

No. 20-20574

**In the United States Court of Appeals
For the Fifth Circuit**

Steven F. Hotze, M.D.; Wendell Champion; Honorable Steve Toth; Sharon Hemphill,

Plaintiffs - Appellants

v.

Teneshia Hudspeth, in her official capacity as Harris County Clerk,

Defendant - Appellee

Andrea Chilton Greer; Yekaterina Snezhkova; Joy Davis-Harasemay; Diana Untermeyer;
Michelle Covard; Karen Vidor; Malkia Hutchinson-Arvizu; Anton Montano;
Helen Shelton; Elizabeth Furler; Alan Mauk; Jenn Rainey; Brian Singh; Mary Bacon;
Kimberly Phipps-Nichol; Nyguen Griggs; Nelson Vanegas; Jessica Goodspero;
Amy Ashmore; Richard Frankel; Elaine Frankel; Ryan Frankel; Celia Veselka;
Sergio Aldana; Russell "Rusty" Hardin; Douglas Moll; Carey Jordan; Christina Massara;
Jerelyn M. Gooden; Stanley G. Schneider; Mary Currie; Carlton Currie, Jr.;
Jekaya Simmons; Daniel Coleman; David Hobbs; Bettye Hobbs,

Intervenor Defendants - Appellees

Appeal from the United States District Court for the
Southern District of Texas, Houston Division; No. 4:20-CV-3709

**SUPPLEMENTAL BRIEF OF DEFENDANT-APPELLEE
TENESHIA HUDSPETH, IN HER OFFICIAL CAPACITY AS HARRIS COUNTY CLERK**

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IN HER OFFICIAL CAPACITY AS HARRIS COUNTY CLERK**

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INTRODUCTION

The Court's inquiry regarding the significance of S.B. 1 requires attention to both the effective date and the plain language of the new law. Appellants ignore the text of the statute, an oversight Appellees correct in this supplemental brief.

S.B. 1 will take effect on December 2, 2021. *See* S.B. 1 § 10.4 (Ex. A). Until then, the law is unchanged. *Id.* § 10.3(b). After that date, S.B. 1 forecloses drive-through voting on Election Day and in “movable structures” in early voting, but appears to authorize drive-through voting in “buildings” in early voting.

1. Section 3.04 of S.B. 1 amends Section 43.031(b) of the Election Code (which governs Election Day voting) to state that “[n]o voter may cast a vote from inside a motor vehicle unless the voter meets the requirements of Section 64.009” (the “curbside voting” statute discussed in the briefs). S.B. 1 § 3.04 (Ex. A).

2. Section 3.13 of S.B. 1 amends Section 85.062(b) of the Election Code (which governs early voting) to state that a polling place “may be located inside any building.” S.B. 1 § 3.13 (Ex. A). The new law substitutes the term “building” for “stationary structure” in the prior law and states that a polling place may “not” be located in a “movable structure” in certain elections (*i.e.*, a general election for state and county officers, a general primary election, or a runoff primary election). *Id.* In contrast to Section 3.04, Section 3.13 does not include an express prohibition against voting “from inside a motor vehicle” during the early voting period.

When read as a whole, Section 3.13 indicates that the new law eliminates drive-through voting only in “movable structures” during the early voting period—but not in “buildings.”

First, when the legislature “amends one statutory provision but not another, it is presumed to have acted intentionally.” *Gross v. FBL Financial Servs., Inc.*, 557 U.S. 167, 174 (2009). In such cases, courts “normally assume the differences in language imply differences in meaning.” *Comcast Corp. v. Nat’l Ass’n of African Am.-Owned Media*, 140 S. Ct. 1009, 1018 (2020).

Second, this inference is reinforced by the fact that early versions of S.B. 1 included specific language that would have prohibited drive-through voting during the early voting period except under very limited circumstances. *See* Ex. B § 2.11 (introduced version); Ex. C § 2.10 (engrossed version). Notably, that language was omitted from the final bill, indicating that the Legislature chose not to prohibit drive-through voting entirely in the early voting period. *Gross*, 557 U.S. at 174-75.

Third, substituting the term “building” for the term “stationary structure” and prohibiting polling places in “movable structures” does not, standing alone, prohibit drive-through voting in the early voting period. *See* Hollins Br. at 38-39. At a minimum, drive-through voting polling places can be located in permanent, brick-and-mortar buildings—such as the Toyota Center parking garage used in the November 2020 election. *Id.* at 6, 9, 39. S.B. 1 appears to validate this approach.

ARGUMENT

Appellants' supplemental brief contends the passage of S.B. 1 does not moot their appeal for two essential reasons: (1) the law does not take effect until after the November 2021 election and the new Harris County Elections Administrator has stated an intention to conduct drive-through voting during the early voting period in that election, and (2) the law may be enjoined by other courts in other litigation, preventing it from taking effect on December 2, 2021. Neither of these arguments saves this appeal from dismissal.

I. S.B. 1 does not affect the justiciability of the complaints in this appeal with respect to the November 2021 election.

As Appellants observe, S.B. 1 will not take effect until December 2, 2021. *See* S.B. 1 § 10.4 (Ex. A). Until then, the law is unchanged. *Id.* § 10.3(b). Thus, S.B. 1 has no effect on the November 2021 election—and the newly-appointed Harris County Elections Administrator has publicly stated an intention to conduct drive-through voting in that election using the same measures as in prior elections. *See* Appellants' Supp. Br. at 1-2; *see also* www.harrisvotes.com/FAQ/SB1FAQ (last viewed September 20, 2021). Nevertheless, this appeal is not justiciable.

First, the November 2021 election does not include Congressional offices. Thus, the fact that S.B. 1 does not take effect until after the election has no effect on Appellants' principal claim for violation of the Elections Clause. That claim, originally directed at the November 2020 election, is plainly moot.

Second, to the extent Appellants wish to assert their equal protection claim despite the adoption of S.B. 1, that claim is moot with respect to Election Day because Appellants have identified no reason to believe that drive-through voting will be used on Election Day. With respect to the new Elections Administrator's public announcements about drive-through voting during the early voting period (*i.e.*, the same measures used previously), *see* Tex. Election Code § 31.043(2)-(3),¹ this Court has no record documenting official actions of the Commissioners Court, *see* Tex. Election Code § 85.062,² locations of drive-through voting polling places, or any other facts necessary to adjudicate a new equal protection claim. Indeed, Appellants seek to enjoin an official who no longer has authority over elections, foreclosing redressability. *See Lujan v. Defs. of Wildlife*, 504 U.S. 555, 568-71 (1992); *Okpalobi v. Foster*, 244 F.3d 405, 426-27 (5th Cir. 2001) (*en banc*); *Machete Prod., L.L.C. v. Page*, 809 F.3d 281, 289 n.4 (5th Cir. 2015).

Any dispute regarding drive-through voting in the November 2021 election should be brought in a new lawsuit, directed at the proper officials, and based on a record developed with reference to the particular circumstances of that election.

¹ *See* <https://www.sos.state.tx.us/elections/voter/county.shtml#H> (last viewed Sept. 15, 2021) (listing the Harris County Elections Administrator as the elections official for Harris County); *Swindol v. Aurora Flight Scis. Corp.*, 805 F.3d 516, 518-19 (5th Cir. 2015) (holding the Court may take judicial notice of the Secretary of State's website).

² *See* <https://www.sos.state.tx.us/elections/laws/countywide-polling-place-program.shtml> (last viewed Sept. 15, 2021) (including Harris County in the Countywide Polling Place Program).

II. S.B. 1 does not support an exception from the mootness doctrine with respect to elections after its effective date.

Appellants also suggest their appeal is not moot, even after the effective date of S.B. 1, because some federal or state court “may very well enjoin this new law.” Appellants’ Supp. Br. at 3. Such speculation is not an exception to mootness.

Appellants cite no official statement by any Harris County official declaring an intention to conduct drive-through voting in elections after December 2, 2021. Because election officials have “not made it plain” that drive-through voting will be conducted in future elections, this case is moot. *Libertarian Party v. Dardenne*, 595 F.3d 215, 218 (5th Cir. 2010). At best, Appellants have demonstrated only that Harris County decisionmakers “will have an opportunity to act in the same allegedly unlawful manner in the future,” *id.* at 217, which is “insufficient to meet their burden under the ‘capable of repetition’ prong.” *Id.* (citation omitted); *accord Lopez v. City of Houston*, 617 F.3d 336, 340-41 (5th Cir. 2010).

As for Appellants’ speculation that S.B. 1 may be enjoined, it is settled that a “mere physical or theoretical possibility” that a controversy may recur in the future is not sufficient to avoid mootness. *Murphy v. Hunt*, 455 U.S. 478, 482 (1982); *accord Spell v. Edwards*, 962 F.3d 175, 180 (5th Cir. 2020). And if the legality of drive-through voting in “buildings” during future early voting periods is contested, the legality of that practice should be decided in litigation focused on the new law, with a record developed for that purpose and a lower-court ruling to review.

Respectfully submitted,

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**ATTORNEYS FOR APPELLEE,
TENESHIA HUDSPETH, IN HER OFFICIAL
CAPACITY AS HARRIS COUNTY CLERK**

CERTIFICATE OF SERVICE

I hereby certify that on September 20, 2021, I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Fifth Circuit by using the CM/ECF system, thereby providing service on all parties. I certify that all participants in the case are registered CM/ECF users.

/s/ Russell S. Post

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TAB A

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1 AN ACT

2 relating to election integrity and security, including by
3 preventing fraud in the conduct of elections in this state;
4 increasing criminal penalties; creating criminal offenses.

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

6 ARTICLE 1. GENERAL PROVISIONS

7 SECTION 1.01. SHORT TITLE. This Act may be cited as the
8 Election Integrity Protection Act of 2021.

9 SECTION 1.02. PURPOSE. The purpose of this Act is to
10 exercise the legislature's constitutional authority under Section
11 4, Article VI, Texas Constitution, to make all laws necessary to
12 detect and punish fraud.

13 SECTION 1.03. FINDINGS. The legislature finds that:

14 (1) full, free, and fair elections are the
15 underpinnings of a stable constitutional democracy;

16 (2) fraud in elections threatens the stability of a
17 constitutional democracy by undermining public confidence in the
18 legitimacy of public officers chosen by election;

19 (3) reforms are needed to the election laws of this
20 state to ensure that fraud does not undermine the public confidence
21 in the electoral process;

22 (4) the reforms to the election laws of this state made
23 by this Act are not intended to impair the right of free suffrage
24 guaranteed to the people of Texas by the United States and Texas

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1 Constitutions, but are enacted solely to prevent fraud in the
2 electoral process and ensure that all legally cast ballots are
3 counted. Integral to the right to vote is the assurance of voter
4 access and the right for all votes legally cast to be counted;

5 (5) additionally, preventing a valid vote from being
6 counted violates the basic constitutional rights guaranteed to each
7 citizen by the United States Constitution; and

8 (6) providing for voter access and increasing the
9 stability of a constitutional democracy ensures public confidence
10 in the legitimacy of public officers chosen by election.

11 SECTION 1.04. Chapter 1, Election Code, is amended by
12 adding Section 1.0015 to read as follows:

13 Sec. 1.0015. LEGISLATIVE INTENT. It is the intent of the
14 legislature that the application of this code and the conduct of
15 elections be uniform and consistent throughout this state to reduce
16 the likelihood of fraud in the conduct of elections, protect the
17 secrecy of the ballot, promote voter access, and ensure that all
18 legally cast ballots are counted.

19 SECTION 1.05. Section 1.003, Election Code, is amended by
20 adding Subsection (a-1) to read as follows:

21 (a-1) Election officials and other public officials shall
22 strictly construe the provisions of this code to effect the intent
23 of the legislature under Section 1.0015.

24 SECTION 1.06. Section 1.005, Election Code, is amended by
25 amending Subdivision (4-a) and adding Subdivision (4-b) to read as
26 follows:

27 (4-a) "Election official" means:

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- 1 (A) a county clerk;
- 2 (B) a permanent or temporary deputy county clerk;
- 3 (C) an elections administrator;
- 4 (D) a permanent or temporary employee of an
5 elections administrator;
- 6 (E) an election judge;
- 7 (F) an alternate election judge;
- 8 (G) an early voting clerk;
- 9 (H) a deputy early voting clerk;
- 10 (I) an election clerk;
- 11 (J) the presiding judge of an early voting ballot
12 board;
- 13 (K) the alternate presiding judge of an early
14 voting ballot board;
- 15 (L) a member of an early voting ballot board;
- 16 (M) the chair of a signature verification
17 committee;
- 18 (N) the vice chair of a signature verification
19 committee;
- 20 (O) a member of a signature verification
21 committee;
- 22 (P) the presiding judge of a central counting
23 station;
- 24 (Q) the alternate presiding judge of a central
25 counting station;
- 26 (R) a central counting station manager;
- 27 (S) a central counting station clerk;

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(T) a tabulation supervisor;

(U) an assistant to a tabulation supervisor; and

(V) a chair of a county political party holding a primary election or a runoff primary election.

(4-b) "Federal judge" means:

(A) a judge, former judge, or retired judge of a United States court of appeals;

(B) a judge, former judge, or retired judge of a United States district court;

(C) a judge, former judge, or retired judge of a United States bankruptcy court; or

(D) a magistrate judge, former magistrate judge, or retired magistrate judge of a United States district court.

SECTION 1.07. Section 1.018, Election Code, is amended to read as follows:

Sec. 1.018. APPLICABILITY OF PENAL CODE. In addition to Section 1.03, Penal Code, and to other titles of the Penal Code that may apply to this code, Titles 2 and [Title] 4, Penal Code, apply ~~[applies]~~ to offenses prescribed by this code.

SECTION 1.08. Chapter 1, Election Code, is amended by adding Section 1.022 to read as follows:

Sec. 1.022. REASONABLE ACCOMMODATION OR MODIFICATION. A provision of this code may not be interpreted to prohibit or limit the right of a qualified individual with a disability from requesting a reasonable accommodation or modification to any election standard, practice, or procedure mandated by law or rule that the individual is entitled to request under federal or state

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1 law.

2 ARTICLE 2. REGISTRATION OF VOTERS

3 SECTION 2.01. Section 13.002, Election Code, is amended by
4 adding Subsection (c-1) to read as follows:

5 (c-1) The information required under Subsections (c)(3),
6 (4), (5), (6), and (8) must be supplied by the person desiring to
7 register to vote.

8 SECTION 2.02. Section 13.007, Election Code, is amended to
9 read as follows:

10 Sec. 13.007. FALSE STATEMENT ON APPLICATION. (a) A person
11 commits an offense if the person knowingly or intentionally:

12 (1) makes a false statement; or
13 (2) requests, commands, coerces, or attempts to induce
14 another person to make a false statement on a registration
15 application.

16 (b) An offense under this section is a Class A ~~[B]~~
17 misdemeanor, except that an offense under this section is a state
18 jail felony if the person:

19 (1) directly or through a third party offers or
20 provides compensation or other benefit to a person for activity
21 described by Subsection (a); or

22 (2) solicits, receives, or accepts compensation or
23 other benefit for an activity described by Subsection (a).

24 (c) If conduct that constitutes an offense under this
25 section also constitutes an offense under another law, the actor
26 may be prosecuted under this section, the other law, or both. [For
27 purposes of this code, an offense under this section is considered

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~~to be perjury, but may be prosecuted only under this section.]~~

SECTION 2.03. Section 15.021, Election Code, is amended by amending Subsections (b) and (d) and adding Subsections (d-1) and (d-2) to read as follows:

(b) Except as provided by Subsection (d), the ~~[The]~~ voter shall use the registration certificate or a registration application form as the notice, indicating the correct information in the appropriate space on the certificate or application form unless the voter does not have possession of the certificate or an application form at the time of giving the notice.

(d) A voter ~~[who continues to reside in the county in which the voter is registered]~~ may correct information under this section by digital transmission of the information under a program administered by the secretary of state and the Department of Information Resources.

(d-1) If the notice indicates that a voter no longer resides in the county in which the voter is registered, the registrar shall forward the notice and the voter's application for registration to the registrar of the county in which the voter resides. The registrars shall coordinate to ensure that the voter's existing registration is canceled immediately after the voter is registered in the county in which the voter resides in accordance with Subsection (d-2).

(d-2) A registrar who receives a voter's notice and application from another registrar under Subsection (d-1) shall treat it as an original application for registration under Section 13.002, and shall register the voter if the voter resides in the

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1 county and is otherwise eligible under Section 13.001.

2 SECTION 2.04. Section 15.028, Election Code, is amended to
3 read as follows:

4 Sec. 15.028. NOTICE OF UNLAWFUL VOTING OR REGISTRATION ~~[TO~~
5 ~~PROSECUTOR]~~. ~~[(a)]~~ If the registrar determines that a person who
6 is not eligible to vote registered to vote or ~~[a registered voter]~~
7 voted in an election, the registrar shall, within 72 hours not
8 including weekends after making the determination, execute and
9 deliver to the attorney general, the secretary of state, and the
10 county or district attorney having jurisdiction in the territory
11 covered by the election an affidavit stating the relevant facts.

12 ~~[(b) If the election covers territory in more than one~~
13 ~~county, the registrar shall also deliver an affidavit to the~~
14 ~~attorney general.]~~

15 SECTION 2.05. Section 16.0332, Election Code, is amended
16 by amending Subsection (a) and adding Subsections (a-1), (d), and
17 (e) to read as follows:

18 (a) After the registrar receives notification ~~[a list]~~
19 under Subsection (a-1) of this section, Section 18.068 of this
20 code, or Section 62.113, Government Code, of persons excused or
21 disqualified from jury service because of citizenship status or
22 notification of persons who indicate a lack of citizenship status
23 in connection with a motor vehicle or Department of Public Safety
24 record as provided by Subsection (a-1), the registrar shall deliver
25 to each registered voter whose name appears on the list a written
26 notice requiring the voter to submit to the registrar proof of
27 United States citizenship in the form of a certified copy of the

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1 voter's birth certificate, United States passport, or certificate
2 of naturalization or any other form prescribed by the secretary of
3 state. The notice shall be delivered by forwardable mail to the
4 mailing address on the voter's registration application and to any
5 new address of the voter known to the registrar.

6 (a-1) The secretary of state shall enter into an agreement
7 with the Department of Public Safety under which information in the
8 existing statewide computerized voter registration list is
9 compared against information in the database of the Department of
10 Public Safety on a monthly basis to verify the accuracy of
11 citizenship status information previously provided on voter
12 registration applications. In comparing information under this
13 subsection, the secretary of state shall consider only a voter's
14 information in the database of the Department of Public Safety that
15 was derived from documents presented by the voter to the department
16 after the person's current voter registration became effective, and
17 may not consider information derived from documents presented by
18 the voter to the department before the person's current voter
19 registration became effective.

20 (d) The secretary of state shall prescribe rules for the
21 administration of this section.

22 (e) Not later than December 31 of each year, the secretary
23 of state shall provide a report to the legislature of the number of
24 voter registrations canceled under this section during the calendar
25 year.

26 SECTION 2.06. Section 18.065, Election Code, is amended by
27 adding Subsections (e), (f), (g), (h), and (i) to read as follows:

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1 (e) If the secretary of state determines that a voter
2 registrar is not in substantial compliance with a requirement
3 imposed on the registrar by a provision or rule described in
4 Subsection (a), the secretary of state shall:

5 (1) for the first violation, require the registrar to
6 attend a training course under Subsection (h);

7 (2) for the second violation, audit the voter
8 registration list for the county in which the registrar serves to
9 determine the actions needed to achieve substantial compliance
10 under Subsection (a) and provide the results of the audit to the
11 registrar; or

12 (3) for a third or subsequent violation, if the
13 secretary of state determines that the registrar has not performed
14 any overt actions in pursuance of compliance with the actions
15 identified under Subdivision (2) as necessary for the registrar to
16 achieve substantial compliance under Subsection (a) within 14 days
17 of receiving the results of the audit conducted under that
18 subsection, inform the attorney general that the county which the
19 registrar serves may be subject to a civil penalty under Subsection
20 (f).

