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Here's how Texas elections would change, and become more restrictive, under the bill Texas Republicans are pushing

ALEXA URA APRIL 21, 2021

Like Republicans across the country, Texas lawmakers are pushing to enact sweeping changes to state voting laws, including new restrictions on how and when voters can cast ballots.

At the forefront of that campaign is [Senate Bill 7](#), a legislative priority for Lt. Gov. [Dan Patrick](#) that has already passed the Senate and awaits action in the House. The wide-ranging legislation touches almost the entire voting process, taking particular aim at narrowing the latitude local officials have to control voting. It clamps down on early voting rules and hours, restricts how voters can receive applications to vote by mail and regulates the distribution of polling places in diverse, urban counties.

The original bill has already changed in significant ways — revised to eliminate a provision that would have required some voters to provide proof of a disability to vote by mail. But the 38-page bill would still institute an expansive set of changes and new regulations governing Texas elections.

Below is our analysis of the most significant portions of the legislation, with some added context to help Texans understand some of its key provisions.

Limiting how local officials can expand voting options

In drafting SB 7, Senate Republicans made clear some of its proposed restrictions are meant as a response to voting initiatives implemented by Harris County for the 2020 election, but the proposed new restrictions would apply across the state.

Currently, counties with a population of 100,000 or more must provide at least 12 hours of early voting each weekday of the last week of early voting. In Texas, the early voting period usually runs for the two weeks ahead of Election Day. Hours for that last week of early voting are usually set for 7 a.m. to 7 p.m.

SB 7 would lower that population threshold to 30,000 so more counties would be required to offer more early voting hours between the newly established window of 6 a.m. to 9 p.m. But the legislation also sets a 12-hour cap on how long early voting can run during that week, so polling places that stay open until 9 p.m. would have to open up later in the morning.

This would directly preempt the expanded early voting hours offered in large, diverse counties last year. Harris County pioneered 24 hours of uninterrupted voting at a few polling places for one day. (Local election officials have indicated they hoped to keep the initiative for future elections.) Harris and other large counties like Bexar County, home to San Antonio, also kept their polling places open until 10 p.m. — three hours past the usual 7 p.m. closing time — for at least a few days last year.

SB 7 also attempts to outlaw the sort of drive-thru voting offered by Harris County last year by requiring early voting to occur inside a building, as opposed to a “stationary structure,” as specified in current law. It also prohibits polling places from being located in a “tent or other temporary movable structure or a parking garage, parking lot, or similar facility designed primarily for motor vehicles.”

Harris County first tested drive-thru voting in a summer 2020 primary runoff election with little controversy, but its use of 10 drive-thru polling places for the November general election came under Republican scrutiny.

The county’s drive-thru polling places were mostly set up under large tents. Voters remained in their cars and showed a photo ID and verified their registration before casting ballots on portable voting machines. At the Toyota Center — home of the Houston Rockets — drive-thru voting was located in a garage.

Republicans have argued the arrangements amounted to an illegal expansion of what is known as curbside voting, an option long available in Texas to accommodate people who are unable to enter a polling place without risking their health or without some form of personal assistance. Under this method of voting, posted signs at polling sites typically notify voters to ring a bell, call a number or honk to request curbside assistance.

The county argued its drive-thru locations were separate polling places, distinct from attached curbside spots, and therefore were available to all

voters. Keith Ingram, the chief of elections for the state, had said in an unrelated court hearing that drive-thru voting is “a creative approach that is probably OK legally.”

Drive-thru voting proved popular in Harris County, with 1 in 10 in-person early voters casting their ballots at drive-thru locations. A conservative activist and three Republican candidates sued over the process, but were unsuccessful in convincing a federal judge to throw out those nearly 127,000 votes. The litigation at the time did lead to the voluntary shutdown of nine of the 10 drive-thru locations for Election Day, for which voting is already required to occur inside a building.

SB 7 would target the distribution of polling places in the state’s biggest counties — most of which are under Democratic control and home to a large share of voters of color.

In recent years, county election officials have worked to ditch precinct-based voting on Election Day and instead open up every polling place to all voters regardless of where they live in a county. That model, known as countywide voting, has existed in Texas for many years but [has been taken up most recently by both blue urban metros and Republican-leaning suburbs](#). The 2020 election marked the first major election during which the state’s five largest counties — Harris, Dallas, Tarrant, Bexar and Travis — all operated under the countywide model.

