

Background & Purpose: Oliverson - HB 3080

Background

Interested parties assert that the current mail ballot system is vulnerable to fraud. Stakeholders are calling for stricter voting regulations, especially when it comes to mail in applications and ballots. They feel adding more steps to secure voting could lower the risk of voter fraud and ensure election integrity.

Purpose

HB 3080 adds Section 84.0111 to the election code stating a person commits a Class A misdemeanor if they send a mail ballot to a person that did not request one. This bill also amends Section 86.002 to require the clerk to include separate card which has a space for the voter signature and the voter's right thumbprint. This separate card will be sealed and mailed in with the ballot. The card will be placed in front of the ballot voting board to assist in determination of whether an individual's vote is accepted or rejected. They will implement this process with the DPS or another state agency they deem fit to assist them.

From: [Applications Administrator](#)
To: [Brittany Frazier](#)
Subject: Bill Movement Alert
Date: Thursday, April 1, 2021 4:15:24 PM

Texas Legislature

Bill Alert

87(R) HB 3080 Oliverson | et al.

Relating to unsolicited provision of an application form for a ballot to be voted by mail and to procedures for verification of a ballot voted by mail; creating a criminal offense.

4/8/2021 H Scheduled for public hearing on . . .

View all bill details in [TLIS](#) or [CapCentral](#)

87(R) HB 3760 Oliverson | et al.

Relating to information regarding perinatal palliative care, regulation of abortion, and the availability of certain defenses to prosecution for homicide and assault offenses; providing an administrative penalty; creating criminal offenses.

4/7/2021 H Scheduled for public hearing on . . .

View all bill details in [TLIS](#) or [CapCentral](#)

To manage your alerts, go to [TLIS](#) or [CapCentral](#)

From: [Texas Department of Public Safety](#)
To: [Brittany Frazier](#)
Subject: Capitol Complex Area Road Closure
Date: Thursday, April 15, 2021 6:16:25 AM

This is an important message from the Texas Department of Public Safety

[Please click here to acknowledge receipt of this message](#)

The roadway is closed due to a crash investigation in the area of Colorado Street and 13th Street. Colorado Street is currently blocked from 11th Street to 13th Street. An update will be sent once the roadway is reopened.

This e-mail has been sent to you by TEXAS DEPARTMENT OF PUBLIC SAFETY. To maximize their communication with you, you may be receiving this e-mail in addition to a phone call and text message with the same message. If you no longer wish to receive email notifications from TEXAS DEPARTMENT OF PUBLIC SAFETY, please email dpsalerts@dps.texas.gov to unsubscribe.

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HB 3080 – MAIL BALLOT BILL
COMMITTEE ON ELECTIONS
APRIL 8, 2021
TALKING POINTS

- Chairman Cain, members of the committee. Thank you for allowing me to discuss House Bill 3080 with you today.
- Mail ballots are at the top of the list of complaints the Secretary of State receives after every election. This past year saw a rise in complaints from voters who claim they didn't request a mail ballot, didn't receive a mail ballot, but had to vote a provisional ballot in person because the "poll books" showed them as having requested and received a mail ballot.
- Part of the source of this most recently reported problem, is that in 2020 so many voters were sent mail ballot applications they didn't request.
- The first part of HB 3080 simply tries to reduce the number of unsolicited mail ballot applications flooding the market, to cut down on voter confusion and possible disenfranchisement. It does this by stating a person commits a Class A misdemeanor if a mail ballot is sent without being requested by the voter.
- The other continuing problem in the mail ballot process is the ongoing contention over the Signature Verification Committee. We're asking ordinary citizens, with minimum training, to make rulings on whether the signatures on the application and the ballot carrier envelope are truly those of the voter.
- The second part of the bill presents an additional factor to double-check the rulings of the Signature Verification Committee—a thumb print. The SOS will provide to all counties (for inclusion with the mail ballots themselves) specially prepared cards onto which the voter can place a thumbprint or fingerprint.
- Whether with an ink strip accessory or via a fully biometric space on the card, the voter is asked to provide a thumb print to be submitted with his/her mail ballot.
- The SOS will provide a scanning tool to verify these thumbprints with those that should already be in the DPS Data base. If the thumbprint is not found or does not match- the SOS will assist and possibly send the voter a second thumbprint verification card.