21 (f) A county is liable to this state for a civil penalty of
22 \$1,000 for each day after the 14th day following the receipt of the
23 results of the audit conducted under Subsection (e)(2) that the
24 county's voter registrar fails to take overt action to comply with
25 the actions identified under that subsection as necessary for the
26 registrar to achieve substantial compliance under Subsection (a).
27 The attorney general may bring an action to recover a civil penalty

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1 imposed under this section.

2 (g) A civil penalty collected by the attorney general under
3 this section shall be deposited in the state treasury to the credit
4 of the general revenue fund.

5 (h) The secretary of state shall develop and implement a
6 training course for registrars on substantial compliance with
7 Sections 15.083, 16.032, and 18.061 and with rules implementing the
8 statewide computerized voter registration list.

9 (i) The secretary of state shall adopt rules and prescribe
10 procedures for the implementation of this section.

11 SECTION 2.07. Section 18.068, Election Code, is amended by
12 amending Subsection (a) and adding Subsection (a-1) to read as
13 follows:

14 (a) The secretary of state shall quarterly compare the
15 information received under Section 16.001 of this code and Sections
16 ~~[Section]~~ 62.113 and 62.114, Government Code, to the statewide
17 computerized voter registration list. If the secretary determines
18 that a voter on the registration list is deceased or has been
19 excused or disqualified from jury service because the voter is not a
20 citizen or a resident of the county in which the voter is registered
21 to vote, the secretary shall send notice of the determination
22 to the voter registrar of the counties considered appropriate by
23 the secretary.

24 (a-1) The secretary of state is not required to send notice
25 under Subsection (a) for a voter who is subject to an exemption from
26 jury service under Section 62.106, Government Code, if that
27 exemption is the only reason the voter is excused from jury service.

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SECTION 2.08. Section 31.006, Election Code, is amended to read as follows:

Sec. 31.006. REFERRAL ~~[OF COMPLAINT]~~ TO ATTORNEY GENERAL.

(a) If, after receiving or discovering information indicating that ~~[a complaint alleging]~~ criminal conduct in connection with an election has occurred, the secretary of state determines that there is reasonable cause to suspect that ~~[the alleged]~~ criminal conduct occurred, the secretary shall promptly refer the information ~~[complaint]~~ to the attorney general. The secretary shall deliver to the attorney general all pertinent documents and information in the secretary's possession.

(b) The documents and information submitted under Subsection (a) are not considered public information until:

(1) the secretary of state makes a determination that the information ~~[complaint]~~ received does not warrant an investigation; or

(2) if referred to the attorney general, the attorney general has completed the investigation or has made a determination that the information ~~[complaint]~~ referred does not warrant an investigation.

SECTION 2.09. Subchapter B, Chapter 87, Election Code, is amended by adding Section 87.028 to read as follows:

Sec. 87.028. ACCESS TO INFORMATION. (a) On request, a county election official shall provide to a member of an early voting ballot board all available information necessary to fulfilling the functions of the board, including any information from the statewide computerized voter registration list under

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1 Section 18.061.

2 (b) On request, a county election official shall provide to
3 a member of a signature verification committee all available
4 information necessary to fulfilling the functions of the committee,
5 including any information from the statewide computerized voter
6 registration list under Section 18.061.

7 (c) The secretary of state shall adopt rules as necessary to
8 prevent a member of an early voting ballot board or signature
9 verification committee from retaining or sharing personally
10 identifiable information from the statewide computerized voter
11 registration list under Section 18.061 obtained under this section
12 for any reason unrelated to the official's official duties.

13 SECTION 2.10. Section 62.113(b), Government Code, is
14 amended to read as follows:

15 (b) On the third business day of each month, the clerk shall
16 send a copy of the list of persons excused or disqualified because
17 of citizenship in the previous month to:

18 (1) the voter registrar of the county;
19 (2) the secretary of state; and
20 (3) the county or district attorney~~[, as applicable,]~~
21 for an investigation of whether the person committed an offense
22 under Section 13.007, Election Code, or other law.

23 SECTION 2.11. Sections 62.114(b) and (c), Government Code,
24 are amended to read as follows:

25 (b) On the third business day of each month, the clerk shall
26 send ~~[to the voter registrar of the county]~~ a copy of the list of
27 persons excused or disqualified in the previous month because the

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persons do not reside in the county to:

(1) the voter registrar of the county; and

(2) the secretary of state.

(c) A list compiled under this section may not be used for a purpose other than a purpose described by Subsection (b) or Section 15.081 or 18.068, Election Code.

ARTICLE 3. CONDUCT AND SECURITY OF ELECTIONS

SECTION 3.01. Section 2.053(a), Election Code, is amended to read as follows:

(a) On receipt of the certification, the governing body of the political subdivision by order or ordinance shall ~~may~~ declare each unopposed candidate elected to the office. If no election is to be held on election day by the political subdivision, a copy of the order or ordinance shall be posted on election day at each polling place used or that would have been used in the election.

SECTION 3.02. Section 2.056(c), Election Code, is amended to read as follows:

(c) A certifying authority shall ~~may~~ declare a candidate elected to an office of the state or county government if, were the election held, only the votes cast for that candidate in the election for that office may be counted.

SECTION 3.03. Sections 43.007(c) and (d), Election Code, are amended to read as follows:

(c) In conducting the program, the secretary of state shall provide for an audit of the voting system equipment ~~direct recording electronic voting units~~ before and after the election, and during the election to the extent such an audit is practicable.

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(d) The secretary of state shall select to participate in the program each county that:

(1) has held a public hearing under Subsection (b);

(2) has submitted documentation listing the steps taken to solicit input on participating in the program by organizations or persons who represent the interests of voters;

(3) has implemented a computerized voter registration list that allows an election officer at the polling place to verify that a voter has not previously voted in the election;

(4) uses direct recording electronic voting machines, ballot marking devices, or hand-marked scannable paper ballots that are printed and scanned at the polling place or any other type of voting system equipment that the secretary of state determines is capable of processing votes for each type of ballot to be voted in the county; and

(5) is determined by the secretary of state to have the appropriate technological capabilities.

SECTION 3.04. Section 43.031(b), Election Code, is amended to read as follows:

(b) Each polling place shall be located inside a building. No voter may cast a vote from inside a motor vehicle unless the voter meets the requirements of Section 64.009.

SECTION 3.05. Section 52.092(a), Election Code, is amended to read as follows:

(a) Except as provided by Section 2.053(c) or 2.056(e), for ~~For~~ an election at which offices regularly filled at the general election for state and county officers are to appear on the ballot,

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the offices shall be listed in the following order:

(1) offices of the federal government;

(2) offices of the state government:

(A) statewide offices;

(B) district offices;

(3) offices of the county government:

(A) county offices;

(B) precinct offices.

SECTION 3.06. Section 61.002, Election Code, is amended to read as follows:

Sec. 61.002. OPENING AND CLOSING POLLING PLACE FOR VOTING.

(a) Immediately before opening the polls for voting on the first day of early voting and on election day, the presiding election judge or alternate election judge shall confirm that each voting machine has any public counter reset to zero and shall print the tape that shows the counter was set to zero for each candidate or measure on the ballot.

(b) At the official time for opening the polls for voting, an election officer shall open the polling place entrance and admit the voters.

(c) Immediately after closing the polls for voting on election day, the presiding election judge or alternate election judge shall print the tape to show the number of votes cast for each candidate or ballot measure for each voting machine.

(d) Each election judge or alternate election judge present shall sign a tape printed under this section.

SECTION 3.07. Section 64.007(c), Election Code, is amended

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1 to read as follows:

2 (c) An election officer shall maintain a register of spoiled
3 ballots at the polling place. An election officer shall enter on
4 the register the name of each voter who returns a spoiled ballot and
5 the spoiled ballot's number. The secretary of state shall create
6 and promulgate a form to be used for this purpose.

7 SECTION 3.08. Subchapter A, Chapter 66, Election Code, is
8 amended by adding Section 66.004 to read as follows:

9 Sec. 66.004. POLLING PLACE CHECKLISTS. The secretary of
10 state shall adopt rules and create a checklist or similar
11 guidelines to assist the presiding judge of a polling place in
12 processing forms and conducting procedures required by this code at
13 the opening and closing of the polling place.

14 SECTION 3.09. Section 85.005, Election Code, is amended to
15 read as follows:

16 Sec. 85.005. REGULAR DAYS AND HOURS FOR VOTING. (a) Except
17 as provided by Subsection (c), in an election in which a county
18 clerk ~~[or city secretary]~~ is the early voting clerk under Section
19 83.002 ~~[or 83.005]~~, early voting by personal appearance at the main
20 early voting polling place shall be conducted on each weekday of
21 ~~[the weekdays of]~~ the early voting period that is not a legal state
22 holiday and for a period of at least nine hours, except that voting
23 may not be conducted earlier than 6 a.m. or later than 10 p.m.
24 ~~[during the hours that the county clerk's or city secretary's main~~
25 ~~business office is regularly open for business.]~~

26 (b) In an election to which Subsection (a) does not apply,
27 early voting by personal appearance at the main early voting

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1 polling place shall be conducted at least nine [~~eight~~] hours each
2 weekday of the early voting period that is not a legal state holiday
3 unless the territory covered by the election has fewer than 1,000
4 registered voters. In that case, the voting shall be conducted at
5 least four [~~three~~] hours each day. The authority ordering the
6 election, or the county clerk if that person is the early voting
7 clerk, shall determine which hours the voting is to be conducted.

8 (c) In a county with a population of 55,000 [~~100,000~~] or
9 more, the voting in a primary election or the general election for
10 state and county officers shall be conducted at the main early
11 voting polling place for at least 12 hours on each weekday of the
12 last week of the early voting period, and the voting in a special
13 election ordered by the governor shall be conducted at the main
14 early voting polling place for at least 12 hours on each of the last
15 two days of the early voting period. Voting under this subsection
16 may not be conducted earlier than 6 a.m. or later than 10 p.m.
17 Voting shall be conducted in accordance with this subsection in
18 those elections in a county with a population under 55,000
19 [~~100,000~~] on receipt by the early voting clerk of a written request
20 for the extended hours submitted by at least 15 registered voters of
21 the county. The request must be submitted in time to enable
22 compliance with Section [85.067](#).

23 (d) A voter who has not voted before the scheduled time for
24 closing a polling place is entitled to vote after that time if the
25 voter is in line at the polling place by closing time. The
26 secretary of state shall promulgate any materials and provide any
27 training to presiding judges necessary to properly process voters

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under this subsection ~~[In an election ordered by a city, early voting by personal appearance at the main early voting polling place shall be conducted for at least 12 hours.]~~

~~[(1) on one weekday, if the early voting period consists of less than six weekdays, or~~

~~[(2) on two weekdays, if the early voting period consists of six or more weekdays].~~

SECTION 3.10. Sections [85.006](#)(b) and (e), Election Code, are amended to read as follows:

(b) In an election in which a county clerk ~~[or city secretary]~~ is the early voting clerk under Section [83.002](#) ~~[or [83.005](#)]~~, only the early voting clerk may order voting on a Saturday or Sunday. The clerk must do so by written order.

(e) In a primary election or the general election for state and county officers in a county with a population of 55,000 ~~[100,000]~~ or more, the early voting clerk shall order voting by personal appearance ~~[voting]~~ at the main early voting polling place to be conducted on the last Saturday of the early voting period for at least 12 hours, except that voting may not be conducted earlier than 6 a.m. or later than 10 p.m., ~~[on the last Saturday]~~ and on the last Sunday of the early voting period for at least six ~~[five]~~ hours, except that voting may not be conducted earlier than 9 a.m. or later than 10 p.m. ~~[on the last Sunday of the early voting period]~~. The early voting clerk shall order voting to be conducted at those times in those elections in a county with a population under 55,000 ~~[100,000]~~ on receipt of a written request for those hours submitted by at least 15 registered voters of the county. The

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request must be submitted in time to enable compliance with Section 85.007. This subsection supersedes any provision of this subchapter to the extent of any conflict.

SECTION 3.11. Section 85.010(a-1), Election Code, is amended to read as follows:

(a-1) In this section, "eligible county polling place" means an early voting polling place~~[, other than a polling place established under Section 85.062(e),]~~ established by a county.

SECTION 3.12. Section 85.061(a), Election Code, is amended to read as follows:

(a) In a countywide election in which the county clerk is the early voting clerk under Section 83.002, an early voting polling place shall be located inside ~~[at]~~ each branch office that is regularly maintained for conducting general clerical functions of the county clerk, except as provided by Subsection (b). If a suitable room is unavailable inside the branch office, the polling place may be located in another room inside the same building as the branch office.

SECTION 3.13. Section 85.062, Election Code, is amended by amending Subsection (b) and adding Subsection (f-1) to read as follows:

(b) A polling place established under this section may be located, subject to Subsection (d), at any place in the territory served by the early voting clerk and may be located inside ~~[in]~~ any building ~~[stationary structure]~~ as directed by the authority establishing the branch office. The polling place may not be located in a movable structure in the general election for state and

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1 county officers, general primary election, or runoff primary
 2 election. Ropes or other suitable objects may be used at the
 3 polling place to ensure compliance with Section 62.004. Persons
 4 who are not expressly permitted by law to be in a polling place
 5 shall be excluded from the polling place to the extent practicable.

6 (f-1) Notwithstanding any other provision of this section
 7 concerning the location of temporary branch polling places, in an
 8 election in which countywide polling places are used, the
 9 commissioners court of a county shall employ the same methodology
 10 it uses to determine the location of countywide polling places to
 11 determine the location of temporary branch polling places.

12 SECTION 3.14. Section 87.002, Election Code, is amended to
 13 read as follows:

14 Sec. 87.002. COMPOSITION OF BOARD. (a) The early voting
 15 ballot board consists of a presiding judge, an alternate presiding
 16 judge, and at least one [two] other member [members].

17 (b) Except as provided by Subsection (d), the presiding
 18 judge and the alternate presiding judge are [is] appointed in the
 19 same manner as a presiding election judge and alternate presiding
 20 election judge, respectively. Except as provided by Subsection
 21 (c), each [the] other member is [members are] appointed by the
 22 presiding judge in the same manner as the precinct election clerks.

23 (c) In the general election for state and county officers,
 24 each county chair of a political party with nominees on the general
 25 election ballot shall submit to the county election board a list of
 26 names of persons eligible to serve on the early voting ballot board
 27 in order of the county chair's preference. The county election

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board shall appoint at least one person from each list to serve as a member of the early voting ballot board. The same number of members must be appointed from each list. The county election board shall appoint persons as members of the early voting ballot board in the order of preference indicated on each list.

(d) In addition to the members appointed under Subsection (c), the county election board shall appoint as the presiding judge the highest-ranked person on [from] the list provided under that subsection by the political party whose nominee for governor received the most votes in the county in the most recent gubernatorial general election and as the alternate presiding judge the highest-ranked person on the list provided under that subsection by the political party whose nominee for governor received the second most votes in the county in the most recent gubernatorial general election.

SECTION 3.15. Section 124.002, Election Code, is amended by adding Subsection (c) to read as follows:

(c) Voting system ballots may not be arranged in a manner that allows a political party's candidates to be selected in one motion or gesture.

SECTION 3.16. Sections 127.006(a) and (c), Election Code, are amended to read as follows:

(a) The [Both the] manager, [and] the presiding judge, and the alternate presiding judge may appoint clerks to serve at the central counting station.

(c) A clerk appointed by the manager serves under the manager and shall perform the functions directed by the manager. A

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1 clerk appointed by the presiding judge or the alternate presiding
2 judge serves under the presiding judge and shall perform the
3 functions directed by the presiding judge.

4 SECTION 3.17. Subchapter A, Chapter 127, Election Code, is
5 amended by adding Section 127.009 to read as follows:

6 Sec. 127.009. ELECTRONIC DEVICES IN CENTRAL COUNTING
7 STATION. (a) A counting station manager and the presiding judge of
8 the counting station shall develop a protocol under which any
9 electronic device inside a central counting station that is
10 necessary to count votes is equipped with software that tracks all
11 input and activity on the electronic device.

12 (b) The counting station manager and the presiding judge of
13 the counting station shall ensure that the input and activity
14 tracked by the software is delivered to the secretary of state not
15 later than the fifth day after vote counting is complete.

16 (c) This section applies only to a central counting station
17 located in a county with a population of 250,000 or more.

18 SECTION 3.18. Section 127.1232, Election Code, is amended
19 to read as follows:

20 Sec. 127.1232. SECURITY OF VOTED BALLOTS. (a) The general
21 custodian of election records shall post a licensed peace officer
22 [guard] to ensure the security of ballot boxes containing voted
23 ballots throughout the period of tabulation at the central counting
24 station.

25 (b) The general custodian of election records in a county
26 with a population of 100,000 or more shall implement a video
27 surveillance system that retains a record of all areas containing

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voted ballots:

(1) from the time the voted ballots are delivered to the central counting station until the canvass of precinct election returns; and

(2) from the time the voted ballots are delivered to the signature verification committee or early voting ballot board until the canvass of precinct election returns.

(c) A video from a system implemented under Subsection (b) shall be made available to the public by a livestream.

(d) The video recorded is an election record under Section 1.012 and shall be retained by the general custodian of election records until the end of the calendar year in which an election is held or until an election contest filed in the county has been resolved, whichever is later.

SECTION 3.19 Chapter 127, Election Code, as effective September 1, 2021, is amended by adding Subchapter J to read as follows:

SUBCHAPTER J. RANDOMIZED AUDITS

Sec. 127.351. RANDOMIZED COUNTY AUDITS. (a) Immediately after the uniform election date in November of an even-numbered year, the secretary of state shall conduct an audit of the elections held in four counties during the previous two years.

(b) The secretary of state shall select the counties to be audited under Subsection (a) at random, except that:

(1) two of the counties selected must have a total population of less than 300,000;

(2) two of the counties selected must have a total

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1 population of 300,000 or more; and

2 (3) a county selected in the most recent audit cycle
3 may not be selected in the current audit cycle.

4 (c) A county selected to be audited may not pay the cost of
5 performing an audit under this section.

6 (d) The secretary of state shall adopt rules as necessary to
7 implement this section.

8 ARTICLE 4. ELECTION OFFICERS AND OBSERVERS

9 SECTION 4.01. Section 32.075, Election Code, is amended by
10 adding Subsections (g) and (h) to read as follows:

11 (g) A presiding judge may not have a watcher duly accepted
12 for service under Subchapter A, Chapter 33, removed from the
13 polling place for violating a provision of this code or any other
14 provision of law relating to the conduct of elections, other than a
15 violation of the Penal Code, unless the violation was observed by an
16 election judge or clerk.

17 (h) Notwithstanding Subsection (g), a presiding judge may
18 call a law enforcement officer to request that a poll watcher be
19 removed if the poll watcher commits a breach of the peace or a
20 violation of law.

21 SECTION 4.02. Subchapter A, Chapter 33, Election Code, is
22 amended by adding Section 33.0015 to read as follows:

23 Sec. 33.0015. CHAPTER PURPOSE AND WATCHER DUTY. The
24 purpose of this chapter is to preserve the integrity of the ballot
25 box in accordance with Section 4, Article VI, Texas Constitution,
26 by providing for the appointment of watchers. It is the intent of
27 the legislature that watchers duly accepted for service under this

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chapter be allowed to observe and report on irregularities in the conduct of any election, but may not interfere in the orderly conduct of an election. To effect that purpose, a watcher appointed under this chapter shall observe without obstructing the conduct of an election and call to the attention of an election officer any observed or suspected irregularity or violation of law in the conduct of the election.

