



## Texas

Updated March 23, 2021

If enacted in its current form, the For the People Act (H.R.1/S.1) would make changes to federal elections in Texas that would strengthen the freedom to vote and make it more difficult to enact voter suppression laws in the future. The requirements of H.R.1/S.1—including those relating to universal mail-in voting, automatic voter registration, and gerrymandering—would more fundamentally change Texas’s procedures for conducting federal elections.

The following is a summary of the most salient ways in which H.R.1/S.1 would affect voting in Texas:

### **Expanding & Protecting Voter Registration Opportunities**

- Requires states to use Automatic Voter Registration (AVR) for federal elections nationwide.<sup>1</sup> Provides for AVR by triggering such registration when a citizen over the age of 16 interacts with designated state or federal agencies, including the DMV, educational institutions, and the Social Security Administration, unless the citizen affirmatively declines to register.<sup>2</sup> Texas currently does not use AVR.
- Allows 16- and 17-year-olds to pre-register to vote and then vote immediately upon turning 18.<sup>3</sup> Under current Texas law, individuals may register to vote at 17 years and 10 months.
- Prohibits officials from using voter caging or unverified match lists to prevent any individual from registering or voting in a federal election.<sup>4</sup>
- Requires election officials to complete cross-check purges at least six months prior to a given election,<sup>5</sup> in contrast to Texas law which places no restrictions on when voter purges must be complete.

### **Mandating Secure, Accessible Early Voting & Absentee Voting**

- Requires states to allow any eligible voter to vote by mail in federal elections (no-excuse absentee voting). Current Texas law only allows people who are sick or disabled, over the age of 65, out of the county during the election, or in jail but eligible to vote to obtain a mail in ballot.<sup>6</sup>
- Establishes more options to obtain absentee ballots for overseas, and military voters.<sup>7</sup>

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<sup>1</sup> H.R. 1, Title I, Subtitle A, Part 2.

<sup>2</sup> H.R. 1, Title I, Subtitle A.

<sup>3</sup> H.R. 1, Title I, Subtitle A, Part 10.

<sup>4</sup> H.R. 1, Title II, Subtitle F.

<sup>5</sup> H.R. 1, Title II, Subtitle F.

<sup>6</sup> “Application for a Ballot by Mail,” *Texas Secretary of State*, accessed March 22, 2021, available at <https://www.sos.texas.gov/elections/voter/reqabbm.shtml>.

<sup>7</sup> H.R. 1, Title I, Subtitle J.



- Establishes a ballot tracking system, so voters can follow their ballot's status through the voting and counting process.<sup>8</sup>
- Deems ballots postmarked by Election Day valid and must be counted, if delivered to election officials up to ten days after Election Day.<sup>9</sup> Currently, Texas law requires that a ballot must be received not later than 5 p.m. on the day after Election Day to be counted.<sup>10</sup>
- Requires secure drop boxes must be available 24 hours a day, for 45 days before Election Day, and that the number of drop boxes be based on county population.<sup>11</sup> In 2020, Texas counties were allowed only one drop-off location for mail-in ballots per county.<sup>12</sup> Moreover, their use was subject to litigation and contest.
- Expands accessibility requirements for ballot drop box locations to ensure unhoused communities can participate in federal elections.<sup>13</sup>
- Ensures that the number of drop boxes and geographical distribution of drop boxes provide a reasonable opportunity for voters to submit their ballot.

### Protecting & Expanding Ballot Access

- Permits voters to provide a written statement on a state form, confirming their identity and eligibility to vote in the election.<sup>14</sup> Currently, Texas voters are required to provide a driver's license or photo identification card to vote.<sup>15</sup>
- Mandates option to vote early (in-person absentee) for a full 15 days before an election, including weekends and the day before Election Day.<sup>16</sup> Texas currently provides that early voting begins the 17th day before Election Day and continues through the fourth day before Election Day.<sup>17</sup>
- Requires early voting locations must be open at least ten hours each day, with hours before 9 a.m. and after 5 p.m.<sup>18</sup> Requires all polling stations to be open for a minimum of 4 total hours outside of the regular working hours from 9am to 5pm in the time zone of the polling location.<sup>19</sup> Currently, Texas law requires early voting locations to open "during the hours that the county clerk's or city secretary's main business office is regularly open for

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<sup>8</sup> H.R. 1, Title I, Subtitle I.