- I have an expert here today to help explain this bill further and answer any questions you may have.
 - I will have a committee sub to you before we vote this bill out in order to clean up some of the language.
 - Mr. Chairman, I would like to reserve the right to close, but otherwise I am available for any questions.
-

- Thank you members, I would appreciate your favorable consideration of this bill.

FAQ – HB 3080- Mail Ballot Security

Who is eligible to vote early by mail in Texas?

- must be 65 years or older
- be sick or disabled
- be out of the county on election day and during the period for early voting by personal appearance
- be confined in jail, but otherwise eligible

How many registered voters are there in Texas?

As of January 2021 there were 16,676,353 and at least 9.7 million Texans voted early.

How many people were sent ballots without requesting one?

Alan Vera should be able to answer this.

How do you explain the fiscal note on this?

The fiscal note comes from the card and scanner the SOS will have to provide to each of the counties. The SOS will be solely responsible for the cost, no unfunded mandate will be placed on the counties.

How many signature verification committees across Texas are there?

254

How does the mail ballot process work now?

You must apply for a mail ballot to the early voting clerk. Then once your application is accepted your ballot by mail will be sent to you. You must complete

sections 1 through 8 on your mail ballot. Then sign and date it. Someone is able to assist you filling out and signing the ballot- but they must complete section 11. Once the ballot is complete, it can mailed back to the voting clerk where a board will confirm if the bill is . Your mail in ballot must be signed in order for your vote to be counted!!

How do most people react when they receive a ballot by mail that they did not apply for?

- a. Some older voters were confused by all the applications they received; they filled them all out and sent them in, creating a lot of extra work for county elections officials who had to deal with multiple applications from the same voters.
- b. Some voters discarded all the applications they received and had no problem at the polls.
- c. Some voters apparently had their applications intercepted by ballot harvesters; the voters never received a mail ballot because it was sent to the harvesters; the voters had to vote a provisional ballot in person because the system showed them as having received a mail ballot. They weren't too happy about this. We don't know how many of these voters had their provisional ballots rejected.

Will this be hard for the DPS to implement/ difficult to work with them on the thumbprint aspect?

The Department of Public Safety has been collecting thumb prints with license renewals for several years now. The thumb prints have been archived and associated with specific vehicle drivers, many of whom are also voters and whose citizenship status is recorded in a searchable database in DPS.

How does the signature verification committee process ballot signatures now?

They are basically use a "best guest" when verifying the voters signature. It is an unclear process now. However, if no signature is present, the ballot will be rejected.

87R7677 ADM-F

By: Oliverson

H.B. No. 3080

A BILL TO BE ENTITLED

AN ACT

relating to unsolicited provision of an application form for a ballot to be voted by mail and to procedures for verification of a ballot voted by mail; creating a criminal offense.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter A, Chapter 84, Election Code, is amended by adding Section 84.0111 to read as follows:

Sec. 84.0111. UNSOLICITED PROVISION OF OFFICIAL APPLICATION FORM. (a) A person commits an offense if the person mails or otherwise provides an application form for an early voting ballot to a person who did not solicit the form.

(b) An offense under this section is a Class A misdemeanor.

SECTION 2. Section 86.002, Election Code, is amended by adding Subsection (g) to read as follows:

(g) The clerk shall include with the balloting materials a card containing a **biometric** space **(no ink)** for the voter to:

(1) place the voter's right thumbprint; and

(2) sign the card.

SECTION 3. Section 86.005(c), Election Code, is amended to read as follows:

(c) After marking the ballot, the voter must place it in the

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official ballot envelope and then seal the ballot envelope, place the ballot envelope and the completed card described by Section 86.002(g) in the official carrier envelope and then seal the carrier envelope, and sign the certificate on the carrier envelope.