SECTION 4.03. Subchapter A, Chapter 33, Election Code, is amended by adding Section 33.0016 to read as follows:

Sec. 33.0016. REFERENCES TO EARLY VOTING BALLOT BOARD IN THIS CHAPTER. A reference in this chapter to an early voting ballot board includes a signature verification committee.

SECTION 4.04. Subchapter A, Chapter 33, Election Code, is amended by adding Section 33.008 to read as follows:

Sec. 33.008. TRAINING PROGRAM. The secretary of state shall develop and maintain a training program for watchers. The training program must:

(1) be available:

(A) entirely via the Internet; and

(B) at any time, without a requirement for prior registration; and

(2) provide a watcher who completes the training with a certificate of completion.

SECTION 4.05. Section 33.031, Election Code, is amended by adding Subsection (b) to read as follows:

(b) In addition to the requirements of Subsection (a), to be eligible to serve as a watcher, a person must complete training

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1 under Section 33.008.

2 SECTION 4.06. Section 33.051, Election Code, is amended by
3 amending Subsections (a), (b), (d), and (e) and adding Subsections
4 (a-1), (g), and (h) to read as follows:

5 (a) A watcher appointed to serve at a precinct polling
6 place, a meeting place for an early voting ballot board, or a
7 central counting station must deliver the following materials [~~a~~
8 ~~certificate of appointment~~] to the presiding judge at the time the
9 watcher reports for service:

10 (1) a certificate of appointment; and

11 (2) a certificate of completion from training
12 completed by the watcher under Section 33.008.

13 (a-1) A watcher appointed to serve at an early voting
14 polling place must deliver the certificates under Subsection (a) [~~a~~
15 ~~certificate of appointment~~] to the early voting clerk or deputy
16 clerk in charge of the polling place when the watcher first reports
17 for service.

18 (b) The officer presented with a watcher's certificates
19 [~~certificate of appointment~~] shall require the watcher to
20 countersign the certificate of appointment to ensure that the
21 watcher is the same person who signed the certificate of
22 appointment. Except as provided by Subsection (c), a watcher who
23 presents himself or herself at the proper time with the
24 certificates required under Subsection (a) [~~a certificate of~~
25 ~~appointment~~] shall be accepted for service unless the person is
26 ineligible to serve or the number of appointees to which the
27 appointing authority is entitled have already been accepted.

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(d) The certificates [~~certificate~~] of a watcher serving at an early voting polling place shall be retained at the polling place until voting at the polling place is concluded. At each subsequent time that the watcher reports for service, the watcher shall inform the clerk or deputy in charge. The officer may require the watcher to sign the watcher's name in the officer's presence, for comparison with the signature on the certificate of appointment, if the officer is uncertain of the watcher's identity.

(e) If a watcher is not accepted for service, the certificates [~~certificate of appointment~~] shall be returned to the watcher with a signed statement of the reason for the rejection.

(g) An election officer commits an offense if the officer intentionally or knowingly refuses to accept a watcher for service when acceptance of the watcher is required by this section. An offense under this subsection is a Class A misdemeanor.

(h) Before accepting a watcher, the officer presented with a watcher's certificate of appointment shall require the watcher to take the following oath, administered by the officer: "I swear (or affirm) that I will not disrupt the voting process or harass voters in the discharge of my duties."

SECTION 4.07. Section 33.056, Election Code, is amended by amending Subsection (a) and adding Subsections (e) and (f) to read as follows:

(a) Except as provided by Section 33.057, a watcher is entitled to observe any activity conducted at the location at which the watcher is serving. A watcher is entitled to sit or stand [~~conveniently~~] near enough to see and hear the election officers

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conducting the observed activity, except as otherwise prohibited by this chapter.

(e) Except as provided by Section 33.057(b), a watcher may not be denied free movement where election activity is occurring within the location at which the watcher is serving.

(f) In this code, a watcher who is entitled to "observe" an election activity is entitled to sit or stand near enough to see and hear the activity.

SECTION 4.08. Subchapter C, Chapter 33, Election Code, is amended by adding Section 33.0605 to read as follows:

Sec. 33.0605. OBSERVING DATA STORAGE SEALING AND TRANSFER.

(a) A watcher appointed to serve at a polling place in an election who is available at the time of the action may observe all election activities relating to closing the polling place, including the sealing and transfer of a memory card, flash drive, hard drive, data storage device, or other medium now existing or later developed used by the voting system equipment.

(b) Notwithstanding any other provision of this code, a watcher duly accepted for service at a polling location is entitled to follow the transfer of election materials from the polling place at which the watcher was accepted to a regional tabulating center, the central counting station, or any other location designated to process election materials. The authority responsible for administering a regional tabulating center or another location where election materials are processed must accept duly appointed watchers for service in the same manner a watcher is accepted for service under Section 33.051 and must accept the same number of

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1 watchers that may serve under Section 33.007(a).

2 SECTION 4.09. Section 33.061(a), Election Code, is amended
3 to read as follows:

4 (a) A person commits an offense if the person serves in an
5 official capacity at a location at which the presence of watchers is
6 authorized and knowingly prevents a watcher from observing an
7 activity or procedure the person knows the watcher is entitled to
8 observe, including by taking any action to obstruct the view of a
9 watcher or distance the watcher from the activity or procedure to be
10 observed in a manner that would make observation not reasonably
11 effective.

12 SECTION 4.10. Subchapter C, Chapter 33, Election Code, is
13 amended by adding Section 33.063 to read as follows:

14 Sec. 33.063. RELIEF. The appointing authority for a
15 watcher who believes that the watcher was unlawfully prevented or
16 obstructed from the performance of the watcher's duties may seek:

17 (1) injunctive relief under Section 273.081,
18 including issuance of temporary orders;

19 (2) a writ of mandamus under Section 161.009 or
20 273.061; and

21 (3) any other remedy available under law.

22 SECTION 4.11. Section 34.005, Election Code, is amended to
23 read as follows:

24 Sec. 34.005. ACTION BY SECRETARY OF STATE. (a) The
25 secretary of state may refer a reported violation of law for
26 appropriate action to the attorney general, if the attorney general
27 has jurisdiction, or to a prosecuting attorney having jurisdiction.

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1 (b) If the secretary of state believes that a state
2 inspector was unlawfully prevented or obstructed from the
3 performance of the inspector's duties, the secretary of state may
4 seek:

5 (1) injunctive relief under Section 273.081,
6 including issuance of temporary orders;

7 (2) a writ of mandamus under Section 161.009 or
8 273.061; and

9 (3) any other remedy available under law.

10 SECTION 4.12. Section 86.006, Election Code, is amended by
11 amending Subsection (a) and adding Subsection (a-2) to read as
12 follows:

13 (a) A marked ballot voted under this chapter must be
14 returned to the early voting clerk in the official carrier
15 envelope. The carrier envelope may be delivered in another
16 envelope and must be transported and delivered only by:

17 (1) mail;

18 (2) common or contract carrier; or

19 (3) subject to Subsections [~~Subsection~~] (a-1) and
20 (a-2), in-person delivery by the voter who voted the ballot.

21 (a-2) An in-person delivery of a marked ballot voted under
22 this chapter must be received by an election official at the time of
23 delivery. The receiving official shall record the voter's name,
24 signature, and type of identification provided under Section
25 63.0101 on a roster prescribed by the secretary of state. The
26 receiving official shall attest on the roster that the delivery
27 complies with this section.

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SECTION 4.13. Chapter 121, Election Code, is amended by adding Section 121.004 to read as follows:

Sec. 121.004. COMMUNICATIONS WITH VOTING SYSTEMS VENDOR PUBLIC INFORMATION. (a) Except as provided by Subsection (b), a written letter, e-mail, or other communication, including a communication made confidential by other law, between a public official and a voting systems vendor:

(1) is not confidential;

(2) is public information for purposes of Chapter 552, Government Code; and

(3) is not subject to an exception to disclosure provided by Chapter 552, Government Code, other than Sections 552.110 and 552.1101, Government Code.

(b) A written letter, e-mail, or other communication between a public official and a voting systems vendor is excepted from disclosure under Chapter 552, Government Code, if the communication discloses information, data, or records relating to the security of elections critical infrastructure.

SECTION 4.14. Section 127.1301, Election Code, is amended to read as follows:

Sec. 127.1301. ~~[TALLYING, TABULATING, AND REPORTING]~~ CENTRALLY COUNTED OPTICAL SCAN BALLOTS ~~[BALLOT UNDERVOTES AND OVERVOTES]~~. (a) In an election using centrally counted optical scan ballots, the undervotes and overvotes on those ballots shall be tallied, tabulated, and reported by race and by election precinct in the form and manner prescribed by the secretary of state.

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1 (b) An authority operating a central counting station under
2 this chapter may not purchase or use a centrally counted optical
3 ballot scan system that uses a data storage disc on which
4 information, once written, is capable of being modified.

5 (c) An authority that purchases system components in order
6 to comply with this section is eligible to have 100 percent of the
7 cost of those system components reimbursed.

8 (d) Subsection (b) applies starting on the earlier of:

9 (1) the date on which the state certifies the first
10 centrally counted optical ballot scan system under this section; or

11 (2) September 1, 2026.

12 (e) This subsection and Subsection (d) expire October 1,
13 2026.

14 SECTION 4.15. Section [127.131](#), Election Code, is amended by
15 adding Subsection (f) to read as follows:

16 (f) The presiding judge of the central counting station
17 shall provide and attest to a written reconciliation of votes and
18 voters at the close of tabulation for election day and again after
19 the central counting station meets for the last time to process
20 late-arriving ballots by mail and provisional ballots. The
21 secretary of state shall create and promulgate rules and a form to
22 facilitate compliance with this subsection. The form shall be
23 posted on a website maintained by the county along with election
24 returns and results.

25 SECTION 4.16. Section [129.023](#), Election Code, is amended by
26 adding Subsections (b-2) and (c-1) to read as follows:

27 (b-2) If the test is being conducted for an election in

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1 which a county election board has been established under Section
 2 51.002, the general custodian of election records shall notify each
 3 member of the board of the test at least 48 hours before the date of
 4 the test. If the county election board chooses to witness the test,
 5 each member shall sign the statement required by Subsection (e)(1).

6 (c-1) A test conducted under this section must also require
 7 the general custodian of election records to demonstrate, using a
 8 representative sample of voting system equipment, that the source
 9 code of the equipment has not been altered.

ARTICLE 5. VOTING BY MAIL

11 SECTION 5.01. Section 84.001(b), Election Code, is amended
 12 to read as follows:

13 (b) Subject to Section 1.011, an [An] application must be
 14 submitted in writing and signed by the applicant using ink on paper.
 15 An electronic signature or photocopied signature is not permitted.

16 SECTION 5.02. Section 84.002, Election Code, as effective
 17 September 1, 2021, is amended by amending Subsection (a) and adding
 18 Subsection (b-1) to read as follows:

19 (a) An early voting ballot application must include:

20 (1) the applicant's name and the address at which the
 21 applicant is registered to vote;

22 (1-a) the following information:

23 (A) the number of the applicant's driver's
 24 license, election identification certificate, or personal
 25 identification card issued by the Department of Public Safety;

26 (B) if the applicant has not been issued a number
 27 described by Paragraph (A), the last four digits of the applicant's

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1 social security number; or

2 (C) a statement by the applicant that the
3 applicant has not been issued a number described by Paragraph (A) or
4 (B);

5 (2) for an application for a ballot to be voted by mail
6 on the ground of absence from the county of residence, the address
7 outside the applicant's county of residence to which the ballot is
8 to be mailed;

9 (3) for an application for a ballot to be voted by mail
10 on the ground of age or disability, the address of the hospital,
11 nursing home or other long-term care facility, or retirement
12 center, or of a person related to the applicant within the second
13 degree by affinity or the third degree by consanguinity, as
14 determined under Chapter 573, Government Code, if the applicant is
15 living at that address and that address is different from the
16 address at which the applicant is registered to vote;

17 (4) for an application for a ballot to be voted by mail
18 on the ground of confinement in jail, the address of the jail or of a
19 person related to the applicant within the degree described by
20 Subdivision (3);

21 (5) for an application for a ballot to be voted by mail
22 on any ground, an indication of each election for which the
23 applicant is applying for a ballot;

24 (6) an indication of the ground of eligibility for
25 early voting; and

26 (7) for an application for a ballot to be voted by mail
27 on the ground of involuntary civil commitment, the address of the

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1 facility operated by or under contract with the Texas Civil
 2 Commitment Office or of a person related to the applicant within the
 3 degree of consanguinity described by Subdivision (3).

4 (b-1) A person may use the number of a driver's license,
 5 election identification certificate, or personal identification
 6 card that has expired for the purpose of fulfilling the requirement
 7 under Subsection (a)(1-a) if the license or identification is
 8 otherwise valid.

9 SECTION 5.03. Section 84.011(a), Election Code, as
 10 effective September 1, 2021, is amended to read as follows:

11 (a) The officially prescribed application form for an early
 12 voting ballot must include:

13 (1) immediately preceding the signature space the
 14 statement: "I certify that the information given in this
 15 application is true, and I understand that giving false information
 16 in this application is a crime.";

17 (2) a statement informing the applicant of the
 18 offenses prescribed by Sections 84.003 and 84.004;

19 (3) spaces for entering an applicant's voter
 20 registration number and county election precinct of registration,
 21 with a statement informing the applicant that failure to furnish
 22 that information does not invalidate the application;

23 (3-a) a space for entering the information required
 24 under Section 84.002(a)(1-a); and

25 (4) on an application for a ballot to be voted by mail:

26 (A) a space for an applicant applying on the
 27 ground of absence from the county of residence to indicate the date

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1 on or after which the applicant can receive mail at the address
2 outside the county;

3 (B) a space for indicating the fact that an
4 applicant whose application is signed by a witness cannot make the
5 applicant's mark and a space for indicating the relationship or
6 lack of relationship of the witness to the applicant;

7 (C) a space for entering an applicant's telephone
8 number, with a statement informing the applicant that failure to
9 furnish that information does not invalidate the application;

10 (D) a space or box for an applicant applying on
11 the ground of age or disability to indicate that the address to
12 which the ballot is to be mailed is the address of a facility or
13 relative described by Section 84.002(a)(3), if applicable;

14 (E) a space or box for an applicant applying on
15 the ground of confinement in jail or involuntary civil commitment
16 to indicate that the address to which the ballot is to be mailed is
17 the address of a relative described by Section 84.002(a)(4) or (7),
18 if applicable;

19 (F) a space for an applicant applying on the
20 ground of age or disability to indicate if the application is an
21 application under Section 86.0015;

22 (G) spaces for entering the signature, printed
23 name, and residence address of any person assisting the applicant;

24 (H) a statement informing the applicant of the
25 condition prescribed by Section 81.005; and

26 (I) a statement informing the applicant of the
27 requirement prescribed by Section 86.003(c).

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SECTION 5.04. Subchapter A, Chapter 84, Election Code, is amended by adding Section 84.0111 to read as follows:

Sec. 84.0111. DISTRIBUTION OF APPLICATION FORM. (a) Except as provided by Subsection (c) or as otherwise authorized by this code, an officer or employee of this state or of a political subdivision of this state may not distribute an application form for an early voting ballot to a person who did not request an application under Section 84.001.

(b) An officer or employee of this state or of a political subdivision of this state may not use public funds to facilitate the distribution by another person of an application form for an early voting ballot to a person who did not request an application under Section 84.001.

(c) A political party or a candidate for office may distribute an application form for an early voting ballot to a person who did not request an application under Section 84.001.

SECTION 5.05. Section 84.032(c), Election Code, is amended to read as follows:

(c) An applicant may submit a request after the close of early voting by personal appearance by appearing in person and:

(1) returning the ballot to be voted by mail to the early voting clerk; or

(2) executing an affidavit that the applicant:

(A) has not received the ballot to be voted by mail; ~~or~~

(B) never requested a ballot to be voted by mail; or

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1 (C) received notice of a defect under Section
2 87.0271(b) or (c) or 87.0411(b) or (c).

3 SECTION 5.06. Section 84.035, Election Code, is amended to
4 read as follows:

5 Sec. 84.035. BALLOT SENT TO APPLICANT. (a) If the early
6 voting clerk cancels an application by an applicant to whom an early
7 voting ballot has been sent, the clerk shall:

8 (1) remove the applicant's name from the early voting
9 roster; and

10 (2) make any other entries in the records and take any
11 other action necessary to prevent the ballot from being counted if
12 returned.

13 (b) An election judge may permit a person to whom an early
14 voting ballot has been sent who cancels the person's application
15 for a ballot to be voted by mail in accordance with Section 84.032
16 but fails to return the ballot to be voted by mail to the early
17 voting clerk, deputy early voting clerk, or presiding judge as
18 provided by that section to vote only a provisional ballot under
19 Section 63.011.

20 SECTION 5.07. Section 86.001, Election Code, is amended by
21 adding Subsections (f), (f-1), and (f-2) to read as follows:

22 (f) If the information required under Section
23 84.002(a)(1-a) included on the application does not identify the
24 same voter identified on the applicant's application for voter
25 registration under Section 13.002(c)(8), the clerk shall reject the
26 application.

27 (f-1) If an application is rejected under Subsection (f),

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the clerk shall provide notice of the rejection in accordance with Subsection (c). The notice must include information regarding the ability to correct or add information required under Section 84.002(a)(1-a) through the online tool described by Section 86.015(c).

(f-2) If an applicant corrects an application for a ballot to be voted by mail online and that application subsequently identifies the same voter identified on the applicant's application for voter registration, the clerk shall provide a ballot to the applicant as provided by this chapter.

SECTION 5.08. Section 86.002, Election Code, is amended by adding Subsections (g), (h), and (i) to read as follows:

(g) The carrier envelope must include a space that is hidden from view when the envelope is sealed for the voter to enter the following information:

(1) the number of the voter's driver's license, election identification certificate, or personal identification card issued by the Department of Public Safety;

(2) if the voter has not been issued a number described by Subdivision (1), the last four digits of the voter's social security number; or

(3) a statement by the applicant that the applicant has not been issued a number described by Subdivision (1) or (2).

(h) A person may use the number of a driver's license, election identification certificate, or personal identification card that has expired for purposes of Subsection (g) if the license or identification is otherwise valid.

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1 (i) No record associating an individual voter with a ballot
2 may be created.

3 SECTION 5.09. Section 86.011(c), Election Code, is amended
4 to read as follows:

5 (c) If the return is not timely, the clerk shall enter the
6 time of receipt on the carrier envelope and retain it in a locked
7 container for the period for preserving the precinct election
8 records. The clerk shall destroy the unopened envelope and its
9 contents after the preservation period.

10 SECTION 5.10. Section 86.015(c), Election Code, as
11 effective September 1, 2021, is amended to read as follows:

12 (c) An online tool used under this section must:

13 (1) for each election, record:

14 (A) each application for a ballot to be voted by
15 mail received by the clerk; and

16 (B) each carrier envelope sent to a voter by the
17 clerk;

18 (2) for each carrier envelope, record or assign a
19 serially numbered and sequentially issued barcode or tracking
20 number that is unique to each envelope; ~~and~~

21 (3) update the applicable Internet website as soon as
22 practicable after each of the following events occurs:

23 (A) receipt by the early voting clerk of the
24 person's application for a ballot to be voted by mail;

25 (B) acceptance or rejection by the early voting
26 clerk of the person's application for a ballot to be voted by mail;

27 (C) placement in the mail by the early voting

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1 clerk of the person's official ballot;

2 (D) receipt by the early voting clerk of the
3 person's marked ballot; and

4 (E) acceptance or rejection by the early voting
5 ballot board of a person's marked ballot; and

6 (4) allow a voter to add or correct information
7 required under Section 84.002(a)(1-a) or Section 86.002(g).

