



Aug. 12, 2021

ANALYSIS: COMPARISON OF SB1 AND HB3 DURING THE SECOND SPECIAL SESSION

Empowers the attorney general to pursue baseless investigations

| SB 1 | HB 3 |
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| Subjects voters who lawfully move to another county to criminal investigation by the attorney general if they do not inform their prior voter registrar of their move — which is not required by law. This provision will particularly impact voters in the military and college students. | No equivalent provision |

Further restricts voting by mail

| SB 1 | HB 3 |
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| Requires a vote-by-mail (VBM) application and mail ballot to be signed using ink on paper. The application and mail ballot must also include the voter's driver license, social security number, or a statement that the voter lacks these forms of ID. If the information provided does not identify the same voter as identified in their voter registration application, the application or mail ballot will likely be rejected, with an opportunity to cure as explained below. | Same/similar, except that HB requires an exact match for SSN and DL numbers and there is no opportunity to cure as explained below. |

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| Allows voters' signatures on mail ballot applications to be compared to any signature on record, removing requirements that the signature be recent and that it must be compared to at least two signatures to prevent arbitrarily rejecting ballots, especially of older voters and voters with disabilities. | Same/similar |
| Bans public officials from: <ul style="list-style-type: none"> • Soliciting mail ballot applications • Sending out unrequested VBM application • Using public funds for third parties to distribute VBM applications (e.g. League of Women Voters) | Adds a state jail felony to the election code for any public official that: <ul style="list-style-type: none"> • Solicits mail ballot applications (excepting general communications and posting application online) • Sends out unrequested VBM application • Uses public funds for third parties to distribute VBM applications (e.g. League of Women Voters) • Pre-fills any part of the VBM application for voters |
| Contains a cure process for some rejected applications and mail ballots, including where there is an issue with the SSN or DL provided. | Same/similar, except does not include opportunity to cure SSN or DL mismatches. |

Limits when and where people can vote and removes county officials' discretion to set election times

| SB 1 | HB 3 |
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| Bans drive-thru voting. | Same/similar |
| Bans 24-hour and late-night voting used by shift workers in the November 2020 election. | Same/similar |
| Removes county officials' discretion in setting voting hours by generally limiting early voting to between 6 a.m. and 9 p.m. | Removes county officials' discretion in setting voting hours by generally limiting early voting to between 6 a.m. and 10 p.m.; except on Sundays which is limited to 9 a.m. to 10 p.m. |

Makes it more difficult to help voters who need assistance

| SB 1 | HB 3 |
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| Non-family members who drive three or more individuals to the polls must sign a new form. | No equivalent provision. |

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| Anyone who assists a voter must fill out a form listing their contact information, relationship to the voter, and whether they received any form of compensation from a candidate, campaign, or political committee (this applies to in-person and vote-by-mail assistance). | Same/similar |
| Enhances the “oath for assistants” to require an assistant to affirm, under penalty of perjury, that the voter represented to the assistant that the voter is eligible to receive assistance. | Enhances the oath an assistant must take to require an assistant to affirm, under penalty of perjury, that the voter represented to the assistant that the voter is eligible to receive assistance because of a physical disability or an inability to read the ballot language. |
| No equivalent provision. | The oath limits the type of help an assistant can provide a voter by no longer allowing the assistant to answer the voter’s questions and limiting their assistance to reading the ballot, directing the voter to read the ballot, marking the voter’s ballot, or directing the voter to mark the ballot. This prevents voters from receiving assistance in operating the voting machine or even in navigating the polling place. |
| The oath prevents an assistant from “encourag[ing],” “pressur[ing]” or “coerc[ing]” a voter to choose them. The ban on encouragement limits many legal and unobjectionable forms of assistance such as when a voter’s loved one proactively offers their assistance. | The oath prevents an assistant from “pressur[ing] or “coerc[ing]” the voter into choosing the assistant. |
| No equivalent provision (but specifies that the oath is taken under penalty of perjury) | Adds a state jail felony for violations of the oath and for offering, soliciting, or receiving compensation to assist voters with voting by mail. |

Empowers partisan poll watchers

| SB 1 | HB 3 |
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| Allows watchers “free movement” in the polling place and entitles them to position themselves near enough to see and hear election activity. | Same/similar |
| No equivalent provision. | Prevents election judges from removing watchers for violating the Election Code or |

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| | Penal Code unless they have been previously warned and their conduct was witnessed by election staff (one-time free pass for voter intimidation) |
| Makes it an offense (Class A) for an election worker to knowingly refuse a watcher's presence in the polling place. | Makes it an offense (Class B) for an election worker to knowingly refuse a watcher's presence in the polling place |
| Makes it an offense (Class A) to obstruct a watcher. | Same/similar |
| Allows watchers or candidates who appointed the watcher, who believe they were wrongfully refused or obstructed, to seek injunctive relief and other remedies through the courts. | Allows the appointing authority for watchers who believe that were wrongfully refused or obstructed to seek injunctive relief and other remedies through the courts |
| Requires watchers to take an oath that they will not disrupt the voting process or harass voters. | Same/similar |
| Requires each watcher to be provided with a copy of the training manual, but does not require that the watcher read the manual or receive instruction on it. | No equivalent provision. |

Adds vague criminal and civil offenses

| SB 1 | HB 3 |
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| Adds a third-degree felony for poorly defined "vote harvesting services," which could be interpreted to include normal, in-person campaign activity. | Same/similar |
| Threatens election workers with loss of their government employment and pension for unintentional mistakes. | No equivalent provision. |