

VISAGE REPORT: Texas House Bill 3080

GRADE: B

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**LOOK
AHEAD
AMERICA**
THE VOTER INTEGRITY PROJECT

Voter Integrity Summary, Analysis, Grading and Evaluation (VISAGE) Report Method

The Voter Integrity Summary, Analysis, Grading and Evaluation (VISAGE) Report has four major components: Summarizing the overall bill, Analyzing each section of the bill, Grading each section of the bill using Look Ahead America's six objectives for voter integrity reform, and Evaluating the overall bill.

Using Look Ahead America's six objectives for voter integrity reform, the Research Group grades the bill with a letter ranking from A to F in each of the following areas followed by an overall grade:

1. Thumbprint Authentication of Absentee Ballots.
2. Mandated and Public Voter List Hygiene.
3. Ban on the Use of "Black Box" Voting Equipment.
4. Appointment of a Citizens Elections Supervisory Committee.
5. Creation and Sufficient Funding for a Dedicated Voter Fraud Investigation Division within the State's Attorney General's Office.
6. Equitable Distribution of Private Contributions to Election Operations.

You can find additional information about these six objectives at Look Ahead America's website: <https://lookaheadamerica.org/integrity/>

Summary of TX H.B. 3080

In 2020 the United States of America, faced with COVID-19, saw a dramatic increase in vote-by-mail ballots. Yet, COVID-19 did not deter voters as approximately 155 million people voted,¹ of which approximately 69% - 107 million - voted by mail.² This represents a significant increase from 2016, in which only 40% of voters voted by mail. 2020 also brought about claims of voter fraud on a massive scale. While sensational levels of fraud may seem unlikely, voter fraud indeed occurs.

Because of the hotly contested 2020 election many states with both Republican and Democrat legislatures began introducing a flurry of new bills aimed at changing election laws. In Texas, State Representative Tom Oliverson (R) introduced H.B. 3080 on March 3, 2021. This act intends to remedy voter fraud vulnerabilities in the current mail-in ballot process.

As of April 27, 2021, the Committee on Calendars received the bill for review.

Although Look Ahead America has summarized this bill, its details can be found at <https://capitol.texas.gov/BillLookup/History.aspx?LegSess=87R&Bill=HB3080>

¹ DeSilver, D. (2021, January 28). *Turnout soared in 2020 as nearly two-thirds of eligible U.S. voters cast ballots for president*. Pew Research Center. <https://www.pewresearch.org/fact-tank/2021/01/28/turnout-soared-in-2020-as-nearly-two-thirds-of-eligible-u-s-voters-cast-ballots-for-president/>

² U.S. Census Bureau. (2021, April 29). *What Methods Did People Use to Vote in the 2020 Election?* The United States Census Bureau. <https://www.census.gov/library/stories/2021/04/what-methods-did-people-use-to-vote-in-2020-election.html>

Analysis of the TX H.B. 3080 Sections

Section 1

H.B. 3080 will create a new section in the election code that will:

- A. Create an offense for anyone who provides or mails an application form for an early voting ballot to a person who did not solicit the form.
- B. Define the offense as a Class A misdemeanor.

Section 2

H.B. 3080 will amend a section of the Election Code by adding a subsection that requires the clerk to include with the balloting materials a card containing space for the voter to place the voter's right thumbprint and sign the card.

Section 3

H.B. 3080 will amend a section of the Election Code by updating a subsection to include the requirement that the voter insert the card defined in Section 2 above into the carrier envelope along with the marked official ballot.

Section 4

H.B. 3080 will amend a subchapter of the Election Code by adding a section that requires the Secretary of State to 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 that the Secretary of State deems appropriate. The section further requires that state agencies cooperate with the Secretary of State in this endeavor.

Section 5

H.B. 3080 will amend sections of the Election Code regarding requirements surrounding the acceptance of a ballot. There are some minor grammar updates, and there are two new additions to the requirements:

- A. The carrier envelope must contain the new card described in Section 2 above.
- B. The new card in Section 2 above must only be used to assist in signature/voter determination.

Grading TX H.B. 3080

1. Thumbprint Authentication of Absentee Ballots: B

H.B. 3080 makes great strides in approaching the first goal of LAA. It introduces a thumbprint card with a signature requirement for use in all vote-by-mail ballots. This step takes great strides in eliminating vote-by-mail ballot fraud because it can easily detect whether an individual has cast multiple ballots. However, this law does not require the thumbprint be taken at the time of voter registration. Instead, it requires the Secretary of State to work with other state agencies to develop and maintain a thumbprint database. It will take time to develop the thumbprint database in the office of the Secretary of State. At this time, it does not suggest any sort of encryption of the thumbprints. Since the thumbprint capturing process will likely take time to implement, the simple requirement of adding the signature and thumbprint card seems like a necessary first step.

2. Mandated and Public Voter List Hygiene: N/A

3. Ban on the Use of “Black Box” Voting Equipment: N/A

4. Appointment of a Citizens Elections Supervisory Committee: N/A

5. Creation and sufficient Funding for a Dedicated Voter Fraud Investigation Division within the State’s Attorney General’s Office: N/A

6. Equitable Distribution of Private Contributions to Election Operations: N/A

Evaluation of TX H.B. 3080

Texas House Bill 3080 aims to remedy voter fraud vulnerabilities in the current mail-in ballot process.

While this bill only addresses one of the six Look Ahead America policy objectives for voter integrity reform, it likely will become part of a larger voter integrity reform bill which the Research Group will subsequently evaluate. Therefore, the Research Group only graded it on that area it addresses and awarded it a B for being a good start and leading the nation on a vital reform.

Adding a thumbprint to the ballot is a great first step, although much work remains to bring this score up to an A+.

How to Help

Only when more people get involved, will meaningful, impactful change occur. This means less talking and more doing. That's how Look Ahead America will positively impact election reform.

[Support Look Ahead America by signing up to volunteer or by making a financial contribution at https://www.lookaheadamerica.org.](https://www.lookaheadamerica.org)