment or loss of benefits.
<i>Criminal Penalties for Voters and Others</i>	Adds voting in another state in addition to Texas to the list of election offenses.	
	Creates a number of felony offenses for voter assistants. See below.	Creates a number of felony offenses for voter assistants. See below.
	Creates a number of misdemeanor and felony offenses for vote harvesting. See below.	Creates a number of misdemeanor and felony offenses for vote harvesting. See below.
<b>WATCHERS</b>		
	<p>Expands the places watchers can go.</p> <ul style="list-style-type: none"> <li>In general, they are now “entitled to sit or stand near enough to see</li> </ul>	A watcher is entitled to sit or stand near enough to see and hear the election officers conducting the

	<p>and hear the activity or procedure.”</p> <ul style="list-style-type: none"> <li>• They are entitled to observe the sealing and transfer or memory cards or other data storage medium.</li> <li>• They are entitled to observe the in-person delivery of early ballots to the clerk’s office. “The poll watcher must be able to determine how the ballots are being delivered and how election officials are making decisions about the delivery of ballots, if applicable.”</li> <li>• They are entitled to be present at the meeting of the early voting ballot board and at a central counting station.</li> </ul>	<p>observed activity (unless otherwise prohibited under the code).</p> <ul style="list-style-type: none"> <li>• They cannot be “denied free movement.”</li> </ul>
	<p>Entitles watchers to seek injunctive relief or a writ of mandamus if they believe they were unlawfully obstructed from performing their duties.</p>	<p>Entitles watchers to seek injunctive relief to enforce the provisions they operate under.</p>
	<p>Limits the ability of the presiding judge or election officials to remove watchers.</p> <ul style="list-style-type: none"> <li>• In general, watchers cannot be removed unless they are seen by the judge or a clerk violating the penal code or election code and only after they were previously warned of the violation.</li> <li>• They can be removed for a breach of the peace.</li> </ul>	

	See above for imposition of penalties on election administrators regarding obstructing, removing, or accepting watchers.	
		<p>Allows watchers to bring recording devices into voting facilities.</p> <p>Allows watchers to record voters at the voting station if the voter is receiving assistance that the watcher reasonably believes is unlawful.</p> <p>Allows watchers to transmit photos, videos, or recordings to the secretary of state if they believe it contains evidence of unlawful activity.</p> <ul style="list-style-type: none"> <li>• The attorney general is entitled to access to the material on request.</li> </ul>
<b>VOTER ASSISTANTS</b>		
	A person other than an election official who assists a voter at a polling place must complete a form that provides their name and address, relationship to the voter, and whether they received compensation for the assistance. They must take an oath under penalty of perjury that includes a passage barring them from attempting to influence the voter or from disclosing the voter’s decision.	A person other than an election official who assists a voter (in person, curbside or by mail) must fill out a form with their name and address, relationship to the voter, and indicate the manner in which the person rendered assistance and why the assistance was necessary.



	A person who assists a person voting by mail must also enter the same information above on the ballot carrier envelope.	
	<p>Makes it a felony to fail to enter the information or swear the oath unless:</p> <ul style="list-style-type: none"> <li>the assistant is related to the voter in a manner defined by the law, or if the voter is a person with a disability and the assistant is a previously known attendant, caregiver, or friend (paid or unpaid).</li> </ul>	
	Clarifies that it is illegal to offer to compensate someone to be an assistant. (It was already illegal to compensate someone).	
<b>BALLOT HARVESTING</b>		
	<p>Defines vote harvesting as: "direct interaction with one or more voters in connection with an official ballot, a ballot voted by mail, or an application for ballot by mail, intended to deliver votes for a specific candidate or measure."</p> <ul style="list-style-type: none"> <li>It does not include political speech or other acts "merely promoting a candidate or measure that do not involve direct interaction with" an application for a mail ballot in the presence of the voter or with an official ballot or carrier envelope.</li> </ul>	<p>Defines vote harvesting as: "direct interaction with one or more voters in connection with an official ballot, a ballot voted by mail, or an application for ballot by mail, intended to deliver votes for a specific candidate or measure."</p> <p>It does not include acts "promoting a candidate or measure that do not involve direct interaction with" an application for a mail ballot in the presence of the voter or with an official ballot or carrier envelope.</p>