SECTION 4. Subchapter B, Chapter 87, Election Code, is amended by adding Section 87.028 to read as follows:

Sec. 87.028. THUMBPRINT VERIFICATION. The secretary of state shall adopt rules to facilitate the procurement of the right thumbprint of as many registered voters as possible by entering into agreements with the Department of Public Safety and any other state agency the secretary of state deems appropriate. A state agency shall cooperate with the secretary of state in fulfilling its duties under this section. With the data provided by other agencies, the Secretary of State shall create a searchable database of available voter thumb prints accessible only through a secure network. The Secretary of State shall also investigate, procure and distribute to each county a biometric thumb print scanner capable of accessing the thumb print database and determining whether that thumb print is on record as belonging to the voter who submitted the voted ballot by mail.

SECTION 5. Sections 87.041(b) and (e), Election Code, are amended to read as follows:

(b) A ballot may be accepted only if:

(1) the carrier envelope certificate is properly executed;

(2) ~~[neither]~~ the voter's signature on the ballot application and ~~[nor]~~ the signature on the carrier envelope certificate are ~~[is]~~ determined to be those of ~~[have been executed by a person other than]~~ the voter, unless signed by a witness;

(3) the voter's ballot application states a legal ground for early voting by mail;

(4) the voter is registered to vote, if registration is required by law;

(5) the address to which the ballot was mailed to the voter, as indicated by the application, was outside the voter's county of residence, if the ground for early voting is absence from the county of residence;

(6) for a voter to whom a statement of residence form was required to be sent under Section 86.002(a), the statement of residence is returned in the carrier envelope and indicates that the voter satisfies the residence requirements prescribed by Section 63.0011; ~~[and]~~

(7) the address to which the ballot was mailed to the voter is an address that is otherwise required by Sections 84.002 and 86.003; and

(8) the voter returned the completed card described by Section 86.002(g) in the carrier envelope.

(e) In making the determination under Subsection (b)(2), the board may also:

(1) compare the signatures with any two or more

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signatures of the voter made within the preceding six years and on
file with the county clerk or voter registrar to determine whether
the signatures are those of the voter; and

(2) open the carrier envelope and use the card described
by Section 86.002(g) to assist in the determination, following
rules and procedures developed by the Secretary of State for thumb
print comparison and confirmation.

(3) pursue curing measures prescribed by the Secretary of
State, if the thumb print comparison reveals that the submitted
thumb print is that of a person other than the voter.

SECTION 6. This Act takes effect September 1, 2021.

87R7677 ADM-F

By: Oliverson

C.S.H.B. No. 3080

A BILL TO BE ENTITLED

AN ACT

relating to unsolicited ~~distribution~~ provision of an application form for a ballot to be voted by mail and to procedures for verification of a ballot voted by mail; creating a criminal offense.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

~~SECTION 1. Subchapter A, Chapter 84, Election Code, is amended by adding Section 84.0111 to read as follows:~~

~~SECTION 1. Chapter 276, Election Code, is amended by adding Section 276.016 to read as follows:~~

~~Sec. 276.016 84.0111. UNLAWFUL SOLICITATION AND~~
~~DISTRIBUTION OF APPLICATION TO VOTE BY MAIL UNSOLICITED PROVISION~~
~~OF OFFICIAL APPLICATION FORM. (a) A public official person~~
~~commits an offense if the official, while acting in their official~~
~~capacity, knowingly:~~

~~(1) solicits the submission of an application to vote~~
~~by mail from a person who did not request an application;~~

~~(2) distributes person mails or otherwise provides an~~
~~application to vote by mail form for an early voting ballot to a~~
~~person who did not request the application solicit the form unless~~

the distribution is expressly authorized by another provision of this code; or

(3) authorizes or approves the expenditure of public funds to facilitate third-party distribution of an application to vote by mail to a person who did not request the application.

(b) An offense under this section is a Class A misdemeanor.

SECTION 2. Section 1.005, Election Code, is amended by adding Subdivision (15-a) to read as follows:

(15-a) "Public official" means any person elected, selected, appointed, employed, or otherwise designated as an officer, employee, or agent of this state, a government agency, a political subdivision, or any other public body established by state law.