8 SECTION 5.11. Sections 87.027(d), (e), and (i), Election
9 Code, are amended to read as follows:

10 (d) The early voting clerk shall determine the number of
11 members who are to compose the signature verification committee and
12 shall state that number in the order calling for the committee's
13 appointment. A committee must consist of not fewer than five
14 members. In an election in which party alignment is indicated on
15 the ballot, each county chair of a political party with a nominee or
16 aligned candidate on the ballot shall submit to the appointing
17 authority a list of names of persons eligible to serve on the
18 signature verification committee in order of the county chair's
19 preference. The authority shall appoint at least two persons from
20 each list in the order of preference indicated on each list to serve
21 as members of the committee. The same number of members must be
22 appointed from each list. The authority shall appoint as ~~the~~
23 chair of the committee the highest-ranked person on ~~from~~ the list
24 provided by the political party whose nominee for governor received
25 the most votes in the county in the most recent gubernatorial
26 general election. The authority shall appoint as vice chair of the
27 committee the highest-ranked person on the list provided by the

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1 political party whose nominee for governor received the second most
2 votes in the county in the most recent gubernatorial general
3 election. A vacancy on the committee shall be filled by appointment
4 from the original list or from a new list submitted by the
5 appropriate county chair.

6 (e) To be eligible to serve on a signature verification
7 committee, a person must be eligible under Subchapter C, Chapter
8 32, for service as a presiding election judge, except that the
9 person must be a qualified voter:

10 (1) of the county, in a countywide election ordered by
11 the governor or a county authority or in a primary election;

12 (2) of the part of the county in which the election is
13 held, for an election ordered by the governor or a county authority
14 that does not cover the entire county of the person's residence; or

15 (3) of the political subdivision, in an election
16 ordered by an authority of a political subdivision other than a
17 county.

18 (i) The signature verification committee shall compare the
19 signature on each carrier envelope certificate, except those signed
20 for a voter by a witness, with the signature on the voter's ballot
21 application to determine whether the signatures are those of the
22 voter. The committee may also compare the signatures with any
23 known signature ~~[two or more signatures]~~ of the voter ~~[made within~~
24 ~~the preceding six years and]~~ on file with the county clerk or voter
25 registrar to determine whether the signatures are those of the
26 voter. Except as provided by Subsection (l), a determination under
27 this subsection that the signatures are not those of the voter must

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1 be made by a majority vote of the committee's membership. The
 2 committee shall place the jacket envelopes, carrier envelopes, and
 3 applications of voters whose signatures are not those of the voter
 4 in separate containers from those of voters whose signatures are
 5 those of the voter. The committee chair shall deliver the sorted
 6 materials to the early voting ballot board at the time specified by
 7 the board's presiding judge.

8 SECTION 5.12. Subchapter B, Chapter 87, Election Code, is
 9 amended by adding Section 87.0271 to read as follows:

10 Sec. 87.0271. OPPORTUNITY TO CORRECT DEFECT: SIGNATURE
 11 VERIFICATION COMMITTEE. (a) This section applies to an early
 12 voting ballot voted by mail:

13 (1) for which the voter did not sign the carrier
 14 envelope certificate;

15 (2) for which it cannot immediately be determined
 16 whether the signature on the carrier envelope certificate is that
 17 of the voter;

18 (3) missing any required statement of residence;

19 (4) missing information or containing incorrect
 20 information required under Section 84.002(a)(1-a) or Section
 21 86.002; or

22 (5) containing incomplete information with respect to
 23 a witness.

24 (b) Not later than the second business day after a signature
 25 verification committee discovers a defect described by Subsection
 26 (a) and before the committee decides whether to accept or reject a
 27 timely delivered ballot under Section 87.027, the committee shall:

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1 (1) determine if it would be possible for the voter to
2 correct the defect and return the carrier envelope before the time
3 the polls are required to close on election day; and

4 (2) return the carrier envelope to the voter by mail,
5 if the committee determines that it would be possible for the voter
6 to correct the defect and return the carrier envelope before the
7 time the polls are required to close on election day.

8 (c) If the signature verification committee determines
9 under Subsection (b)(1) that it would not be possible for the voter
10 to correct the defect and return the carrier envelope before the
11 time the polls are required to close on election day, the committee
12 may notify the voter of the defect by telephone or e-mail and inform
13 the voter that the voter may request to have the voter's application
14 to vote by mail canceled in the manner described by Section [84.032](#)
15 or come to the early voting clerk's office in person not later than
16 the sixth day after election day to correct the defect.

17 (d) If the signature verification committee takes an action
18 described by Subsection (b) or (c), the committee must take either
19 action described by that subsection with respect to each ballot in
20 the election to which this section applies.

21 (e) A poll watcher is entitled to observe an action taken
22 under Subsection (b) or (c).

23 (f) The secretary of state may prescribe any procedures
24 necessary to implement this section.

25 (g) Notwithstanding any other law, a ballot may not be
26 finally rejected for a reason listed in Section [87.041](#)(b)(1), (2),
27 or (6) before the seventh day after election day.

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SECTION 5.13. Section 87.041, Election Code, is amended by amending Subsections (b) and (e) and adding Subsection (d-1) 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 nor the signature on the carrier envelope certificate is determined to 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 information required under Section 86.002(g)

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1 provided by the voter identifies the same voter identified on the
 2 voter's application for voter registration under Section
 3 13.002(c)(8).

4 (d-1) If a voter provides the information required under
 5 Section 86.002(g) and it identifies the same voter identified on
 6 the voter's application for voter registration under Section
 7 13.002(c)(8), the signature on the ballot application and on the
 8 carrier envelope certificate shall be rebuttably presumed to be
 9 the signatures of the voter.

10 (e) In making the determination under Subsection (b)(2), to
 11 determine whether the signatures are those of the voter, the board
 12 may also compare the signatures with any known signature [two or
 13 more signatures] of the voter [made within the preceding six years
 14 and] on file with the county clerk or voter registrar [to determine
 15 whether the signatures are those of the voter].

16 SECTION 5.14. Subchapter C, Chapter 87, Election Code, is
 17 amended by adding Section 87.0411 to read as follows:

18 Sec. 87.0411. OPPORTUNITY TO CORRECT DEFECT: EARLY VOTING
 19 BALLOT BOARD. (a) This section applies to an early voting ballot
 20 voted by mail:

21 (1) for which the voter did not sign the carrier
 22 envelope certificate;

23 (2) for which it cannot immediately be determined
 24 whether the signature on the carrier envelope certificate is that
 25 of the voter;

26 (3) missing any required statement of residence;

27 (4) missing information or containing incorrect

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information required under Section 84.002(a)(1-a) or Section 86.002; or

(5) containing incomplete information with respect to a witness.

(b) Not later than the second business day after an early voting ballot board discovers a defect described by Subsection (a) and before the board decides whether to accept or reject a timely delivered ballot under Section 87.041, the board shall:

(1) determine if it would be possible for the voter to correct the defect and return the carrier envelope before the time the polls are required to close on election day; and

(2) return the carrier envelope to the voter by mail, if the board determines that it would be possible for the voter to correct the defect and return the carrier envelope before the time the polls are required to close on election day.

(c) If the early voting ballot board determines under Subsection (b)(1) that it would not be possible for the voter to correct the defect and return the carrier envelope before the time the polls are required to close on election day, the board may notify the voter of the defect by telephone or e-mail and inform the voter that the voter may request to have the voter's application to vote by mail canceled in the manner described by Section 84.032 or come to the early voting clerk's office in person not later than the sixth day after election day to correct the defect.

(d) If the early voting ballot board takes an action described by Subsection (b) or (c), the board must take either action described by that subsection with respect to each ballot in

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1 the election to which this section applies.

2 (e) A poll watcher is entitled to observe an action taken
3 under Subsection (b) or (c).

4 (f) The secretary of state may prescribe any procedures
5 necessary to implement this section.

6 (g) Notwithstanding any other law, a ballot may not be
7 finally rejected for a reason listed in Section 87.041(b)(1), (2),
8 or (6) before the seventh day after election day.

9 SECTION 5.15. Section 87.0431(b), Election Code, is amended
10 to read as follows:

11 (b) The early voting clerk shall, not later than the 30th
12 day after election day, deliver notice to the attorney general,
13 including certified copies of the carrier envelope and
14 corresponding ballot application, of any ballot rejected because:

15 (1) the voter was deceased;

16 (2) the voter already voted in person in the same
17 election;

18 (3) the signatures on the carrier envelope and ballot
19 application were not executed by the same person;

20 (4) the carrier envelope certificate lacked a witness
21 signature; ~~or~~

22 (5) the carrier envelope certificate was improperly
23 executed by an assistant; or

24 (6) the early voting ballot board or the signature
25 verification committee determined that another violation of the
26 Election Code occurred.

27 SECTION 5.16. Sections 87.062(a) and (c), Election Code,

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are amended to read as follows:

(a) On the direction of the presiding judge, the early voting ballot board, in accordance with Section 85.032(b), shall open the containers [~~container~~] for the early voting ballots that are to be counted by the board, remove the contents from each [~~the~~] container, and remove any ballots enclosed in ballot envelopes from their envelopes.

(c) Ballots voted by mail shall be tabulated and stored separately from the ballots voted by personal appearance and shall be separately reported on the returns [~~The results of all early voting ballots counted by the board under this subchapter shall be included in the same return~~].

SECTION 5.17. Section 87.103, Election Code, is amended to read as follows:

Sec. 87.103. COUNTING BALLOTS AND PREPARING RETURNS. (a) The early voting electronic system ballots counted at a central counting station, the ballots cast at precinct polling places, and the ballots voted by mail shall be tabulated separately [~~from the ballots cast at precinct polling places~~] and shall be separately reported on the returns.

(b) The early voting returns prepared at the central counting station must include any early voting results obtained by the early voting ballot board under Subchapter [~~Subchapters~~] D [~~and E~~].

SECTION 5.18. Section 87.126, Election Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) Electronic records made under this section shall

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1 record both sides of any application, envelope, or ballot recorded,
2 and all such records shall be provided to the early voting ballot
3 board, the signature verification committee, or both.

4 SECTION 5.19. Subchapter G, Chapter 87, Election Code, is
5 amended by adding Section 87.128 to read as follows:

6 Sec. 87.128. NOTES. (a) Each member of an early voting
7 ballot board and each member of a signature verification committee
8 is entitled to take any notes reasonably necessary to perform the
9 member's duties under this chapter.

10 (b) Notes taken under this section may not contain
11 personally identifiable information.

12 (c) Each member who takes notes under this section shall
13 sign the notes and deliver them to the presiding judge or committee
14 chair, as applicable, for delivery to the custodian of election
15 records.

16 (d) Notes collected under this section shall be preserved in
17 the same manner as precinct election records under Section 66.058.

18 ARTICLE 6. ASSISTANCE OF VOTERS

19 SECTION 6.01. Section 64.009, Election Code, is amended by
20 amending Subsection (b) and adding Subsections (e), (f), (f-1),
21 (g), and (h) to read as follows:

22 (b) The regular voting procedures, except those in
23 Subchapter B, may be modified by the election officer to the extent
24 necessary to conduct voting under this section.

25 (e) Except as provided by Section 33.057, a poll watcher is
26 entitled to observe any activity conducted under this section.

27 (f) A person who simultaneously assists seven or more voters

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1 voting under this section by providing the voters with
2 transportation to the polling place must complete and sign a form,
3 provided by an election officer, that contains the person's name
4 and address and whether the person is providing assistance solely
5 under this section or under both this section and Subchapter B.

6 (f-1) Subsection (f) does not apply if the person is related
7 to each voter within the second degree by affinity or the third
8 degree by consanguinity, as determined under Subchapter B, Chapter
9 573, Government Code.

10 (g) A form completed under Subsection (f) shall be delivered
11 to the secretary of state as soon as practicable. The secretary
12 shall retain a form delivered under this section for the period for
13 preserving the precinct election records and shall make the form
14 available to the attorney general for inspection upon request.

15 (h) The secretary of state shall prescribe the form
16 described by Subsection (f).

17 SECTION 6.02. Section 64.031, Election Code, is amended to
18 read as follows:

19 Sec. 64.031. ELIGIBILITY FOR ASSISTANCE. A voter is
20 eligible to receive assistance in marking or reading the ballot, as
21 provided by this subchapter, if the voter cannot prepare or read the
22 ballot because of:

23 (1) a physical disability that renders the voter
24 unable to write or see; or

25 (2) an inability to read the language in which the
26 ballot is written.

27 SECTION 6.03. Subchapter B, Chapter 64, Election Code, is

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amended by adding Section 64.0322 to read as follows:

Sec. 64.0322. SUBMISSION OF FORM BY ASSISTANT. (a) A person, other than an election officer, who assists a voter in accordance with this chapter is required to complete a form stating:

(1) the name and address of the person assisting the voter;

(2) the relationship to the voter of the person assisting the voter; and

(3) whether the person assisting the voter received or accepted any form of compensation or other benefit from a candidate, campaign, or political committee.

(b) The secretary of state shall prescribe the form required by this section. The form must be incorporated into the official carrier envelope if the voter is voting an early voting ballot by mail and receives assistance under Section 86.010, or must be submitted to an election officer at the time the voter casts a ballot if the voter is voting at a polling place or under Section 64.009.

SECTION 6.04. Section 64.034, Election Code, is amended to read as follows:

Sec. 64.034. OATH. A person, other than an election officer, selected to provide assistance to a voter must take the following oath, administered by an election officer at the polling place, before providing assistance:

"I swear (or affirm) under penalty of perjury that the voter I am assisting represented to me they are eligible to receive

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1 assistance; I will not suggest, by word, sign, or gesture, how the
 2 voter should vote; I will confine my assistance to reading the
 3 ballot to the voter, directing the voter to read the ballot, marking
 4 the voter's ballot, or directing the voter to mark the ballot;
 5 ~~[answering the voter's questions, to stating propositions on the~~
 6 ~~ballot, and to naming candidates and, if listed, their political~~
 7 ~~parties.]~~ I will prepare the voter's ballot as the voter directs; I
 8 did not pressure or coerce the voter into choosing me to provide
 9 assistance; ~~[and]~~ I am not the voter's employer, an agent of the
 10 voter's employer, or an officer or agent of a labor union to which
 11 the voter belongs; I will not communicate information about how the
 12 voter has voted to another person; and I understand that if
 13 assistance is provided to a voter who is not eligible for
 14 assistance, the voter's ballot may not be counted."

15 SECTION 6.05. Sections 86.010(e), (h), and (i), Election
 16 Code, are amended to read as follows:

17 (e) A person who assists a voter to prepare a ballot to be
 18 voted by mail shall enter on the official carrier envelope of the
 19 voter:

20 (1) the person's signature, printed name, and
 21 residence address;

22 (2) the relationship of the person providing the
 23 assistance to the voter; and

24 (3) whether the person received or accepted any form
 25 of compensation or other benefit from a candidate, campaign, or
 26 political committee in exchange for providing assistance ~~[on the~~
 27 ~~official carrier envelope of the voter]~~.

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(h) Subsection (f) does not apply:

(1) to a violation of Subsection (c), if the person is related to the voter within the second degree by affinity or the third degree by consanguinity, as determined under Subchapter B, Chapter 573, Government Code, or was physically living in the same dwelling as the voter at the time of the event; or

(2) to a violation of Subsection (e), if the person is related to the voter within the second degree by affinity or the third degree by consanguinity, as determined under Subchapter B, Chapter 573, Government Code.

(i) An offense under this section for a violation of Subsection (c) is increased to the next higher category of offense if it is shown on the trial of an offense under this section that:

(1) the defendant was previously convicted of an offense under this code;

(2) the offense involved a voter 65 years of age or older; or

(3) the defendant committed another offense under this section in the same election.

SECTION 6.06. Section 86.0105, Election Code, is amended by amending Subsections (a), (c), and (e) and adding Subsection (f) to read as follows:

(a) A person commits an offense if the person:

(1) compensates or offers to compensate another person for assisting voters as provided by Section 86.010 [~~as part of any performance-based compensation scheme based on the number of voters assisted or in which another person is presented with a quota of~~]

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~~voters to be assisted as provided by Section 86.010]; or~~

~~(2) solicits, receives, or [engages in another practice that causes another person's compensation from or employment status with the person to be dependent on the number of voters assisted as provided by Section 86.010, or~~

~~[(3) with knowledge that accepting compensation for such activity is illegal,] accepts compensation for an activity described by Subdivision (1) [or (2)].~~

~~(c) An offense under this section is a state jail felony [if it is shown on the trial of an offense under this section that the defendant was previously convicted two or more times under this section].~~

~~(e) For purposes of this section, compensation means an economic benefit as defined by Section 38.01, Penal Code [any form of monetary payment, goods, services, benefits, or promises or offers of employment, or any other form of consideration offered to another person in exchange for assisting voters].~~

~~(f) This section does not apply if the person assisting a voter is an attendant or caregiver previously known to the voter.~~

SECTION 6.07. Section 86.013(b), Election Code, is amended to read as follows:

(b) Spaces must appear on the reverse side of the official carrier envelope for:

(1) indicating the identity and date of the election;
[and]

(2) entering the signature, printed name, and residence address of a person other than the voter who deposits the

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1 carrier envelope in the mail or with a common or contract carrier;
2 and
3 (3) indicating the relationship of that person to the
4 voter.

5 SECTION 6.08. (a) The secretary of state shall conduct a
6 study regarding the implementation of educational programs,
7 including the production and publication on the secretary of
8 state's Internet website of instructional videos, to help voters
9 with disabilities understand how to use voting systems used in this
10 state.

11 (b) Not later than December 1, 2022, the secretary of state
12 shall submit to the standing committees of the legislature with
13 jurisdiction over elections a report on the study required by this
14 section.

15 (c) The secretary of state, using existing resources, may
16 contract with a qualified vendor to conduct the study required by
17 this section.

18 (d) This section expires December 1, 2023.

19 ARTICLE 7. FRAUD AND OTHER UNLAWFUL PRACTICES

20 SECTION 7.01. Chapter 63, Election Code, is amended by
21 adding Section 63.0111 to read as follows:

22 Sec. 63.0111. OFFENSES RELATED TO PROVISIONAL VOTING. (a)
23 An election judge commits an offense if the judge knowingly
24 provides a voter with a form for an affidavit required by Section
25 63.001 if the form contains information that the judge entered on
26 the form knowing it was false.

27 (b) An offense under this section is a state jail felony.

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1 SECTION 7.02. Sections 276.004(a) and (b), Election Code,
2 are amended to read as follows:

3 (a) A person commits an offense if, with respect to another
4 person over whom the person has authority in the scope of
5 employment, the person knowingly:

6 (1) refuses to permit the other person to be absent
7 from work on election day or while early voting is in progress for
8 the purpose of attending the polls to vote; or

9 (2) subjects or threatens to subject the other person
10 to a penalty for attending the polls on election day or while early
11 voting is in progress to vote.

12 (b) It is an exception to the application of this section
13 that the person's conduct occurs in connection with an election in
14 which the polls are open on election day or while early voting is in
15 progress for voting for two consecutive hours outside of the
16 voter's working hours.