Under SB 7, counties with a population of one million or more that use countywide voting would be subjected to a specific formula for distributing polling places based on the number of registered voters in each state House district within the county. That formula would capture those five, mostly Democratic counties, while the more than 60 other Texas counties that use countywide voting — many of them rural and under Republican control — would remain under the state’s more relaxed rules for polling place distribution.

A formula based on voter registration would likely reduce the number of polling places in House districts represented by Democrats — the vast majority of them people of color serving districts that typically have a larger share of voters of color compared to Republican-held districts — where registration numbers are generally much lower than in districts represented by Republicans. In selecting their polling places, counties generally consider a variety of factors beyond voter registration, including proximity

to public transportation, accessibility for voters with disabilities, past voter turnout and sufficient space to set up voting machines. In urban areas, election officials also look to sites along thoroughfares that see high traffic to make polling places more convenient.

The formula would also apply to the distribution of voting equipment and poll workers, which local officials and advocates have said likely takes away the ability to set up extra-large polling places in stadiums and arenas like those used in November. But the more standard formula could also complicate individual set ups at typically used polling places, including popular polling places located in large venues, where counties generally tailor the setup, including voting machines and check-in stations, based on both space at each location and historical demand.

Requiring paper trails for voting

SB 7 would move all Texas counties toward voting machines that offer a paper trail by producing an auditable paper record of ballots cast. That sort of equipment is already in use in many counties, including some of the state's biggest, that have modernized outdated, paperless voting machines in recent years.

The bill sets a 2026 deadline for all counties to make the switch. The move to require machines with a paper trail has found rare bipartisan support at the Legislature though lawmakers have previously not agreed on how to pay for it. SB 7 sets up a formula for some counties to be reimbursed if they must retrofit recently purchased equipment without a paper trail to comply with the requirement.

Setting new rules for voting by mail

SB 7 would create new restrictions on the distribution of applications to request a mail-in ballot and alter some of the rules used to verify returned ballots. Texas generally has strict rules outlining who can receive a paper ballot that can be filled out at home and returned in the mail or dropped off in person on Election Day. The option is limited to voters who are 65 and older, will be out of the county during the election, are confined in jail but otherwise still eligible or cite a disability or illness that keeps them from voting in person without needing help or without the risk of injuring their health. The proposals follow a pandemic-era election that saw a significant increase in voting by mail, particularly among Democrats.

Restricting the distribution of vote-by-mail applications

SB 7 would prohibit local election officials from distributing applications for mail-in ballots to voters who did not request them. It also prohibits the use of public funds “to facilitate” the unsolicited distribution of applications by third-parties, which would keep counties from also providing applications to local groups helping to get out the vote. Political parties would still be able to send out unsolicited applications on their own dime.

The proposal is a direct response to Harris County’s attempt to proactively send applications to all 2.4 million registered voters last year with specific instructions on how to determine if they were eligible. The Texas Supreme Court ultimately blocked that effort, but other Texas counties sent applications to voters 65 and older without much scrutiny. Though those voters automatically qualify to vote by mail, mailing applications to them in the future would also be blocked.

Local election officials have also raised concerns about a separate provision in the bill that prohibits them from attempting to “solicit a person to complete an application,” which they fear would keep them from offering applications to voters even if they qualify, or even posting about the availability of the vote-by-mail option on social media.

The legislation also changes part of the process for reviewing mail-in ballots by expanding the set of signatures that can be used to decide whether to throw out returned ballots.

Before they are counted, a committee of local election workers examines returned ballots to determine that a voter’s signature on the flap of a ballot envelope matches the endorsement that voter included when applying for the ballot. The committee can also compare it to signatures on file with the county clerk or voter registrar that were made within the last six years. If a mismatch is determined, the ballot is tossed.

Under SB 7, the committee could compare a voter’s signature to “any known signature on file.” This has raised concerns among voting rights advocates and advocates for people with disabilities who worry that it gives untrained workers more room to reject ballots because a person’s signature can change over time.

The state election code does not establish any standards for review for signatures, and Texas offers voters no recourse if their ballot is rejected based on a perceived mismatch.