~~SECTION 2. Section 86.002, Election Code, is amended by adding Subsection (g) to read as follows:~~

~~(g) The clerk shall include with the balloting materials a card containing a space for the voter to:~~

~~(1) place the voter's right thumbprint; and~~

~~(2) sign the card.~~

~~SECTION 3. Section 86.005(c), Election Code, is amended to read as follows:~~

~~(c) After marking the ballot, the voter must place it in the official ballot envelope and then seal the ballot envelope, place~~

~~the ballot envelope and the completed card described by Section 86.002(g) in the official carrier envelope and then seal the carrier envelope, and sign the certificate on the carrier envelope.~~

~~SECTION 4. Subchapter B, Chapter 87, Election Code, is amended by adding Section 87.028 to read as follows:~~

~~Sec. 87.028. THUMBPRINT VERIFICATION. The secretary of state shall adopt rules to facilitate the procurement of the right thumbprint of as many registered voters as possible by entering into agreements with the Department of Public Safety and any other state agency the secretary of state deems appropriate. A state agency shall cooperate with the secretary of state in fulfilling its duties under this section.~~

~~SECTION 5. Sections 87.041(b) and (e), Election Code, are amended to read as follows:~~

~~(b) A ballot may be accepted only if:~~

~~(1) the carrier envelope certificate is properly executed;~~

~~(2) [neither] the voter's signature on the ballot application and [nor] the signature on the carrier envelope certificate are [is] determined to be those of [have been executed by a person other than] the voter, unless signed by a witness;~~

~~(3) the voter's ballot application states a legal ground for early voting by mail;~~

~~(4) the voter is registered to vote, if registration is required by law;~~

~~(5) the address to which the ballot was mailed to the voter, as indicated by the application, was outside the voter's county of residence, if the ground for early voting is absence from the county of residence;~~

~~(6) for a voter to whom a statement of residence form was required to be sent under Section 86.002(a), the statement of residence is returned in the carrier envelope and indicates that the voter satisfies the residence requirements prescribed by Section 63.0011; [and]~~

~~(7) the address to which the ballot was mailed to the voter is an address that is otherwise required by Sections 84.002 and 86.003; and~~

~~(8) the voter returned the completed card described by Section 86.002(g) in the carrier envelope.~~

~~(e) In making the determination under Subsection (b)(2), the board may also:~~

~~(1) compare the signatures with any two or more signatures of the voter made within the preceding six years and on file with the county clerk or voter registrar to determine whether the signatures are those of the voter; and~~

~~(2) open the carrier envelope and use the card~~

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~~described by Section 86.002(g) to assist in the determination.~~

SECTION 6. This Act takes effect September 1, 2021.

By: Oliverson

H.B. No. 3080

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(b) An offense under this section is a Class A misdemeanor.

SECTION 2. Section 86.002, Election Code, is amended by adding Subsection (g) to read as follows:

(g) The clerk shall include with the balloting materials a card containing a space for the voter to:

(1) place the voter's right thumbprint; and

(2) sign the card.

SECTION 3. Section 86.005(c), Election Code, is amended to read as follows:

(c) After marking the ballot, the voter must place it in the official ballot envelope and then seal the ballot envelope, place the ballot envelope and the completed card described by Section 86.002(g) in the official carrier envelope and then seal the

1 carrier envelope, and sign the certificate on the carrier envelope.

2 SECTION 4. Subchapter B, Chapter 87, Election Code, is
3 amended by adding Section 87.028 to read as follows:

4 Sec. 87.028. THUMBPRINT VERIFICATION. The secretary of
5 state shall adopt rules to facilitate the procurement of the right
6 thumbprint of as many registered voters as possible by entering
7 into agreements with the Department of Public Safety and any other
8 state agency the secretary of state deems appropriate. A state
9 agency shall cooperate with the secretary of state in fulfilling
10 its duties under this section.