17 SECTION 7.03. Sections 276.013(a) and (b), Election Code,
18 are amended to read as follows:

19 (a) A person commits an offense if the person knowingly or
20 intentionally makes any effort to:

21 (1) influence the independent exercise of the vote of
22 another in the presence of the ballot or during the voting process,
23 including by altering the ballot of another or by otherwise causing
24 a ballot to not reflect the intent of the voter;

25 (2) cause a voter to become registered, a ballot to be
26 obtained, or a vote to be cast under false pretenses; ~~or~~

27 (3) cause any false or intentionally misleading

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statement, representation, or information to be provided:

(A) to an election official; or

(B) on an application for ballot by mail, carrier envelope, or any other official election-related form or document;

(4) prevent a voter from casting a legal ballot in an election in which the voter is eligible to vote;

(5) provide false information to a voter with the intent of preventing the voter from voting in an election in which the voter is eligible to vote;

(6) cause the ballot not to reflect the intent of the voter;

(7) cause a ballot to be voted for another person that the person knows to be deceased or otherwise knows not to be a qualified or registered voter;

(8) cause or enable a vote to be cast more than once in the same election; or

(9) discard or destroy a voter's completed ballot without the voter's consent.

(b) An offense under this section is a Class A misdemeanor, unless:

(1) the person committed the offense while acting in the person's capacity as an elected official, in which case the offense is a state jail felony; or

(2) the person is convicted of an attempt, in which case the offense is a Class B [A] misdemeanor.

SECTION 7.04. Chapter 276, Election Code, is amended by adding Sections 276.015, 276.016, 276.017, 276.018, and 276.019 to

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read as follows:

Sec. 276.015. VOTE HARVESTING. (a) In this section:

(1) "Benefit" means anything reasonably regarded as a gain or advantage, including a promise or offer of employment, a political favor, or an official act of discretion, whether to a person or another party whose welfare is of interest to the person.

(2) "Vote harvesting services" means in-person interaction with one or more voters, in the physical presence of an official ballot or a ballot voted by mail, intended to deliver votes for a specific candidate or measure.

(b) A person commits an offense if the person, directly or through a third party, knowingly provides or offers to provide vote harvesting services in exchange for compensation or other benefit.

(c) A person commits an offense if the person, directly or through a third party, knowingly provides or offers to provide compensation or other benefit to another person in exchange for vote harvesting services.

(d) A person commits an offense if the person knowingly collects or possesses a mail ballot or official carrier envelope in connection with vote harvesting services.

(e) This section does not apply to:

(1) an activity not performed in exchange for compensation or a benefit;

(2) interactions that do not occur in the presence of the ballot or during the voting process;

(3) interactions that do not directly involve an official ballot or ballot by mail;

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1 (4) interactions that are not conducted in-person with
2 a voter; or

3 (5) activity that is not designed to deliver votes for
4 or against a specific candidate or measure.

5 (f) An offense under this section is a felony of the third
6 degree.

7 (g) If conduct that constitutes an offense under this
8 section also constitutes an offense under any other law, the actor
9 may be prosecuted under this section, the other law, or both.

10 (h) Records necessary to investigate an offense under this
11 section or any other section of this code shall be provided by an
12 election officer in an unredacted form to a law enforcement officer
13 upon request. Records obtained under this subsection are not
14 subject to public disclosure.

15 Sec. 276.016. UNLAWFUL SOLICITATION AND DISTRIBUTION OF
16 APPLICATION TO VOTE BY MAIL. (a) A public official or election
17 official commits an offense if the official, while acting in an
18 official capacity, knowingly:

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

21 (2) distributes an application to vote by mail to a
22 person who did not request the application unless the distribution
23 is expressly authorized by another provision of this code;

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

27 (4) completes any portion of an application to vote by

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1 mail and distributes the application to an applicant.

2 (b) An offense under this section is a state jail felony.

3 (c) Subsection (a)(2) does not apply if the public official
4 or election official engaged in the conduct described by Subsection
5 (a)(2) by providing access to an application to vote by mail from a
6 publicly accessible Internet website.

7 (d) Subsection (a)(4) does not apply if the public official
8 or election official engaged in the conduct described by Subsection
9 (a)(4) while lawfully assisting the applicant under Section 84.003.

10 (e) Subsection (a) does not apply if the public official or
11 election official:

12 (1) provided general information about voting by mail,
13 the vote by mail process, or the timelines associated with voting to
14 a person or the public; or

15 (2) engaged in the conduct described by Subsection (a)
16 while acting in the official's capacity as a candidate for a public
17 elective office.

18 (f) The remedy provided under this chapter is cumulative,
19 and does not restrict any other remedies provided by this code or by
20 law. A violation of this section is subject to injunctive relief or
21 mandamus as provided by this code.

22 Sec. 276.017. UNLAWFUL DISTRIBUTION OF EARLY VOTING BALLOTS
23 AND BALLOTING MATERIALS. (a) The early voting clerk or other
24 election official commits an offense if the clerk or official
25 knowingly mails or otherwise provides an early voting ballot by
26 mail or other early voting by mail ballot materials to a person who
27 the clerk or official knows did not submit an application for a

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ballot to be voted by mail under Section 84.001.

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

Sec. 276.018. PERJURY IN CONNECTION WITH CERTAIN ELECTION PROCEDURES. (a) A person commits an offense if, with the intent to deceive, the person knowingly or intentionally makes a false statement or swears to the truth of a false statement:

(1) on a voter registration application; or

(2) previously made while making an oath, declaration, or affidavit described by this code.

(b) An offense under this section is a state jail felony.

Sec. 276.019. UNLAWFUL ALTERING OF ELECTION PROCEDURES. A public official or election official may not create, alter, modify, waive, or suspend any election standard, practice, or procedure mandated by law or rule in a manner not expressly authorized by this code.

ARTICLE 8. ENFORCEMENT

SECTION 8.01. Subchapter E, Chapter 31, Election Code, is amended by adding Sections 31.128, 31.129, and 31.130 to read as follows:

Sec. 31.128. RESTRICTION ON ELIGIBILITY. (a) In this section, "election official" does not include a chair of a county political party holding a primary election or a runoff primary election.

(b) A person may not serve as an election official if the person has been finally convicted of an offense under this code.

Sec. 31.129. CIVIL PENALTY. (a) In this section, "election official" has the meaning assigned by Section 31.128.

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1 (b) An election official may be liable to this state for a
2 civil penalty if the official:

3 (1) is employed by or is an officer of this state or a
4 political subdivision of this state; and

5 (2) violates a provision of this code.

6 (c) A civil penalty imposed under this section may include
7 termination of the person's employment and loss of the person's
8 employment benefits.

9 Sec. 31.130. SUIT AGAINST ELECTION OFFICER. An action,
10 including an action for a writ of mandamus, alleging that an
11 election officer violated a provision of this code while acting in
12 the officer's official capacity may only be brought against the
13 officer in the officer's official capacity.

14 SECTION 8.02. Sections 232.008(b), (c), and (d), Election
15 Code, are amended to read as follows:

16 (b) Except as provided by Subsection (c), a contestant must
17 file the petition not later than the later of the 45th ~~[30th]~~ day
18 after the date the election records are publicly available under
19 Section 1.012 or the official result of the contested election is
20 determined.

21 (c) A contestant must file the petition not later than the
22 later of the 15th ~~[10th]~~ day after the date the election records are
23 publicly available under Section 1.012 or the official result is
24 determined in a contest of:

25 (1) a primary or runoff primary election; or

26 (2) a general or special election for which a runoff is
27 necessary according to the official result or will be necessary if

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the contestant prevails.

(d) A contestant must deliver, electronically or otherwise,
a copy of the petition to the secretary of state by the same
deadline prescribed for the filing of the petition.

SECTION 8.03. Title 14, Election Code, is amended by adding
Subtitle D to read as follows:

SUBTITLE D. OTHER ELECTION LAWSUITS

CHAPTER 247. LAWSUIT ALLEGING IMPROPER ELECTION ACTIVITIES

Sec. 247.001. PETITION ALLEGING FRAUD. This chapter
applies to a civil suit in which a candidate in an election alleges
in the petition that an opposing candidate, an agent of the opposing
candidate, or a person acting on behalf of the opposing candidate
with the candidate's knowledge violated any of the following
sections of this code:

- (1) Section 13.007;
- (2) Section 64.012;
- (3) Section 64.036;
- (4) Section 84.003;
- (5) Section 84.0041;
- (6) Section 86.0051;
- (7) Section 86.006;
- (8) Section 86.010;
- (9) Section 276.013; and
- (10) Section 276.015.

Sec. 247.002. PROCEDURE. A candidate in an election may
file a petition for an action under this chapter in any county where
a defendant resided at the time of the election. If the election is

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1 for a statewide office, the candidate may also file the petition in
2 a district court in Travis County.

3 Sec. 247.003. FILING PERIOD FOR PETITION. A candidate in an
4 election may file a petition for an action under this chapter not
5 earlier than the day after the date the election is certified and
6 not later than the 45th day after the later of that date or the date
7 election records are made publicly available under Section 1.012.

8 Sec. 247.004. DAMAGES. (a) If it is shown by a
9 preponderance of the evidence that a defendant, an agent of the
10 defendant, or a person acting on behalf of the defendant with the
11 defendant's knowledge committed one or more violations of a section
12 described by Section 247.001, the defendant is liable to the
13 plaintiff for damages in an amount of \$1,000 for each violation.

14 (b) Notwithstanding Section 41.004, Civil Practice and
15 Remedies Code, a court shall award damages under Subsection (a) to
16 the plaintiff irrespective of whether the plaintiff is awarded
17 actual damages.

18 Sec. 247.005. ATTORNEY'S FEES. In an action under this
19 chapter, the court may award reasonable attorney's fees to the
20 prevailing party.

21 SECTION 8.04. Section 273.061, Election Code, is amended to
22 read as follows:

23 Sec. 273.061. JURISDICTION. (a) The supreme court or a
24 court of appeals may issue a writ of mandamus to compel the
25 performance of any duty imposed by law in connection with the
26 holding of an election or a political party convention, regardless
27 of whether the person responsible for performing the duty is a

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1 public officer.

2 (b) The court of criminal appeals may issue a writ of
3 mandamus to compel the performance of any duty imposed by law in
4 connection with the provision, sequestration, transfer, or
5 impoundment of evidence in or records relating to a criminal
6 investigation conducted under this code or conducted in connection
7 with the conduct of an election or political party convention. If a
8 writ of mandamus is issued under this subsection, it shall include
9 an order requiring the provision, sequestration, transfer, or
10 impoundment of the evidence or record.

11 SECTION 8.05. Subchapter D, Chapter 22, Government Code, is
12 amended by adding Sections 22.304 and 22.305 to read as follows:

13 Sec. 22.304. COURT SITTING IN PANELS FOR CERTAIN ELECTION
14 PROCEEDINGS; CRIMINAL OFFENSE. (a) In this section, "public
15 official" means any person elected, selected, appointed, employed,
16 or otherwise designated as an officer, employee, or agent of this
17 state, a government agency, a political subdivision, or any other
18 public body established by state law.

19 (b) Notwithstanding any other law or rule, a court
20 proceeding entitled to priority under Section 22.305 and filed in a
21 court of appeals shall be docketed by the clerk of the court and
22 assigned to a panel of three justices determined using an automated
23 assignment system.

24 (c) A person, including a public official, commits an
25 offense if the person communicates with a court clerk with the
26 intention of influencing or attempting to influence the composition
27 of a three-justice panel assigned a specific proceeding under this

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1 section.

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

3 Sec. 22.305. PRIORITY OF CERTAIN ELECTION PROCEEDINGS. (a)
4 The supreme court or a court of appeals shall prioritize over any
5 other proceeding pending or filed in the court a proceeding for
6 injunctive relief or for a writ of mandamus under Chapter 273,
7 Election Code, pending or filed in the court on or after the 70th
8 day before a general or special election.

9 (b) If granted, oral argument for a proceeding described by
10 Subsection (a) may be given in person or through electronic means.

11 SECTION 8.06. Section 23.101, Government Code, is amended
12 by amending Subsection (a) and adding Subsections (b-1) and (b-2)
13 to read as follows:

14 (a) Except as provided by Subsection (b-1), the [The] trial
15 courts of this state shall regularly and frequently set hearings
16 and trials of pending matters, giving preference to hearings and
17 trials of the following:

18 (1) temporary injunctions;

19 (2) criminal actions, with the following actions given
20 preference over other criminal actions:

21 (A) criminal actions against defendants who are
22 detained in jail pending trial;

23 (B) criminal actions involving a charge that a
24 person committed an act of family violence, as defined by Section
25 71.004, Family Code;

26 (C) an offense under:

27 (i) Section 21.02 or 21.11, Penal Code;

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(ii) Chapter 22, Penal Code, if the victim of the alleged offense is younger than 17 years of age;

(iii) Section 25.02, Penal Code, if the victim of the alleged offense is younger than 17 years of age;

(iv) Section 25.06, Penal Code;

(v) Section 43.25, Penal Code; or

(vi) Section 20A.02(a)(7), 20A.02(a)(8), or 20A.03, Penal Code;

(D) an offense described by Article 62.001(6)(C) or (D), Code of Criminal Procedure; and

(E) criminal actions against persons who are detained as provided by Section 51.12, Family Code, after transfer for prosecution in criminal court under Section 54.02, Family Code;

(3) election contests and suits under the Election Code;

(4) orders for the protection of the family under Subtitle B, Title 4, Family Code;

(5) appeals of final rulings and decisions of the division of workers' compensation of the Texas Department of Insurance regarding workers' compensation claims and claims under the Federal Employers' Liability Act and the Jones Act;

(6) appeals of final orders of the commissioner of the General Land Office under Section 51.3021, Natural Resources Code;

(7) actions in which the claimant has been diagnosed with malignant mesothelioma, other malignant asbestos-related cancer, malignant silica-related cancer, or acute silicosis; and

(8) appeals brought under Section 42.01 or 42.015, Tax

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Code, of orders of appraisal review boards of appraisal districts established for counties with a population of less than 175,000.

(b-1) Except for a criminal case in which the death penalty has been or may be assessed or when it would otherwise interfere with a constitutional right, the trial courts of this state shall prioritize over any other proceeding pending or filed in the court a proceeding for injunctive relief under Chapter 273, Election Code, pending or filed in the court on or after the 70th day before a general or special election.

(b-2) A hearing in a proceeding described by Subsection (b-1) may be held in person or through electronic means, as determined by the court.

SECTION 8.07. Chapter 23, Government Code, is amended by adding Subchapter D to read as follows:

SUBCHAPTER D. GENERAL PROVISIONS

Sec. 23.301. ASSIGNMENT OF CERTAIN ELECTION PROCEEDINGS; CRIMINAL OFFENSE. (a) Notwithstanding any other law or rule, the clerk of a district court in which a proceeding entitled to priority under Section 23.101(b-1) is filed shall docket the proceeding and, if more than one district court in the county has jurisdiction over the proceeding, randomly assign the proceeding to a district court using an automated assignment system.

(b) Notwithstanding any other law or rule, the clerk of a county court or statutory county court in which a proceeding entitled to priority under Section 23.101(b-1) is filed shall docket the proceeding and, if more than one court in the county has jurisdiction over the proceeding, randomly assign the proceeding to

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1 a court using an automated assignment system.

2 (c) A person, including a public official, commits an
3 offense if the person communicates with a county or district clerk
4 with the intention of influencing or attempting to influence the
5 court or judge assigned to a proceeding under this section.

6 (d) An offense under this section is a Class A misdemeanor,
7 except that the offense is a state jail felony if it is shown on the
8 trial of the offense that the person committed the offense while
9 acting in the person's official capacity as an election official.

10 (e) If a district or county clerk does not comply with this
11 section, a person may seek from the supreme court or a court of
12 appeals a writ of mandamus as provided by Section 273.061, Election
13 Code, to compel compliance with this section.

14 Sec. 23.302. DEADLINES IN CERTAIN ELECTION PROCEEDINGS.

15 (a) Not later than 24 hours after the proceeding is filed, a judge
16 to whom a case is assigned under Section 23.301(b) who wishes to be
17 recused from the proceeding must, before recusal:

18 (1) hear an application for any emergency temporary
19 relief sought;

20 (2) grant or deny any emergency temporary relief
21 sought; and

22 (3) set a scheduling order that provides:

23 (A) a date for a hearing on any injunction sought
24 not later than five days after the date on which the proceeding was
25 filed; and

26 (B) discovery and deposition deadlines before
27 the expiration of any emergency relief order entered.

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1 **(b) The presiding judge of an administrative region shall**
2 **assign a new judge to a proceeding assigned under Section 23.301(b)**
3 **not later than 12 hours after the original judge assigned to the**
4 **proceeding is recused under Subsection (a).**

5 **(c) A final order in a proceeding filed under Section**
6 **273.081, Election Code, shall be submitted in writing to the**
7 **parties not later than 24 hours after the judge makes a final**
8 **determination in the proceeding.**

9 **(d) If a district judge does not comply with this section, a**
10 **person may seek from the supreme court, the court of criminal**
11 **appeals, or a court of appeals a writ of mandamus as provided by**
12 **Section 273.061, Election Code, to compel compliance with this**
13 **section.**

14 **(e) Notwithstanding Section 23.101(b-1), a proceeding**
15 **relating to a permanent injunction being sought in connection to a**
16 **challenge under Section 141.034, Election Code, may be heard after**
17 **the primary election has been canvassed.**

18 **ARTICLE 9. INELIGIBLE VOTERS AND RELATED REFORMS**

19 **SECTION 9.01. Chapter 42, Code of Criminal Procedure, is**
20 **amended by adding Article 42.0194 to read as follows:**

21 **Art. 42.0194. FINDING REGARDING FELONY CONVICTION. In the**
22 **trial of a felony offense, if the defendant is adjudged guilty of**
23 **the offense, the court shall:**

24 **(1) make an affirmative finding that the person has**
25 **been found guilty of a felony and enter the affirmative finding in**
26 **the judgment of the case; and**

27 **(2) instruct the defendant regarding how the felony**

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1 conviction will impact the defendant's right to vote in this state.

2 SECTION 9.02. Article 42.01, Code of Criminal Procedure, as
3 effective September 1, 2021, is amended by adding Section 16 to read
4 as follows:

5 Sec. 16. In addition to the information described by
6 Section 1, the judgment should reflect the affirmative finding and
7 instruction entered pursuant to Article 42.0194.

8 SECTION 9.03. Section 64.012, Election Code, is amended by
9 amending Subsections (a) and (b) and adding Subsections (c) and (d)
10 to read as follows:

11 (a) A person commits an offense if the person knowingly or
12 intentionally:

13 (1) votes or attempts to vote in an election in which
14 the person knows the person is not eligible to vote;

15 (2) [~~knowingly~~] votes or attempts to vote more than
16 once in an election;

17 (3) [~~knowingly~~] votes or attempts to vote a ballot
18 belonging to another person, or by impersonating another person;
19 [~~or~~]

20 (4) [~~knowingly~~] marks or attempts to mark any portion
21 of another person's ballot without the consent of that person, or
22 without specific direction from that person how to mark the ballot;
23 or

24 (5) votes or attempts to vote in an election in this
25 state after voting in another state in an election in which a
26 federal office appears on the ballot and the election day for both
27 states is the same day.

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1 (b) An offense under this section is a Class A misdemeanor
2 ~~[felony of the second degree unless the person is convicted of an~~
3 ~~attempt. In that case, the offense is a state jail felony]~~.

4 (c) A person may not be convicted solely upon the fact that
5 the person signed a provisional ballot affidavit under Section
6 63.011 unless corroborated by other evidence that the person
7 knowingly committed the offense.

8 (d) If conduct that constitutes an offense under this
9 section also constitutes an offense under any other law, the actor
10 may be prosecuted under this section, the other law, or both.

11 SECTION 9.04. The change in law made by this article in
12 adding Section 64.012(c), Election Code, applies to an offense
13 committed before, on, or after the effective date of this Act,
14 except that a final conviction for an offense under that section
15 that exists on the effective date of this Act remains unaffected by
16 this article.