Creating an online tracker

The bill would also set up an online tracker so voters can keep tabs on the status of an application to vote by mail and the processing of their ballot when it is cast. The state is already required to provide ballot tracking for military and overseas voters, and representatives for the Texas secretary of state's office previously told lawmakers they already planned to establish one for local voters.

Texas is not among the many states that provide voters statewide with the ability to track their ballots, though a few counties have set up their own tracking systems.

Regulating donations to counties

In 2020, the pandemic forced election administrators to reimagine the voting process from socially distanced waiting lines to the sanitization of polling places to new additions, like face shields, to their election checklists. The election also required an increased workforce to keep polls running throughout an extended early voting period.

To help cover the costs of those measures, counties across the state received private funds from organizations distributing donations by Mark Zuckerberg and his wife, Priscilla Chan, and actor and former California governor Arnold Schwarzenegger.

SB 7 would ban direct donations to counties of more than \$1,000 unless they are unanimously approved by the governor, the lieutenant governor and the speaker of the House.

The legislation would set up a new mechanism for the Texas Secretary of State's Office to remove people from voter rolls based on questions about their citizenship status.

Currently, local voter registrars periodically receive lists of people who are excused or disqualified from jury duty because they are not U.S. citizens. Registrars are charged with sending notices to those individuals requesting

proof of citizenship to keep their registrations. SB 7 would broaden that requirement so notices also go to voters "otherwise determined to be ineligible to vote."

That language has raised concerns among voting rights advocates because of its vagueness about how that ineligibility would be determined and the state's previous missteps when it comes to scouring the voter rolls. In 2019, the secretary of state's office [jeopardized the voting rights of tens of thousands of naturalized citizens](#) when it flagged them for review as possible noncitizens based on a flawed database and delivered their names to the Texas Attorney General's Office for investigation. Despite walking back some of its claims after errors in the data were revealed, [Texas only dropped its botched effort months later after being sued](#) by more than a dozen naturalized citizens and voting rights groups.

If a local registrar is found to be out of compliance in sending out those notices, SB 7 also gives the secretary of state the authority to eventually "correct the violation." It also makes registrars liable for a civil penalty of \$100 for each corrected violation.

In 2019, many counties held off on questioning the citizenship of voters flagged by the state. Those that sent out notices [were caught up in the litigation and even blamed by the state](#) for acting too quickly to question voters on their lists, even though local officials followed the state's instructions for reviewing the eligibility of those voters.

Enhancing poll watcher freedom

The legislation would widely broaden access for partisan poll watchers inside polling places. One of the biggest expansions in the bill would give them power to video record voters receiving assistance in filling out their ballots if the poll watcher "reasonably believes" the help is unlawful. Recording inside a polling place, including by voters, is otherwise not allowed.

That provision has drawn particular concerns about possible intimidation of voters who speak languages other than English, as well as voters with intellectual or developmental disabilities who may require assistance through prompting or questioning that could be misconstrued as coercion. Under law, voters can select anyone to help them through the voting process as long as they're not an employer or a union leader.

The bill also adds language to the Texas Election Code to allow poll watchers “free movement” within a polling place, except for being present at a voting station when a voter is filling out their ballot. It also makes it a criminal offense for an election worker to “distance or obstruct the view of a watcher in a way that makes observation reasonably ineffective.”

Currently, poll watchers are entitled to sit or stand “conveniently near” election workers, and it is a criminal offense to prevent them from observing. SB 7 would entitle them to be “near enough to see and hear” the election activity.

Though Republicans have tried to characterize poll watchers as the “eyes and ears of the public,” they are not public watchdogs but instead inherently partisan figures who are appointed by candidates and political parties to serve at polling places.

Requiring the recording of vote counting

Though vote tallying is a crucial step in the democratic process, it’s, frankly, a boring part of it. But under SB 7, live streams of the counting could be coming to a screen near you.

The bill would require video surveillance of what are known as counties’ central counting stations where votes, including mailed ballots, and voting equipment containing vote tallies are delivered and eventually totaled up. The live video would be required for counties with a population of 100,000 or more — aligning the state with requirements already in place in Arizona and initiatives taken up during the last election in places like Philadelphia, Denver and Los Angeles to help build trust in the counting process.

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