11 SECTION 5. Sections 87.041(b) and (e), Election Code, are
12 amended to read as follows:

13 (b) A ballot may be accepted only if:

14 (1) the carrier envelope certificate is properly
15 executed;

16 (2) ~~[neither]~~ the voter's signature on the ballot
17 application and ~~[nor]~~ the signature on the carrier envelope
18 certificate are ~~[is]~~ determined to be those of ~~[have been executed~~
19 ~~by a person other than]~~ the voter, unless signed by a witness;

20 (3) the voter's ballot application states a legal
21 ground for early voting by mail;

22 (4) the voter is registered to vote, if registration
23 is required by law;

24 (5) the address to which the ballot was mailed to the
25 voter, as indicated by the application, was outside the voter's
26 county of residence, if the ground for early voting is absence from
27 the county of residence;

1 (6) for a voter to whom a statement of residence form
2 was required to be sent under Section 86.002(a), the statement of
3 residence is returned in the carrier envelope and indicates that
4 the voter satisfies the residence requirements prescribed by
5 Section 63.0011; ~~and~~

6 (7) the address to which the ballot was mailed to the
7 voter is an address that is otherwise required by Sections 84.002
8 and 86.003; and

9 (8) the voter returned the completed card described by
10 Section 86.002(g) in the carrier envelope.

11 (e) In making the determination under Subsection (b)(2),
12 the board may also:

13 (1) compare the signatures with any two or more
14 signatures of the voter made within the preceding six years and on
15 file with the county clerk or voter registrar to determine whether
16 the signatures are those of the voter; and

17 (2) open the carrier envelope and use the card
18 described by Section 86.002(g) to assist in the determination.

19 SECTION 6. This Act takes effect September 1, 2021.

ELECTION CODE CRIMINAL OFFENSES

Candidates

Section 2.054 – Coercion against Candidacy Prohibited

Voter Registration

Section 13.005 – Unlawfully Acting as Agent for Applicant

Section 13.006 – Purportedly Acting as Agent for Applicant

Section 13.007 – False Statement on a Voter Registration Application

Section 13.008 – Performance-Based Compensation for Registering Voters

Section 13.043 – Failure to Deliver Voter Registration Application

Section 13.044 – Purportedly Acting as Volunteer Deputy Registrar

Section 13.046 – Failure of High School Deputy Registrar to Deliver Application

Section 13.145 – Unlawful Delivery of Voter Registration Certificate

Section 15.085 – Unlawful Use of Information on Suspense List

Section 18.009 – Unlawful Use of Information on Voter Registration List

Section 18.067 – Unlawful Use of Information on Statewide Voter Registration List

Section 18.012 – Secretary of State to Approve Computer Services Contracts

Election Officers

Section 31.035 – Restrictions on County Elections Administrators' Political Activities

Section 33.061 – Unlawfully Obstructing Poll Watcher

Time & Place of Elections

Section 43.033 – Charging for Use of Public Building as Polling Place

Election Supplies & Ballots

Section 51.010 – Failure to Deliver Election Supplies

Section 51.011 – Obstruction of Delivery of Election Supplies

Section 52.004 – Failure to Place Candidate's Name on Ballot

Section 52.0063 – Unlawfully Preparing or Correcting Ballots

Election Day Procedures

Section 61.001 – Bystanders Excluded; Unlawful Presence of Candidate in Polling Place

Section 61.003 – Electioneering and Loitering Near Polling Place Prohibited

Section 61.004 – Unlawfully Operating Sound Amplification Device

Section 61.005 – Unlawfully Handling or Entering Ballot Box or Provisional Envelope

Section 61.006 – Unlawfully Divulging How a Voter Has Voted

Section 61.007 – Unlawfully Revealing Information before Polling Places Close

Section 61.008 – Unlawfully Influencing Voter

Section 61.010 – Wearing Political Badge, Insignia, or Emblem in Polling Place

Section 62.013 – Unauthorized Posting of Signs Prohibited

Section 63.012 – Unlawfully Accepting or Refusing to Accept Voter

Section 64.010 – Unlawfully Permitting or Preventing Deposit of Ballot

Section 64.011 – Unlawfully Depositing Ballot

Section 64.012 – Illegal Voting

Section 64.036 – Unlawful Voter Assistance; Unlawful Permission by Election Officer

Section 65.014 – Failure to Accurately Prepare or Submit Precinct Returns
Section 66.054 – Failure to Deliver Election Returns and Voted Ballots
Section 66.058 – Failure to Preserve Precinct Election Records
Section 66.060 – Relinquishing Custody of Ballot Box Key