<sup>9</sup> H.R. 1, Title I, Subtitle I.

<sup>10</sup> Tex. Elec. Code § 86.007(a)(2).

<sup>11</sup> H.R. 1, Title I, Subtitle N, Part 1.

<sup>12</sup> Jolie McCullough, "Texas counties will be allowed only one drop-off location for mail-in ballots," *Texas Tribune*, October 27, 2020, available at <https://www.texastribune.org/2020/10/27/texas-voting-elections-mail-in-drop-off/>

<sup>13</sup> Amendment 15 to H.R. 1, Part B.

<sup>14</sup> H.R. 1, Title I, Subtitle N, Part 1.

<sup>15</sup> Tex. Elec. Code § 63.0101.

<sup>16</sup> H.R. 1, Title I, Subtitle H.

<sup>17</sup> Tex. Elec. Code § 85.001.

<sup>18</sup> H.R. 1, Title I, Subtitle H.

<sup>19</sup> Amendment 50 to H.R. 1, Part B.



- business,” unless the county has a population of 100,000 or more.<sup>20</sup> In counties of 100,000 or more individuals, Texas requires early voting locations to open at least twelve hours each weekday.<sup>21</sup>
- Requires Texas to take steps to ensure fair and equitable waiting time for all voters across the state and limits wait time at any polling place to no longer than 30 minutes.<sup>22</sup> During the 2020 election, hours-long lines were common in Texas. Mandates any changes to polling place locations be announced seven days before Election Day.<sup>23</sup>

### Restoring Civil Rights

- Requires Texas to restore voting rights to people with felony convictions upon release from prison, and to offer voter registration materials upon eligibility.<sup>24</sup> Texans convicted of a felony are currently eligible to register to vote once their sentence has been “fully discharged,” including probation and supervised release.<sup>25</sup>

### Strengthening Election Security & Trust in Elections

- Requires a voting system that produces a paper ballot that is verified by the voter before the vote is cast.<sup>26</sup>
- Requires the U.S. Postal Service to sweep its facilities and post offices daily to ensure that ballots are expeditiously transmitted to local election officials.<sup>27</sup>
- Prevents the U.S. Postal Service from enacting any new operational change that slows the delivery of voting materials in the 120 day period before an election.<sup>28</sup>
- Requires the U.S. Postal Service to appoint Election Mail Coordinators to assist election officials with any voting material questions.<sup>29</sup>
- Permits the security of drop boxes through remote or electronic surveillance.<sup>30</sup>

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<sup>20</sup> Tex. Elec. Code. § 85.005.

<sup>21</sup> Tex. Elec. Code. § 85.005.

<sup>22</sup> H.R. 1, Title I, Subtitle N, Part 1.

<sup>23</sup> H.R. 1, Title I, Subtitle N, Part 1.

<sup>24</sup> H.R. 1, Title I, Subtitle E.

<sup>25</sup> Tex. Elec. Code § 11.002.

<sup>26</sup> H.R. 1, Title I, Subtitle F.

<sup>27</sup> Amendment 5 to H.R.1, Part B.

<sup>28</sup> Amendment 26 to H.R.1, Part B.

<sup>29</sup> Amendment 27 to H.R.1, Part B.

<sup>30</sup> Amendment 9 to H.R.1, Part B.



## Ending Partisan Gerrymandering in Federal Congressional Redistricting

- Under current Texas law, the legislature or the Legislative Redistricting Board crafts congressional districts. Either can do so for partisan advantage or to favor incumbents. There is no public input requirement. H.R.1/S.1. would do the following:
  - Requires Texas to set up an independent commission to draw federal congressional districts, which must take public input and operate an open, transparent process.<sup>31</sup>
  - Prevents one party from dominating the process or excluding minority groups and takes map drawing away from politicians.<sup>32</sup>
  - Requires consideration of “communities of interest” when drawing districts.<sup>33</sup>
  - Counts incarcerated Texans as residents of their home community for purposes of representation.

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<sup>31</sup> H.R. 1, Title III, Subtitle E.

<sup>32</sup> H.R. 1, Title II, Subtitle E.

<sup>33</sup> H.R. 1, Title II, Subtitle E.