	<p>Makes illegal (misdemeanor)</p> <ul style="list-style-type: none"> <li>• knowingly providing or offering vote harvesting service in exchange for compensation.</li> <li>• offering or providing compensation for vote harvesting.</li> <li>• knowingly collecting or possessing ballots in connection with vote harvesting.</li> <li>• establishes an inference that a vote harvester was compensated if they receive compensation from a candidate or campaign for other services.</li> </ul>	
<b>OTHER</b>		
	Requires the secretary of state to develop an electronic tracking system for mail in ballot applications and voted mail in ballots.	Requires the secretary of state to develop an electronic tracking system for mail in ballot applications and voted mail in ballots.
	Establishes priority court procedures for election code disputes.	
	Requires internet posting of election results.	
	Allows the early voting clerk to deliver ballots to the early voting board earlier than under previous law.	
	Creates a cure process for early mail in ballots with a signature defect.	Allows the signature verification committee to compare ballot signatures with any known signature on file with the county.
	Expands protection for workers who want to be absent to vote during early	

	voting hours. Currently the protection only applies on Election Day.	
<b>VOTER REGISTRATION</b>		
		A registrar who determines someone is not eligible to vote must send the AG & SOS an affidavit with the relevant facts.
		<p>If the SOS sends a registrar notice of a violation or of an improperly registered voter, and the registrar does not correct it within 30 days, the SOS shall correct the violation.</p> <ul style="list-style-type: none"> <li>• The registrar is liable to the state for a \$100 penalty for each violation corrected by the SOS. The AG may bring an action to recover the civil penalty.</li> </ul>
		Requires applicants for a mail in ballot who have a disability to attest to their sickness or physical condition that prevents them from appearing at a polling place in person.
<b>MAIL IN BALLOTS</b>		
		A person who cancels their application for a mail in ballot and who does not return the early voting ballot to election officials may only vote provisionally.

		In-person delivery of mail in ballots must be received by a person.
<b>IN PERSON VOTING &amp; POLLING PLACE LOCATIONS</b>		
		<p>In counties with over 1 million people, the number of polling places must be determined based on the proportion of the population in each state representative district in that county divided by the whole population of the county.</p> <p>Other election resources must be similarly distributed.</p>
		Polling places cannot be in tents or other temporary moveable structures or in a facility primarily designed for motor vehicles (e.g. a parking facility).
		For curbside voting, no one may be in the car other than the voter unless that additional person is otherwise entitled to accompany the voter to the polling place.
		Limits early voting hours at main and branch early voting locations during the last week of early voting to 12 hours per day from 6 a.m. to 9 p.m.

		<p>Lowers the population threshold for a county to provide mandatory extended early voting hours during the last week of early voting from 100,000 to 30,000.</p>
		<p>People waiting in line to vote at closing time at an early voting polling place are entitled to vote.</p>
<b>EQUIPMENT</b>		
		<p>Beginning January 1, 2024, no vote counting equipment can be used that is capable of connecting to the Internet or any other computer network.</p>
		<p>Communications with voting systems vendors are public information.</p>
		<p>Electronic devices used to count votes at a central counting station must have software that tracks all activity and input on the device. The activity log must be sent to the SOS within five days after vote counting is complete.</p>
		<p>Counties are required to implement video surveillance of at central counting stations.</p>
		<p>Voting systems must produce a paper audit trail.</p>
<b>PRIVATE FUNDING</b>		

		The Commissioners Court cannot accept a donation greater than \$1,000 for election administration without the SOS's consent.
<b>ELECTION CONTESTS</b>		
		A contestant who alleges that the opposing candidate, an agent of the candidate, or a person acting on behalf of the candidate (and with the candidate's knowledge) committed election fraud can prove their allegation by a preponderance of the evidence
		If the contestant prevails, the losing party is liable for \$1000 per violation and may be liable for attorney's fees.