Early Voting

Section 84.003 – Unlawfully Witnessing or Assisting Applicant with ABBM
Section 84.004 – Witnessing ABBM for More Than One Applicant
Section 84.0041 – Providing False Information on ABBM
Section 85.036 – Electioneering at Early Voting Polling Place
Section 85.037 – Bystanders Excluded; Unlawful Presence of Candidate in Polling Place
Section 86.0052 – Paying Person to Mail Carrier Envelope in Compensation Scheme
Section 86.0105 – Assisting Voters as Part of Performance-Based Compensation Scheme
Section 86.006 – Unlawful Possession of Official Ballot or Carrier Envelope
Section 86.010 – Failure to Properly Assist Voter Voting by Mail

Voting Systems

Section 122.031 – Contracting to Provide Unapproved Voter System or Equipment
Section 123.035 – Executing Voting System Equipment Contract without Approval

Political Parties

Section 161.007 – Unlawfully Prohibiting Employee from Attending Convention
Section 162.011 – Presenting False Evidence of Party Affiliation to Participate in Event
Section 162.014 – Unlawful Participation in Primary Election or Convention
Section 171.028 – Failure to Transfer Records to New County Chair
Section 174.0631 – Unlawfully Charging for Use of Public Building for Convention

Miscellaneous Offenses

Section 276.001 – Retaliation against Voter
Section 276.003 – Unlawfully Removing Voted Ballots from Ballot Box
Section 276.004 – Unlawfully Prohibiting Employee from Voting
Section 276.010 – Unlawfully Buying and Selling Balloting Materials

Penal Code Offenses

Section 31.03 – Theft of Official Ballot or Carrier Envelope
Section 32.21 – Forgery In Connection With Ballot or Election Record
Section 33.05 – Tampering With Direct Recording Electronic Voting Machine
Section 36.02 – Bribery of Voter or Public Servant
Section 36.03 – Coercion of Voter or Public Servant
Section 46.03 – Possessing Weapon on Premises of Polling Place
Section 37.02 – Making False Statement under Oath
Section 37.10 – Tampering With or Making False Entry in Ballot or Election Record
Section 37.11 – Impersonating Public Servant

Mariam Zaidi

Subject: Invitation: UMW Legislative Visit with Rep. Oliverson's Office @ Wed Feb 3, 2021 11:30am - 12pm (CST) (mariam.zaidi@house.texas.gov)
Location: <https://zoom.us/j/94506653412?pwd=blk3WXBCNGgzRTIVTzh1SIBuMkFHQT09>
Start: Wed 2/3/2021 11:30 AM
End: Wed 2/3/2021 12:00 PM
Show Time As: Tentative
Recurrence: (none)
Meeting Status: Not yet responded
Organizer: sarah@texasimpact.org

You have been invited to the following event.

UMW Legislative Visit with Rep. Oliverson's Office

When Wed Feb 3, 2021 11:30am – 12pm Central Time - Chicago
Where <https://zoom.us/j/94506653412?pwd=blk3WXBCNGgzRTIVTzh1SIBuMkFHQT09> ([map](#))
Joining info Join with Google Meet
meet.google.com/iqs-ppv-kdaq
Join by phone
(US) [+1 475-239-1474](tel:+14752391474) (PIN: 537024333)
Calendar mariam.zaidi@house.texas.gov
Who

- sarah@texasimpact.org - organizer
- mariam.zaidi@house.texas.gov

[more details »](#)

Sarah Cruz is inviting you to a scheduled Zoom meeting.

Join Zoom Meeting

<https://zoom.us/j/94506653412?pwd=blk3WXBCNGgzRTIVTzh1SIBuMkFHQT09>

Meeting ID: 945 0665 3412

Passcode: AZ6zfV

Going (mariam.zaidi@house.texas.gov)? [Yes](#) - [Maybe](#) - [No](#) [more options »](#)

Invitation from [Google Calendar](#)

You are receiving this courtesy email at the account mariam.zaidi@house.texas.gov because you are an attendee of this event.

To stop receiving future updates for this event, decline this event. Alternatively you can sign up for a Google account at <https://calendar.google.com/calendar/> and control your notification settings for your entire calendar.

Forwarding this invitation could allow any recipient to send a response to the organizer and be added to the guest list, or invite others regardless of their own invitation status, or to modify your RSVP. [Learn More](#).