17 ARTICLE 10. REPEALER; SEVERABILITY; TRANSITION; EFFECTIVE DATE

18 SECTION 10.01. The following provisions of the Election
19 Code are repealed:

- 20 (1) Section 85.062(e);
21 (2) Section 86.0105(b); and
22 (3) Section 127.201(f).

23 SECTION 10.02. If any provision of this Act or its
24 application to any person or circumstance is held invalid, the
25 invalidity does not affect other provisions or applications of this
26 Act that can be given effect without the invalid provision or
27 application, and to this end the provisions of this Act are declared

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1 to be severable.

2 SECTION 10.03. (a) Except as otherwise provided by this
3 Act, the changes in law made by this Act apply only to an offense
4 committed on or after the effective date of this Act. An offense
5 committed before the effective date of this Act is governed by the
6 law in effect when the offense was committed, and the former law is
7 continued in effect for that purpose. For purposes of this section,
8 an offense was committed before the effective date of this Act if
9 any element of the offense occurred before that date.

10 (b) The changes in law made by this Act apply only to an
11 election ordered on or after the effective date of this Act. An
12 election ordered before the effective date of this Act is governed
13 by the law in effect when the election was ordered, and the former
14 law is continued in effect for that purpose.

15 (c) The changes in law made by this Act apply only to an
16 application to vote an early voting ballot by mail submitted on or
17 after the effective date of this Act. An application to vote an
18 early voting ballot by mail submitted before the effective date of
19 this Act is governed by the law in effect when the application was
20 submitted, and the former law is continued in effect for that
21 purpose.

22 (d) The changes in law made by this Act apply only to an
23 application for voter registration submitted on or after the
24 effective date of this Act.

25 (e) Chapter 247, Election Code, as added by this Act,
26 applies only to a cause of action for which the associated election
27 occurred after the effective date of this Act.

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1 SECTION 10.04. This Act takes effect on the 91st day after
2 the last day of the legislative session.

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President of the Senate

Speaker of the House

I hereby certify that S.B. No. 1 passed the Senate on August 12, 2021, by the following vote: Yeas 18, Nays 11; August 27, 2021, Senate refused to concur in House amendments and requested appointment of Conference Committee; August 29, 2021, House granted request of the Senate; August 31, 2021, Senate adopted Conference Committee Report by the following vote: Yeas 18, Nays 13.

Secretary of the Senate

I hereby certify that S.B. No. 1 passed the House, with amendments, on August 27, 2021, by the following vote: Yeas 80, Nays 41, one present not voting; August 29, 2021, House granted request of the Senate for appointment of Conference Committee; August 31, 2021, House adopted Conference Committee Report by the following vote: Yeas 80, Nays 41, one present not voting.

Chief Clerk of the House

Approved:

Date

Governor

TAB B

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Introduced Version

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By: Hughes

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A BILL TO BE ENTITLED

AN ACT

relating to election integrity and security, including by preventing fraud in the conduct of elections in this state; increasing criminal penalties; creating criminal offenses; providing civil penalties.

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

ARTICLE 1. REGISTRATION OF VOTERS

SECTION 1.01. Section 13.002, Election Code, is amended by adding Subsection (c-1) to read as follows:

(c-1) The information required under Subsections (c)(3), (4), (5), (6), and (8) must be supplied by the person desiring to register to vote.

SECTION 1.02. Section 15.021, Election Code, is amended by amending Subsections (b) and (d) and adding Subsections (d-1) and (d-2) to read as follows:

(b) Except as provided by Subsection (d), the ~~[The]~~ voter shall use the registration certificate or a registration application form as the notice, indicating the correct information in the appropriate space on the certificate or application form unless the voter does not have possession of the certificate or an application form at the time of giving the notice.

(d) A voter ~~[who continues to reside in the county in which the voter is registered]~~ may correct information under this section by digital transmission of the information under a program

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administered by the secretary of state and the Department of Information Resources.

(d-1) If the notice indicates that a voter no longer resides in the county in which the voter is registered, the registrar shall forward the notice and the voter's original application for registration to the registrar of the county in which the voter resides. The registrars shall coordinate to ensure that the voter's existing registration is canceled immediately after the voter is registered in the county in which the voter resides in accordance with Subsection (d-2).

(d-2) A registrar who receives a voter's notice and application from another registrar under Subsection (d-1) shall treat it as an original application for registration under Section 13.002, and shall register the voter if the voter resides in the county and is otherwise eligible under Section 13.001.

SECTION 1.03. Section 15.028, Election Code, is amended to read as follows:

Sec. 15.028. NOTICE OF UNLAWFUL VOTING OR REGISTRATION ~~[TO PROSECUTOR]~~. ~~[(a)]~~ If the registrar determines that a person who is not eligible to vote registered to vote or [a registered voter] voted in an election, the registrar shall execute and deliver to the attorney general, the secretary of state, and the county or district attorney having jurisdiction in the territory covered by the election an affidavit stating the relevant facts.

~~[(b) If the election covers territory in more than one county, the registrar shall also deliver an affidavit to the attorney general.]~~

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SECTION 1.04. Section 16.0332, Election Code, is amended by amending Subsection (a) and adding Subsections (a-1), (d), and (e) to read as follows:

(a) After the registrar receives notification ~~[a list]~~ under Subsection (a-1) of this section, Section 18.068 of this code, or Section 62.113, Government Code, of persons excused or disqualified from jury service because of citizenship status or notification of persons who indicate a lack of citizenship status in connection with a motor vehicle or Department of Public Safety record as provided by Subsection (a-1), the registrar shall deliver to each registered voter whose name appears on the list a written notice requiring the voter to submit to the registrar proof of United States citizenship in the form of a certified copy of the voter's birth certificate, United States passport, or certificate of naturalization or any other form prescribed by the secretary of state. The notice shall be delivered by forwardable mail to the mailing address on the voter's registration application and to any new address of the voter known to the registrar.

(a-1) The secretary of state shall enter into an agreement with the Department of Public Safety under which information in the existing statewide computerized voter registration list is compared against information in the database of the Department of Public Safety on a monthly basis to verify the accuracy of citizenship status information previously provided on voter registration applications. In comparing information under this subsection, the secretary of state shall consider only a voter's information in the database of the Department of Public Safety that

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1 was derived from documents presented by the voter to the department
2 after the person's current voter registration became effective, and
3 may not consider information derived from documents presented by
4 the voter to the department before the person's current voter
5 registration became effective.

6 (d) The secretary of state shall prescribe rules for the
7 administration of this section.

8 (e) Not later than December 31 of each year, the secretary
9 of state shall provide a report to the legislature of the number of
10 voter registrations canceled under this section during the calendar
11 year.

12 SECTION 1.05. Section 18.068, Election Code, is amended by
13 amending Subsection (a) and adding Subsection (a-1) to read as
14 follows:

15 (a) The secretary of state shall quarterly compare the
16 information received under Section 16.001 of this code and Sections
17 [Section] 62.113 and 62.114, Government Code, to the statewide
18 computerized voter registration list. If the secretary determines
19 that a voter on the registration list is deceased or has been
20 excused or disqualified from jury service because the voter is not a
21 citizen or a resident of the county in which the voter is registered
22 to vote, the secretary shall send notice of the determination to:

23 (1) the voter registrar of the counties considered
24 appropriate by the secretary; and

25 (2) the attorney general, who shall quarterly review
26 the information to investigate whether a person has committed an
27 offense under Section 13.007 or other law.

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1 (a-1) The secretary of state is not required to send notice
2 under Subsection (a) for a voter who is subject to an exemption from
3 jury service under Section 62.106, Government Code, if that
4 exemption is the only reason the voter is excused from jury service.

5 SECTION 1.06. Section 31.006, Election Code, is amended to
6 read as follows:

7 Sec. 31.006. REFERRAL ~~[OF COMPLAINT]~~ TO ATTORNEY GENERAL.

8 (a) If, after receiving or discovering information indicating that
9 ~~[a complaint alleging]~~ criminal conduct in connection with an
10 election has occurred, the secretary of state determines that there
11 is reasonable cause to suspect that ~~[the alleged]~~ criminal conduct
12 occurred, the secretary shall promptly refer the information
13 ~~[complaint]~~ to the attorney general. The secretary shall deliver
14 to the attorney general all pertinent documents and information in
15 the secretary's possession.

16 (b) The documents and information submitted under
17 Subsection (a) are not considered public information until:

18 (1) the secretary of state makes a determination that
19 the information ~~[complaint]~~ received does not warrant an
20 investigation; or

21 (2) if referred to the attorney general, the attorney
22 general has completed the investigation or has made a determination
23 that the information ~~[complaint]~~ referred does not warrant an
24 investigation.

25 SECTION 1.07. Section 62.113(b), Government Code, is
26 amended to read as follows:

27 (b) On the third business day of each month, the clerk shall

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1 send a copy of the list of persons excused or disqualified because
2 of citizenship in the previous month to:

- 3 (1) the voter registrar of the county;
4 (2) the secretary of state; and
5 (3) the attorney general and the county or district
6 attorney~~[, as applicable,]~~ for an investigation of whether the
7 person committed an offense under Section 13.007, Election Code, or
8 other law.

9 SECTION 1.08. Sections 62.114(b) and (c), Government Code,
10 are amended to read as follows:

11 (b) On the third business day of each month, the clerk shall
12 send ~~[to the voter registrar of the county]~~ a copy of the list of
13 persons excused or disqualified in the previous month because the
14 persons do not reside in the county to:

- 15 (1) the voter registrar of the county;
16 (2) the secretary of state; and
17 (3) the attorney general and the county or district
18 attorney for an investigation of whether the person committed an
19 offense under Section 13.007, Election Code, or other law.

20 (c) A list compiled under this section may not be used for a
21 purpose other than a purpose described by Subsection (b) or Section
22 15.081 or 18.068, Election Code.

23 ARTICLE 2. CONDUCT AND SECURITY OF ELECTIONS

24 SECTION 2.01. Section 43.031, Election Code, is amended by
25 amending Subsection (b) and adding Subsections (b-1) and (b-2) to
26 read as follows:

27 (b) Each polling place shall be located inside a building.

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Except as provided by Subsection (b-1), a polling place may not be located in a tent or similar temporary moveable structure or in a facility primarily designed for motor vehicles. No voter may cast a vote from inside a motor vehicle unless the voter meets the requirements of Section 64.009.

(b-1) A polling place may be located in a tent or similar temporary moveable structure if:

(1) a building selected for a polling place is later determined by the county commissioners court to be not reasonably accessible due to fire, flood, or other natural disaster rendering the building unsafe for public use;

(2) a suitable substitute building is not available;
and

(3) the tent or similar temporary moveable structure is adjacent to the building described by Subdivision (1).

(b-2) If the county commissioners court makes a determination described by Subsection (b-1)(1):

(1) the determination is valid only for the next scheduled election; and

(2) the court shall send a record of that determination to the secretary of state as soon as practicable.

SECTION 2.02. Section 61.002, Election Code, is amended to read as follows:

Sec. 61.002. OPENING AND CLOSING POLLING PLACE FOR VOTING.

(a) Immediately before opening the polls for voting on the first day of early voting and on election day, the presiding election judge or alternate election judge shall confirm that each voting

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1 machine has any public counter reset to zero and shall print the
2 tape that shows the counter was set to zero for each candidate or
3 measure on the ballot.

4 (b) At the official time for opening the polls for voting,
5 an election officer shall open the polling place entrance and admit
6 the voters.

7 (c) Immediately after closing the polls for voting on
8 election day, the presiding election judge or alternate election
9 judge shall print the tape to show the number of votes cast for each
10 candidate or ballot measure for each voting machine.

11 (d) Each election judge or alternate election judge present
12 shall sign a tape printed under this section.

13 SECTION 2.03. Section 64.007(c), Election Code, is amended
14 to read as follows:

15 (c) An election officer shall maintain a register of spoiled
16 ballots at the polling place, including spoiled ballots from a
17 direct recording electronic voting unit. An election officer shall
18 enter on the register the name of each voter who returns a spoiled
19 ballot and the spoiled ballot's number. The secretary of state
20 shall create and promulgate a form to be used for this purpose.

21 SECTION 2.04. Subchapter A, Chapter 65, Election Code, is
22 amended by adding Section 65.017 to read as follows:

23 Sec. 65.017. VOTE TABULATING EQUIPMENT. Beginning January
24 1, 2024, equipment to tabulate votes may not be used if any wireless
25 connectivity capability of the equipment has not been disabled or
26 removed.

27 SECTION 2.05. Subchapter A, Chapter 66, Election Code, is

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1 amended by adding Section 66.004 to read as follows:

2 Sec. 66.004. CLOSING POLLING PLACE. The secretary of state
3 shall adopt rules and create a checklist or similar guidelines to
4 assist the presiding judge of a polling place in processing forms
5 and conducting procedures required by this code at the closing of
6 the polling place.

7 SECTION 2.06. Section 66.052, Election Code, is amended to
8 read as follows:

9 Sec. 66.052. DELIVERY BY ELECTION CLERK; CHAIN OF CUSTODY.

10 (a) A delivery of election records or supplies that is to be
11 performed by the presiding judge may be performed by an election
12 clerk designated by the presiding judge.

13 (b) If the presiding judge of a polling place designates a
14 clerk to deliver election supplies, the presiding judge shall
15 attest to the designation, and the clerk shall attest to the clerk's
16 acceptance of the responsibility. The secretary of state shall
17 create and promulgate a form to facilitate compliance with this
18 section.

19 SECTION 2.07. Section 85.005, Election Code, is amended to
20 read as follows:

21 Sec. 85.005. REGULAR DAYS AND HOURS FOR VOTING. (a) Except
22 as provided by Subsection (c), in an election in which a county
23 clerk ~~[or city secretary]~~ is the early voting clerk under Section
24 83.002 ~~[or 83.005]~~, early voting by personal appearance at the main
25 early voting polling place shall be conducted on each weekday of
26 [the weekdays of] the early voting period that is not a legal state
27 holiday and for a period of at least nine hours, except that voting

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1 may not be conducted earlier than 6 a.m. or later than 9 p.m.
 2 ~~[during the hours that the county clerk's or city secretary's main~~
 3 ~~business office is regularly open for business.]~~

4 (b) In an election to which Subsection (a) does not apply,
 5 early voting by personal appearance at the main early voting
 6 polling place shall be conducted at least nine ~~[eight]~~ hours each
 7 weekday of the early voting period that is not a legal state holiday
 8 unless the territory covered by the election has fewer than 1,000
 9 registered voters. In that case, the voting shall be conducted at
 10 least four ~~[three]~~ hours each day. The authority ordering the
 11 election, or the county clerk if that person is the early voting
 12 clerk, shall determine which hours the voting is to be conducted.

13 (c) In a county with a population of 30,000 ~~[100,000]~~ or
 14 more, the voting in a primary election or the general election for
 15 state and county officers shall be conducted at the main early
 16 voting polling place for at least 12 hours on each weekday of the
 17 last week of the early voting period, and the voting in a special
 18 election ordered by the governor shall be conducted at the main
 19 early voting polling place for at least 12 hours on each of the last
 20 two days of the early voting period. Voting under this subsection
 21 may not be conducted earlier than 6 a.m. or later than 9 p.m. Voting
 22 shall be conducted in accordance with this subsection in those
 23 elections in a county with a population under 30,000 ~~[100,000]~~ on
 24 receipt by the early voting clerk of a written request for the
 25 extended hours submitted by at least 15 registered voters of the
 26 county. The request must be submitted in time to enable compliance
 27 with Section [85.067](#).

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(d) A voter who has not voted before the scheduled time for closing a polling place is entitled to vote after that time if the voter is in line at the polling place by closing time. The secretary of state shall promulgate any materials and provide any training to presiding judges necessary to properly process voters under this subsection ~~[In an election ordered by a city, early voting by personal appearance at the main early voting polling place shall be conducted for at least 12 hours.~~

~~[(1) on one weekday, if the early voting period consists of less than six weekdays; or~~

~~[(2) on two weekdays, if the early voting period consists of six or more weekdays].~~

SECTION 2.08. Sections 85.006(b) and (e), Election Code, are amended to read as follows:

(b) In an election in which a county clerk ~~[or city secretary]~~ is the early voting clerk under Section 83.002 ~~[or 83.005]~~, only the early voting clerk may order voting on a Saturday or Sunday. The clerk must do so by written order.

(e) In a primary election or the general election for state and county officers in a county with a population of 30,000 ~~[100,000]~~ or more, the early voting clerk shall order voting by personal appearance ~~[voting]~~ at the main early voting polling place to be conducted on the last Saturday of the early voting period for at least 12 hours, except that voting may not be conducted earlier than 6 a.m. or later than 9 p.m., ~~[on the last Saturday]~~ and on the last Sunday of the early voting period for at least six ~~[five]~~ hours, except that voting may not be conducted earlier than 6 a.m.

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1 or later than 9 p.m [~~on the last Sunday of the early voting period~~].
 2 The early voting clerk shall order voting to be conducted at those
 3 times in those elections in a county with a population under 30,000
 4 [~~100,000~~] on receipt of a written request for those hours submitted
 5 by at least 15 registered voters of the county. The request must be
 6 submitted in time to enable compliance with Section 85.007. This
 7 subsection supersedes any provision of this subchapter to the
 8 extent of any conflict.

9 SECTION 2.09. Section 85.010(a-1), Election Code, is
 10 amended to read as follows:

11 (a-1) In this section, "eligible county polling place"
 12 means an early voting polling place[~~, other than a polling place~~
 13 ~~established under Section 85.062(c),~~] established by a county.

14 SECTION 2.10. Section 85.061, Election Code, is amended by
 15 amending Subsection (a) and adding Subsections (a-1) and (a-2) to
 16 read as follows:

17 (a) In a countywide election in which the county clerk is
 18 the early voting clerk under Section 83.002, an early voting
 19 polling place shall be located inside [~~at~~] each branch office that
 20 is regularly maintained for conducting general clerical functions
 21 of the county clerk, except as provided by Subsection (b). If a
 22 suitable room is unavailable inside the branch office, the polling
 23 place may be located in another room inside the same building as the
 24 branch office. Except as provided by Subsection (a-1), the polling
 25 place may not be located in a tent or similar temporary moveable
 26 structure or a parking garage, parking lot, or similar facility
 27 designed primarily for motor vehicles.

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1 (a-1) An early voting polling place may be located in a tent
2 or similar temporary moveable structure if:

3 (1) a building selected for an early voting polling
4 place is later determined by the county commissioners court to be
5 not reasonably accessible due to fire, flood, or other natural
6 disaster rendering the building unsafe for public use;

7 (2) a suitable substitute building is not available;
8 and

9 (3) the tent or similar temporary moveable structure
10 is adjacent to the building described by Subdivision (1).

11 (a-2) If the county commissioners court makes a
12 determination described by Subsection (a-1)(1):

13 (1) the determination is valid only for the next
14 scheduled election; and

15 (2) the court shall send a record of that
16 determination to the secretary of state as soon as practicable.

17 SECTION 2.11. Section 85.062, Election Code, is amended by
18 amending Subsection (b) and adding Subsections (b-1), (b-2), and
19 (f-1) to read as follows:

20 (b) A polling place established under this section may be
21 located, subject to Subsection (d), at any place in the territory
22 served by the early voting clerk and may be located inside ~~in~~ any
23 building ~~[stationary structure]~~ as directed by the authority
24 establishing the branch office. Except as provided by Subsection
25 (b-1), the [The] polling place may not be located in a tent or
26 similar temporary movable structure or a parking garage, parking
27 lot, or similar facility designed primarily for motor vehicles in

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the general election for state and county officers, general primary election, or runoff primary election. Ropes or other suitable objects may be used at the polling place to ensure compliance with Section 62.004. Persons who are not expressly permitted by law to be in a polling place shall be excluded from the polling place to the extent practicable.

