

NO LABELS

WHAT HAPPENED IN TEXAS?

CONTEXT KEY

- Provision is a clear outlier relative to other states
- Unclear if provision is an outlier
- Provision is not an outlier compared to other states

The state of Texas could soon pass a new law with significant changes to voting and election procedures. No Labels analyzed the individual provisions of the proposed bill and compared them to current Texas law and to the law in other states. Here are the big factual takeaways:

Most provisions in the bill create more rigorous requirements, relative to current Texas law, for how elections can be conducted, when and where people can vote, and for verifying voter identities.

Relative to the other 50 states, the proposed Texas law has:

- Provisions on early voting, voter ID, and mail-in and absentee ballots that are similar to those in other states, including some states long controlled by Democrats.
- Three provisions that are clear or potential outliers that do not have obvious analogues in other states:
 1. Eliminating the use of early voting drop boxes;
 2. Giving partisan poll watchers “free movement” within polling places, except for near voting booths;
 3. Reducing the evidentiary standard required to overturn an election.

CATEGORY	CURRENT TX LAW*	PROPOSALS IN TX VOTING BILL	GENERAL CONTEXT
EARLY VOTING	2 weeks, at various in person locations.	2 weeks. Limits Sunday early voting from 1pm to 9pm. Texas lawmakers are now saying the 1pm start was a typo and should be 11am to 9pm	Ten other states have various Sunday voting provisions. Five states allow Sunday voting statewide; in five others Sunday voting is available at the discretion of individual counties. In states that allow it, the hours are comparable to Texas’ 11am-9pm range. 39 states don’t allow any Sunday voting.
EARLY VOTING DROP BOXES	Each county is permitted one early voting drop box location.	No drop boxes.	40 states (and Washington, D.C.) have ballot drop boxes available in one or more locations, while 10 states do not have drop boxes.
REQUESTING ABSENTEE BALLOTS	Voters can request absentee ballots if they are: 65 and older, disabled/sick, out of the county on Election Day, or are incarcerated but still eligible to vote.	Limits who can request absentee to those who meet a more stringent definition of “disabled.”	Two-thirds of the states allow absentee voting without an excuse.
MAILING BALLOTS AND APPLICATIONS	Mail-in-ballot applications available only if requested and eligibility criteria met. Outside organizations may mail ballot applications.	Election officials are not permitted to send mail-in applications to voters who did not request one. Election officials who mail voting applications without requests from voters subject to felony charges. Outside groups may not mail ballot applications to voters.	45 states do not automatically send ballot applications to registered voters.
VOTE BY MAIL ID REQUIREMENTS	Signature on ballot must match signature on file with the state.	Absentee voters must include driver’s license number or last four digits of Social Security number on ballot request and return to envelopes. If a voter was not issued one of these numbers, they must sign a statement saying so.	Every state requires ID verification: 30 match ballot signature and voter signature on file. <ul style="list-style-type: none"> • 6 states require signature, don’t verify. • 9 states require voter and witness signatures. • 2 states require copy of voter ID. • 3 states require driver’s license number or ID number with ballot.
CONTESTING ELECTION RESULTS	To overturn election results, the contestant must prove “clear and convincing evidence” of voter fraud in court (analogous to standard for criminal prosecutions).	Evidentiary standard to prove fraud lowered to “preponderance of the evidence” (analogous to civil lawsuit standard). If the number of votes illegally cast is greater or equal to the number necessary to change the outcome, appointed election judge can declare the election void.	Laws on contesting elections vary by state. No comprehensive data set available.
POLL WATCHERS	Partisan poll watchers can be “conveniently close” to election workers, but not near in-use voting stations.	Expands access allowing poll watchers “near enough to see and hear” election activity and have “free movement” within a polling place, except near voting stations. Restricting poll watcher movements subject to prosecution.	All 50 states have various requirements regarding partisan poll watchers’ rights, responsibilities, and conduct, but the proposed Texas law would make it the only state to explicitly give poll watchers “free movement” within a polling place.

*Laws and practices as they existed prior to the 2020 COVID emergency