(b-1) A temporary branch polling place may be located in a tent or similar temporary moveable structure if:

(1) a building selected for a temporary branch polling place is later determined by the county commissioners court to be not reasonably accessible due to fire, flood, or other natural disaster rendering the building unsafe for public use;

(2) a suitable substitute building is not available; and

(3) the tent or similar temporary moveable structure is adjacent to the building described by Subdivision (1).

(b-2) If the county commissioners court makes a determination described by Subsection (b-1)(1):

(1) the determination is valid only for the next scheduled election; and

(2) the court shall send a record of that determination to the secretary of state as soon as practicable.

(f-1) Notwithstanding any other provision of this section concerning the location of temporary branch polling places, in an election in which countywide polling places are used, the commissioners court of a county shall employ the same methodology it uses to determine the location of countywide polling places to

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1 determine the location of temporary branch polling places.

2 SECTION 2.12. Section 124.002, Election Code, is amended by
3 adding Subsection (c) to read as follows:

4 (c) Voting system ballots may not be arranged in a manner
5 that allows a political party's candidates to be selected in one
6 motion or gesture.

7 SECTION 2.13. Section 127.1232, Election Code, is amended
8 to read as follows:

9 Sec. 127.1232. SECURITY OF VOTED BALLOTS. (a) The general
10 custodian of election records shall post a licensed peace officer
11 ~~[guard]~~ to ensure the security of ballot boxes containing voted
12 ballots throughout the period of tabulation at the central counting
13 station.

14 (b) The general custodian of election records in a county
15 with a population of less than 100,000 may, and the general
16 custodian of election records in a county with a population of
17 100,000 or more shall, implement a video surveillance system that
18 retains a record of all areas containing voted ballots:

19 (1) from the time the voted ballots are delivered to
20 the central counting station until the canvass of precinct election
21 returns; and

22 (2) from the time the voted ballots are delivered to
23 the signature verification committee or early voting ballot board
24 until the canvass of precinct election returns.

25 (c) A video from a system implemented under Subsection (b)
26 may be made available to the public by a livestream in a county with
27 a population of less than 100,000, and shall be made available to

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1 the public by a livestream in a county with a population of 100,000
2 or more.

3 (d) The video recorded is an election record under Section
4 1.012 and shall be retained by the general custodian of election
5 records until the end of the calendar year in which an election is
6 held or until an election contest filed in the county has been
7 resolved, whichever is later.

8 ARTICLE 3. ELECTION OFFICERS AND OBSERVERS

9 SECTION 3.01. Subchapter A, Chapter 33, Election Code, is
10 amended by adding Section 33.008 to read as follows:

11 Sec. 33.008. TRAINING MANUAL. (a) The secretary of state
12 shall publish and maintain a training manual for watchers and shall
13 make the manual available on the secretary of state's Internet
14 website.

15 (b) An appointing authority must provide each watcher
16 appointed by the authority with a copy of the training manual
17 maintained under this section.

18 SECTION 3.02. Section 33.051, Election Code, is amended by
19 adding Subsections (g) and (h) to read as follows:

20 (g) An election officer commits an offense if the officer
21 intentionally or knowingly refuses to accept a watcher for service
22 when acceptance of the watcher is required by this section. An
23 offense under this subsection is a Class A misdemeanor.

24 (h) Before accepting a watcher, the officer presented with a
25 watcher's certificate of appointment shall require the watcher to
26 take the following oath, administered by the officer: "I swear (or
27 affirm) that I will not disrupt the voting process or harass voters

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1 in the discharge of my duties."

2 SECTION 3.03. Section 33.056, Election Code, is amended by
3 amending Subsection (a) and adding Subsections (e) and (f) to read
4 as follows:

5 (a) Except as provided by Section 33.057, a watcher is
6 entitled to observe any activity conducted at the location at which
7 the watcher is serving. A watcher is entitled to sit or stand
8 ~~[conveniently]~~ near enough to see and hear the election officers
9 conducting the observed activity, except as otherwise prohibited by
10 this chapter.

11 (e) Except as provided by Section 33.057(b), a watcher may
12 not be denied free movement where election activity is occurring
13 within the location at which the watcher is serving.

14 (f) In this code, a watcher who is entitled to "observe" an
15 election activity is entitled to sit or stand near enough to see and
16 hear the activity.

17 SECTION 3.04. Subchapter C, Chapter 33, Election Code, is
18 amended by adding Section 33.0605 to read as follows:

19 Sec. 33.0605. OBSERVING DATA STORAGE SEALING AND TRANSFER.

20 (a) A watcher appointed to serve at a polling place in an election
21 who is available at the time of the action may observe all election
22 activities relating to closing the polling place, including the
23 sealing and transfer of a memory card, flash drive, hard drive, data
24 storage device, or other medium now existing or later developed
25 used by the voting system equipment.

26 (b) Notwithstanding any other provision of this code, a
27 watcher duly accepted for service at a polling location is entitled

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1 to follow the transfer of election materials from the polling place
 2 at which the watcher was accepted to a regional tabulating center,
 3 the central counting station, or any other location designated to
 4 process election materials. The authority responsible for
 5 administering a regional tabulating center or another location
 6 where election materials are processed must accept duly appointed
 7 watchers for service in the same manner a watcher is accepted for
 8 service under Section 33.051 and must accept the same number of
 9 watchers that may serve under Section 33.007(a).

10 SECTION 3.05. Section 33.061(a), Election Code, is amended
 11 to read as follows:

12 (a) A person commits an offense if the person serves in an
 13 official capacity at a location at which the presence of watchers is
 14 authorized and knowingly prevents a watcher from observing an
 15 activity or procedure the person knows the watcher is entitled to
 16 observe, including by taking any action to obstruct the view of a
 17 watcher or distance the watcher from the activity or procedure to be
 18 observed in a manner that would make observation not reasonably
 19 effective.

20 SECTION 3.06. Subchapter C, Chapter 33, Election Code, is
 21 amended by adding Section 33.063 to read as follows:

22 Sec. 33.063. RELIEF. (a) A watcher, or the appointing
 23 authority for a watcher, who believes that the watcher was
 24 unlawfully prevented or obstructed from the performance of the
 25 watcher's duties may seek:

26 (1) injunctive relief under Section 273.081,
 27 including issuance of temporary orders;

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1 (2) a writ of mandamus under Section 161.009 or
 2 273.061; and

3 (3) any other remedy available under law.

4 (b) The relief provided by this section is available to a
 5 state inspector appointed under Chapter 34 or any other election
 6 inspector authorized by law.

7 SECTION 3.07. Section 86.006, Election Code, is amended by
 8 amending Subsection (a) and adding Subsection (a-2) to read as
 9 follows:

10 (a) A marked ballot voted under this chapter must be
 11 returned to the early voting clerk in the official carrier
 12 envelope. The carrier envelope may be delivered in another
 13 envelope and must be transported and delivered only by:

14 (1) mail;
 15 (2) common or contract carrier; or
 16 (3) subject to Subsections [~~Subsection~~] (a-1) and
 17 (a-2), in-person delivery by the voter who voted the ballot.

18 (a-2) An in-person delivery of a marked ballot voted under
 19 this chapter must be received by an election official at the time of
 20 delivery. The receiving official shall record the voter's name,
 21 signature, and type of identification provided under Section
 22 63.0101 on a roster prescribed by the secretary of state. The
 23 receiving official shall attest on the roster that the delivery
 24 complies with this section.

25 SECTION 3.08. Chapter 121, Election Code, is amended by
 26 adding Section 121.004 to read as follows:

27 Sec. 121.004. COMMUNICATIONS WITH VOTING SYSTEMS VENDOR

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PUBLIC INFORMATION. Except as provided by Sections 552.110 and 552.1101, Government Code, a written letter, e-mail, or other communication, including a communication made confidential by other law, between a public official and a voting systems vendor:

(1) is not confidential;

(2) is public information for purposes of Chapter 552, Government Code; and

(3) is not subject to an exception to disclosure provided by Chapter 552, Government Code.

SECTION 3.09. Subchapter A, Chapter 127, Election Code, is amended by adding Section 127.009 to read as follows:

Sec. 127.009. ELECTRONIC DEVICES IN CENTRAL COUNTING STATION. (a) A counting station manager and the presiding judge of the counting station shall develop a protocol under which any electronic device inside a central counting station that is necessary to count votes is equipped with software that tracks all input and activity on the electronic device.

(b) The counting station manager and the presiding judge of the counting station shall ensure that the input and activity tracked by the software is printed and delivered to the secretary of state not later than the fifth day after vote counting is complete.

(c) This section applies only to a central counting station located in a county with a population of 250,000 or more.

SECTION 3.10. Section 127.1301, Election Code, is amended to read as follows:

Sec. 127.1301. [TALLYING, TABULATING, AND REPORTING] CENTRALLY COUNTED OPTICAL SCAN BALLOTS [BALLOT UNDERVOTES AND

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~~OVERVOTES~~]. (a) In an election using centrally counted optical scan ballots, the undervotes and overvotes on those ballots shall be tallied, tabulated, and reported by race and by election precinct in the form and manner prescribed by the secretary of state.

(b) After January 1, 2024, an authority operating a central counting station under this chapter may not purchase or use a centrally counted optical ballot scan system that uses a data storage disc on which information, once written, is capable of being modified.

SECTION 3.11. Section [127.131](#), Election Code, is amended by adding Subsection (f) to read as follows:

(f) The presiding judge of the central counting station shall provide and attest to a written reconciliation of votes and voters at the close of tabulation for election day and again after the central counting station meets for the last time to process late-arriving ballots by mail and provisional ballots. The secretary of state shall create and promulgate rules and a form to facilitate compliance with this subsection. The form shall be posted on a website maintained by the county along with election returns and results.

SECTION 3.12. Section [129.023](#), Election Code, is amended by adding Subsections (b-2) and (c-1) to read as follows:

(b-2) If the test is being conducted for an election in which a county election board has been established under Section [51.002](#), the general custodian of election records shall notify each member of the board of the test at least 48 hours before the date of

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1 the test. If the county election board chooses to witness the test,
2 each member shall sign the statement required by Subsection (e)(1).

3 (c-1) A test conducted under this section must also require
4 the general custodian of election records to demonstrate, using a
5 representative sample of voting system equipment, that the source
6 code of the equipment has not been altered.

7 ARTICLE 4. VOTING BY MAIL

8 SECTION 4.01. Section 84.001(b), Election Code, is amended
9 to read as follows:

10 (b) An application must be submitted in writing and signed
11 by the applicant using ink on paper. An electronic signature or
12 photocopied signature is not permitted.

13 SECTION 4.02. Subchapter A, Chapter 84, Election Code, is
14 amended by adding Section 84.0011 to read as follows:

15 Sec. 84.0011. SOLICITATION OF BALLOT BY MAIL APPLICATIONS
16 PROHIBITED. The early voting clerk may make no attempt to solicit a
17 person to complete an application for an early voting ballot by
18 mail, whether directly or through a third party.

19 SECTION 4.03. Section 84.002, Election Code, as effective
20 September 1, 2021, is amended by amending Subsection (a) and adding
21 Subsection (b-1) to read as follows:

22 (a) An early voting ballot application must include:

23 (1) the applicant's name and the address at which the
24 applicant is registered to vote;

25 (1-a) the following information:

26 (A) the number of the applicant's driver's
27 license, election identification certificate, or personal

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1 identification card issued by the Department of Public Safety;

2 (B) if the applicant has not been issued a number
3 described by Paragraph (A), the last four digits of the applicant's
4 social security number; or

5 (C) a statement by the applicant that the
6 applicant has not been issued a number described by Paragraph (A) or
7 (B);

8 (2) for an application for a ballot to be voted by mail
9 on the ground of absence from the county of residence, the address
10 outside the applicant's county of residence to which the ballot is
11 to be mailed;

12 (3) for an application for a ballot to be voted by mail
13 on the ground of age or disability, the address of the hospital,
14 nursing home or other long-term care facility, or retirement
15 center, or of a person related to the applicant within the second
16 degree by affinity or the third degree by consanguinity, as
17 determined under Chapter 573, Government Code, if the applicant is
18 living at that address and that address is different from the
19 address at which the applicant is registered to vote;

20 (4) for an application for a ballot to be voted by mail
21 on the ground of confinement in jail, the address of the jail or of a
22 person related to the applicant within the degree described by
23 Subdivision (3);

24 (5) for an application for a ballot to be voted by mail
25 on any ground, an indication of each election for which the
26 applicant is applying for a ballot;

27 (6) an indication of the ground of eligibility for

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1 early voting; and

2 (7) for an application for a ballot to be voted by mail
3 on the ground of involuntary civil commitment, the address of the
4 facility operated by or under contract with the Texas Civil
5 Commitment Office or of a person related to the applicant within the
6 degree of consanguinity described by Subdivision (3).

7 (b-1) A person may use the number of a driver's license,
8 election identification certificate, or personal identification
9 card that has expired for the purpose of fulfilling the requirement
10 under Subsection (a)(1-a) if the license or identification is
11 otherwise valid.

12 SECTION 4.04. Section 84.011(a), Election Code, as
13 effective September 1, 2021, is amended to read as follows:

14 (a) The officially prescribed application form for an early
15 voting ballot must include:

16 (1) immediately preceding the signature space the
17 statement: "I certify that the information given in this
18 application is true, and I understand that giving false information
19 in this application is a crime.";

20 (2) a statement informing the applicant of the
21 offenses prescribed by Sections 84.003 and 84.004;

22 (3) spaces for entering an applicant's voter
23 registration number and county election precinct of registration,
24 with a statement informing the applicant that failure to furnish
25 that information does not invalidate the application;

26 (3-a) a space for entering the information required
27 under Section 84.002(a)(1-a); and

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(4) on an application for a ballot to be voted by mail:

(A) a space for an applicant applying on the ground of absence from the county of residence to indicate the date on or after which the applicant can receive mail at the address outside the county;

(B) a space for indicating the fact that an applicant whose application is signed by a witness cannot make the applicant's mark and a space for indicating the relationship or lack of relationship of the witness to the applicant;

(C) a space for entering an applicant's telephone number, with a statement informing the applicant that failure to furnish that information does not invalidate the application;

(D) a space or box for an applicant applying on the ground of age or disability to indicate that the address to which the ballot is to be mailed is the address of a facility or relative described by Section 84.002(a)(3), if applicable;

(E) a space or box for an applicant applying on the ground of confinement in jail or involuntary civil commitment to indicate that the address to which the ballot is to be mailed is the address of a relative described by Section 84.002(a)(4) or (7), if applicable;

(F) a space for an applicant applying on the ground of age or disability to indicate if the application is an application under Section 86.0015;

(G) spaces for entering the signature, printed name, and residence address of any person assisting the applicant;

(H) a statement informing the applicant of the

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condition prescribed by Section 81.005; and

(I) a statement informing the applicant of the requirement prescribed by Section 86.003(c).

SECTION 4.05. Subchapter A, Chapter 84, Election Code, is amended by adding Section 84.0111 to read as follows:

Sec. 84.0111. DISTRIBUTION OF APPLICATION FORM. (a) Except as provided by Subsection (c) or as otherwise authorized by this code, an officer or employee of this state or of a political subdivision of this state may not distribute an application form for an early voting ballot to a person who did not request an application under Section 84.001.

(b) An officer or employee of this state or of a political subdivision of this state may not use public funds to facilitate the distribution by another person of an application form for an early voting ballot to a person who did not request an application under Section 84.001.

(c) A political party or a candidate for office may distribute an application form for an early voting ballot to a person who did not request an application under Section 84.001.

SECTION 4.06. Section 84.032(c), Election Code, is amended to read as follows:

(c) An applicant may submit a request after the close of early voting by personal appearance by appearing in person and:

(1) returning the ballot to be voted by mail to the early voting clerk; or

(2) executing an affidavit that the applicant:

(A) has not received the ballot to be voted by

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1 mail; ~~or~~]

2 (B) never requested a ballot to be voted by mail;
3 or

4 (C) received notice of a defect under Section
5 87.0271(b) or 87.0411(b).

6 SECTION 4.07. Section 84.035, Election Code, is amended to
7 read as follows:

8 Sec. 84.035. BALLOT SENT TO APPLICANT. (a) If the early
9 voting clerk cancels an application by an applicant to whom an early
10 voting ballot has been sent, the clerk shall:

11 (1) remove the applicant's name from the early voting
12 roster; and

13 (2) make any other entries in the records and take any
14 other action necessary to prevent the ballot from being counted if
15 returned.

16 (b) An election judge may permit a person to whom an early
17 voting ballot has been sent who cancels the person's application
18 for a ballot to be voted by mail in accordance with Section 84.032
19 but fails to return the ballot to be voted by mail to the early
20 voting clerk, deputy early voting clerk, or presiding judge as
21 provided by that section to vote only a provisional ballot under
22 Section 63.011.

23 SECTION 4.08. Section 86.001, Election Code, is amended by
24 adding Subsection (f) to read as follows:

25 (f) If the information required under Section
26 84.002(a)(1-a) included on the application does not match the
27 information on the applicant's application for voter registration

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1 under Section 13.002(c)(8), the clerk shall reject the application.

2 SECTION 4.09. Section 86.002, Election Code, is amended by
3 adding Subsections (g), (h), and (i) to read as follows:

4 (g) The carrier envelope must include a space that is hidden
5 from view when the envelope is sealed for the voter to enter the
6 following information:

7 (1) the number of the voter's driver's license,
8 election identification certificate, or personal identification
9 card issued by the Department of Public Safety;

10 (2) if the voter has not been issued a number described
11 by Subdivision (1), the last four digits of the voter's social
12 security number; or

13 (3) a statement by the applicant that the applicant
14 has not been issued a number described by Subdivision (1) or (2).

15 (h) A person may use the number of a driver's license,
16 election identification certificate, or personal identification
17 card that has expired for purposes of Subsection (g) if the license
18 or identification is otherwise valid.

19 (i) No record associating an individual voter with a ballot
20 may be created.

21 SECTION 4.10. Section 86.011(c), Election Code, is amended
22 to read as follows:

23 (c) If the return is not timely, the clerk shall enter the
24 time of receipt on the carrier envelope and retain it in a locked
25 container for the period for preserving the precinct election
26 records. The clerk shall destroy the unopened envelope and its
27 contents after the preservation period.

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SECTION 4.11. Section 87.027(i), Election Code, is amended to read as follows:

(i) The signature verification committee shall compare the signature on each carrier envelope certificate, except those signed for a voter by a witness, with the signature on the voter's ballot application to determine whether the signatures are those of the voter. The committee may also compare the signatures with any known signature ~~[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. Except as provided by Subsection (1), a determination under this subsection that the signatures are not those of the voter must be made by a majority vote of the committee's membership. The committee shall place the jacket envelopes, carrier envelopes, and applications of voters whose signatures are not those of the voter in separate containers from those of voters whose signatures are those of the voter. The committee chair shall deliver the sorted materials to the early voting ballot board at the time specified by the board's presiding judge.

SECTION 4.12. Subchapter B, Chapter 87, Election Code, is amended by adding Section 87.0271 to read as follows:

Sec. 87.0271. OPPORTUNITY TO CORRECT DEFECT: SIGNATURE VERIFICATION COMMITTEE. (a) This section applies to an early voting ballot voted by mail:

(1) for which the voter did not sign the carrier envelope certificate;

(2) for which it cannot immediately be determined

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whether the signature on the carrier envelope certificate is that of the voter;

(3) missing any required statement of residence; or

(4) containing incomplete information with respect to a witness.

(b) Before deciding whether to accept or reject a timely delivered ballot under Section 87.027, the signature verification committee may:

(1) return the carrier envelope to the voter by mail, if the signature verification committee determines that it would be possible to correct the defect and return the carrier envelope before the time the polls are required to close on election day; or

(2) notify the voter of the defect by telephone or e-mail and inform the voter that the voter may come to the early voting clerk's office in person to:

(A) correct the defect; or

(B) request to have the voter's application to vote by mail canceled under Section 84.032.

(c) If the signature verification committee takes an action described by Subsection (b), the committee must take either action described by that subsection with respect to each ballot in the election to which this section applies.

(d) A poll watcher is entitled to observe an action taken under Subsection (b).

(e) The secretary of state may prescribe any procedures necessary to implement this section.

SECTION 4.13. Section 87.041, Election Code, is amended by

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amending Subsections (b) and (e) and adding Subsection (d-1) 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 nor the signature on the carrier envelope certificate is determined to 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 information required under Section 86.002(g) provided by the voter identifies the same voter identified on the

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1 voter's application for voter registration under Section
 2 13.002(c)(8).

3 (d-1) If a voter provides the information required under
 4 Section 86.002(g) and it identifies the same voter identified on
 5 the voter's application for voter registration under Section
 6 13.002(c)(8), the signature on the ballot application and on the
 7 carrier envelope certificate shall be rebuttably presumed to be the
 8 signatures of the voter.

9 (e) In making the determination under Subsection (b)(2), to
 10 determine whether the signatures are those of the voter, the board
 11 may also compare the signatures with any known signature [~~two or~~
 12 ~~more signatures~~] of the voter [~~made within the preceding six years~~
 13 ~~and~~] on file with the county clerk or voter registrar [~~to determine~~
 14 ~~whether the signatures are those of the voter~~].

15 SECTION 4.14. Subchapter C, Chapter 87, Election Code, is
 16 amended by adding Section 87.0411 to read as follows:

17 Sec. 87.0411. OPPORTUNITY TO CORRECT DEFECT: EARLY VOTING
 18 BALLOT BOARD. (a) This section applies to an early voting ballot
 19 voted by mail:

20 (1) for which the voter did not sign the carrier
 21 envelope certificate;

22 (2) for which it cannot immediately be determined
 23 whether the signature on the carrier envelope certificate is that
 24 of the voter;

25 (3) missing any required statement of residence; or

26 (4) containing incomplete information with respect to
 27 a witness.

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1 (b) Before deciding whether to accept or reject a timely
2 delivered ballot under Section 87.041, the early voting ballot
3 board may:

4 (1) return the carrier envelope to the voter by mail,
5 if the early voting ballot board determines that it would be
6 possible to correct the defect and return the carrier envelope
7 before the time the polls are required to close on election day; or

8 (2) notify the voter of the defect by telephone or
9 e-mail and inform the voter that the voter may come to the early
10 voting clerk's office in person to:

11 (A) correct the defect; or

12 (B) request to have the voter's application to
13 vote by mail canceled under Section 84.032.

14 (c) If the early voting ballot board takes an action
15 described by Subsection (b), the board must take either action
16 described by that subsection with respect to each ballot in the
17 election to which this section applies.

18 (d) A poll watcher is entitled to observe an action taken
19 under Subsection (b).

20 (e) The secretary of state may prescribe any procedures
21 necessary to implement this section.

22 SECTION 4.15. Section 87.0431(b), Election Code, is amended
23 to read as follows:

24 (b) The early voting clerk shall, not later than the 30th
25 day after election day, deliver notice to the attorney general,
26 including certified copies of the carrier envelope and
27 corresponding ballot application, of any ballot rejected because:

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(1) the voter was deceased;

(2) the voter already voted in person in the same election;

(3) the signatures on the carrier envelope and ballot application were not executed by the same person;

(4) the carrier envelope certificate lacked a witness signature; ~~or~~

(5) the carrier envelope certificate was improperly executed by an assistant; or

(6) the early voting ballot board or the signature verification committee determined that another violation of the Election Code occurred.

SECTION 4.16. Sections 87.062(a) and (c), Election Code, are amended to read as follows:

(a) On the direction of the presiding judge, the early voting ballot board, in accordance with Section 85.032(b), shall open the containers ~~[container]~~ for the early voting ballots that are to be counted by the board, remove the contents from each ~~[the]~~ container, and remove any ballots enclosed in ballot envelopes from their envelopes.

(c) Ballots voted by mail shall be tabulated and stored separately from the ballots voted by personal appearance and shall be separately reported on the returns ~~[The results of all early voting ballots counted by the board under this subchapter shall be included in the same return]~~.

SECTION 4.17. Section 87.103, Election Code, is amended to read as follows:

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1 Sec. 87.103. COUNTING BALLOTS AND PREPARING RETURNS. (a)
 2 The early voting electronic system ballots counted at a central
 3 counting station, the ballots cast at precinct polling places, and
 4 the ballots voted by mail shall be tabulated separately [~~from the~~
 5 ~~ballots cast at precinct polling places~~] and shall be separately
 6 reported on the returns.

7 (b) The early voting returns prepared at the central
 8 counting station must include any early voting results obtained by
 9 the early voting ballot board under Subchapter [~~Subchapter~~] D [~~and~~
 10 E].

11 SECTION 4.18. Section 87.126, Election Code, is amended by
 12 adding Subsection (a-1) to read as follows:

13 (a-1) Electronic records made under this section shall
 14 record both sides of any application, envelope, or ballot recorded,
 15 and all such records shall be provided to the early voting ballot
 16 board, the signature verification committee, or both.

17 SECTION 4.19. Subchapter G, Chapter 87, Election Code, is
 18 amended by adding Section 87.128 to read as follows:

19 Sec. 87.128. NOTES. Each member of an early voting ballot
 20 board and each member of a signature verification committee is
 21 entitled to take and keep any notes reasonably necessary to perform
 22 the member's duties under this chapter.

23 ARTICLE 5. ASSISTANCE OF VOTERS

24 SECTION 5.01. Section 64.009, Election Code, is amended by
 25 amending Subsection (b) and adding Subsections (e), (f), (f-1),
 26 (g), and (h) to read as follows:

27 (b) The regular voting procedures, except those in

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1 Subchapter B, may be modified by the election officer to the extent
2 necessary to conduct voting under this section.

3 (e) Except as provided by Section 33.057, a poll watcher is
4 entitled to observe any activity conducted under this section.

5 (f) A person who simultaneously assists three or more voters
6 voting under this section by providing the voters with
7 transportation to the polling place must complete and sign a form,
8 provided by an election officer, that contains the person's name
9 and address and whether the person is providing assistance solely
10 under this section or under both this section and Subchapter B.

11 (f-1) Subsection (f) does not apply if the person is related
12 to each voter within the second degree by affinity or the third
13 degree by consanguinity, as determined under Subchapter B, Chapter
14 573, Government Code.

15 (g) A form completed under Subsection (f) shall be delivered
16 to the secretary of state as soon as practicable. The secretary
17 shall retain a form delivered under this section for the period for
18 preserving the precinct election records and shall make the form
19 available to the attorney general for inspection upon request.

20 (h) The secretary of state shall prescribe the form
21 described by Subsection (f).

22 SECTION 5.02. Section 64.031, Election Code, is amended to
23 read as follows:

24 Sec. 64.031. ELIGIBILITY FOR ASSISTANCE. A voter is
25 eligible to receive assistance in marking or reading the ballot, as
26 provided by this subchapter, if the voter cannot prepare or read the
27 ballot because of:

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(1) a physical disability that renders the voter unable to write or see; or

(2) an inability to read the language in which the ballot is written.

SECTION 5.03. Subchapter B, Chapter 64, Election Code, is amended by adding Section 64.0322 to read as follows:

Sec. 64.0322. SUBMISSION OF FORM BY ASSISTANT. (a) A person, other than an election officer, who assists a voter in accordance with this chapter is required to complete a form stating:

(1) the name and address of the person assisting the voter;

(2) the relationship to the voter of the person assisting the voter; and

(3) whether the person assisting the voter received or accepted any form of compensation or other benefit from a candidate, campaign, or political committee.

(b) The secretary of state shall prescribe the form required by this section. The form must be incorporated into the official carrier envelope if the voter is voting an early voting ballot by mail and receives assistance under Section 86.010, or must be submitted to an election officer at the time the voter casts a ballot if the voter is voting at a polling place or under Section 64.009.

SECTION 5.04. Section 64.034, Election Code, is amended to read as follows:

Sec. 64.034. OATH. A person, other than an election

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1 officer, selected to provide assistance to a voter must take the
 2 following oath, administered by an election officer at the polling
 3 place, before providing assistance:

4 "I swear (or affirm) under penalty of perjury that the voter I
 5 am assisting represented to me they are eligible to receive
 6 assistance; I will not suggest, by word, sign, or gesture, how the
 7 voter should vote; ~~[I will confine my assistance to answering the~~
 8 ~~voter's questions, to stating propositions on the ballot, and to~~
 9 ~~naming candidates and, if listed, their political parties;]~~ I will
 10 prepare the voter's ballot as the voter directs; I did not
 11 encourage, pressure, or coerce the voter into choosing me to
 12 provide assistance; ~~[and]~~ I am not the voter's employer, an agent of
 13 the voter's employer, or an officer or agent of a labor union to
 14 which the voter belongs; I will not communicate information about
 15 how the voter has voted to another person; and I understand that if
 16 assistance is provided to a voter who is not eligible for
 17 assistance, the voter's ballot may not be counted."

18 SECTION 5.05. Sections 86.010(e), (h), and (i), Election
 19 Code, are amended to read as follows:

20 (e) A person who assists a voter to prepare a ballot to be
 21 voted by mail shall enter on the official carrier envelope of the
 22 voter:

23 (1) the person's signature, printed name, and
 24 residence address;

25 (2) the relationship of the person providing the
 26 assistance to the voter; and

27 (3) whether the person received or accepted any form

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1 of compensation or other benefit from a candidate, campaign, or
2 political committee in exchange for providing assistance [~~on the~~
3 ~~official carrier envelope of the voter~~].

4 (h) Subsection (f) does not apply to:

5 (1) a violation of Subsection (c), if the person is
6 related to the voter within the second degree by affinity or the
7 third degree by consanguinity, as determined under Subchapter B,
8 Chapter 573, Government Code, or was physically living in the same
9 dwelling as the voter at the time of the event; or

10 (2) a violation of Subsection (e), if the person is
11 related to the voter within the second degree by affinity or the
12 third degree by consanguinity, as determined under Subchapter B,
13 Chapter 573, Government Code.

14 (i) An offense under this section for a violation of
15 Subsection (c) is increased to the next higher category of offense
16 if it is shown on the trial of an offense under this section that:

17 (1) the defendant was previously convicted of an
18 offense under this code;

19 (2) the offense involved a voter 65 years of age or
20 older; or

21 (3) the defendant committed another offense under this
22 section in the same election.

23 SECTION 5.06. Section 86.013(b), Election Code, is amended
24 to read as follows:

25 (b) Spaces must appear on the reverse side of the official
26 carrier envelope for:

27 (1) indicating the identity and date of the election;

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1 ~~[and]~~

2 (2) entering the signature, printed name, and
3 residence address of a person other than the voter who deposits the
4 carrier envelope in the mail or with a common or contract carrier;
5 and

6 (3) indicating the relationship of that person to the
7 voter.

8 ARTICLE 6. FRAUD AND OTHER UNLAWFUL PRACTICES

9 SECTION 6.01. Chapter 63, Election Code, is amended by
10 adding Section 63.0111 to read as follows:

11 Sec. 63.0111. OFFENSES RELATED TO PROVISIONAL VOTING. (a)
12 An election judge commits an offense if the judge knowingly
13 provides a voter with a form for an affidavit required by Section
14 63.001 if the form contains information that the judge entered on
15 the form knowing it was false.

16 (b) An offense under this section is a state jail felony.

17 SECTION 6.02. Sections 276.004(a) and (b), Election Code,
18 are amended to read as follows:

19 (a) A person commits an offense if, with respect to another
20 person over whom the person has authority in the scope of
21 employment, the person knowingly:

22 (1) refuses to permit the other person to be absent
23 from work on election day or while early voting is in progress for
24 the purpose of attending the polls to vote; or

25 (2) subjects or threatens to subject the other person
26 to a penalty for attending the polls on election day or while early
27 voting is in progress to vote.

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(b) It is an exception to the application of this section that the person's conduct occurs in connection with an election in which the polls are open on election day or while early voting is in progress for voting for two consecutive hours outside of the voter's working hours.

SECTION 6.03. Chapter 276, Election Code, is amended by adding Sections 276.015, 276.016, and 276.017 to read as follows:

Sec. 276.015. VOTE HARVESTING. (a) In this section and in Section 276.016:

(1) "Benefit" means anything reasonably regarded as a gain or advantage, including a promise or offer of employment, a political favor, or an official act of discretion, whether to a person or another party whose welfare is of interest to the person.

(2) "Vote harvesting services" means in-person interaction with one or more voters, in the physical presence of an official ballot, a ballot voted by mail, or an application for ballot by mail, intended to deliver votes for a specific candidate or measure.

(b) A person commits an offense if the person, directly or through a third party, knowingly provides or offers to provide vote harvesting services in exchange for compensation or other benefit.

(c) A person commits an offense if the person, directly or through a third party, knowingly provides or offers to provide compensation or other benefit to another person in exchange for vote harvesting services.

(d) A person commits an offense if the person knowingly collects or possesses a mail ballot or official carrier envelope in

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1 connection with vote harvesting services.

2 (e) This section does not apply to:

3 (1) an activity not performed in exchange for
4 compensation or a benefit;

5 (2) interactions that do not directly involve an
6 official ballot, ballot by mail, or an application for ballot by
7 mail;

8 (3) interactions that are not conducted in-person with
9 a voter; or

10 (4) activity that is not designed to deliver votes for
11 or against a specific candidate or measure.

12 (f) In this section, compensation in exchange for vote
13 harvesting services is inferred if a person who performed vote
14 harvesting services for a candidate or campaign solicits, receives,
15 or is offered compensation from the candidate or campaign, directly
16 or through a third party, for services other than vote harvesting
17 services provided.

18 (g) An offense under this section is a felony of the third
19 degree.

20 (h) If conduct that constitutes an offense under this
21 section also constitutes an offense under any other law, the actor
22 may be prosecuted under this section, the other law, or both.

23 (i) Records necessary to investigate an offense under this
24 section or any other section of this code shall be provided by an
25 election officer in an unredacted form to a law enforcement officer
26 upon request. Records obtained under this subsection are not
27 subject to public disclosure.

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1 Sec. 276.016. CIVIL LIABILITY FOR VOTE HARVESTING. (a) A
2 person who is shown by a preponderance of the evidence to have
3 violated Section 276.015 is civilly liable to any candidate or
4 political party who suffers harm from the vote harvesting services
5 for damages and penalties that may be awarded under Subsection (c).

6 (b) A person is harmed by the vote harvesting services if
7 the person can demonstrate that:

8 (1) the person has standing to seek relief; and

9 (2) the liable party violated Section 276.015.

10 (b-1) To establish standing under this section, a person is
11 not required to demonstrate that the vote harvesting services
12 successfully delivered votes for a specific candidate or measure,
13 but must demonstrate that:

14 (1) the vote harvesting services were intended to
15 deliver votes for a specific candidate or measure; and

16 (2) the person opposed the candidate or measure in the
17 person's capacity as a candidate or political party.

18 (c) A party who prevails in an action under this section may
19 recover damages in an amount including any or all of:

20 (1) the amount of compensation paid to or received by a
21 party in exchange for vote harvesting services;

22 (2) the fair market value of any benefit given or
23 received in exchange for vote harvesting services;

24 (3) a penalty in the amount of \$35,000; or

25 (4) reasonable and necessary attorney's fees, court
26 costs, witness fees, and discovery costs.

27 (d) A party who is a candidate for office who prevails in an

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action under this section and shows that the number of voters contacted by the vote harvesting activity exceeds the number of votes by which the party lost the election shall recover damages in an amount including any or all of:

(1) the party's campaign expenditures properly filed on a campaign finance report in connection with the election; or

(2) any fees and expenses incurred by the party in filing and securing a place on the ballot.

(e) A person who commits an offense under Section 276.015 and is found civilly liable, including by vicarious liability, under this chapter or other law for any amount of damages arising from the vote harvesting services is jointly liable with any other defendant for the entire amount of damages arising from the vote harvesting services.

(f) The cause of action created by this section is cumulative of any other remedy provided by common law or statute.

(g) Rules applicable to a party's access to election records under Chapter 231 or 232 apply to a cause of action under this section.

(h) The expedited actions process created by Rule 169, Texas Rules of Civil Procedure, does not apply to an action under this section.

(i) Chapter 27, Civil Practice and Remedies Code, does not apply to a cause of action under this section.

(j) A cause of action under this section may be brought in the county where any element of a violation under Section 276.015 occurred, or where any part of the vote harvesting services

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1 occurred.

2 (k) This section shall be liberally construed and applied to
3 promote its underlying purpose to protect candidates and the voting
4 public from unlawful vote harvesting and provide an efficient and
5 economical remedy to secure that protection.

6 Sec. 276.017. UNLAWFUL ALTERING OF ELECTION PROCEDURES. A
7 public official may not create, alter, modify, waive, or suspend
8 any election standard, practice, or procedure mandated by law or
9 rule in a manner not expressly authorized by this code.

10 ARTICLE 7. ENFORCEMENT

11 SECTION 7.01. Section [18.065](#), Election Code, is amended by
12 amending Subsection (a) and adding Subsections (e), (f), and (g) to
13 read as follows:

14 (a) The secretary of state shall monitor each registrar for
15 substantial compliance with Sections [15.083](#), [16.032](#), [16.0332](#), and
16 [18.061](#) and with rules implementing the statewide computerized voter
17 registration list.

18 (e) A registrar shall correct a violation within 30 days of
19 a notice under Subsection (b). If a registrar fails to correct the
20 violation within 30 days of a notice under Subsection (b), the
21 secretary of state shall:

22 (1) correct the violation on behalf of the registrar;
23 and

24 (2) notify the attorney general that the registrar
25 failed to correct a violation under this subsection.

26 (f) A county served by a registrar who fails to correct a
27 violation under Subsection (e) is liable to this state for a civil

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penalty of \$1,000 for each violation corrected by the secretary of state under that subsection. The attorney general may bring an action to recover a civil penalty imposed under this section.

(g) A civil penalty collected by the attorney general under this section shall be deposited in the state treasury to the credit of the general revenue fund.

SECTION 7.02. Subchapter E, Chapter 31, Election Code, is amended by adding Sections 31.128 and 31.129 to read as follows:

Sec. 31.128. RESTRICTION ON ELIGIBILITY. (a) In this section, "election official" means:

- (1) a county clerk;
- (2) a permanent or temporary deputy county clerk;
- (3) an elections administrator;
- (4) a permanent or temporary employee of an elections administrator;
- (5) an election judge;
- (6) an alternate election judge;
- (7) an early voting clerk;
- (8) a deputy early voting clerk;
- (9) an election clerk;
- (10) the presiding judge of an early voting ballot board;
- (11) the alternate presiding judge of an early voting ballot board;
- (12) a member of an early voting ballot board;
- (13) the chair of a signature verification committee;
- (14) the vice chair of a signature verification

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1 committee;

2 (15) a member of a signature verification committee;

3 (16) the presiding judge of a central counting
4 station;

5 (17) the alternate presiding judge of a central
6 counting station;

7 (18) a central counting station manager;

8 (19) a central counting station clerk;

9 (20) a tabulation supervisor; and

10 (21) an assistant to a tabulation supervisor.

11 (b) A person may not serve as an election official if the
12 person has been finally convicted of an offense under this code.

13 Sec. 31.129. CIVIL PENALTY. (a) In this section, "election
14 official" has the meaning assigned by Section 31.128.

15 (b) An election official may be liable to this state for a
16 civil penalty if the official:

17 (1) is employed by or is an officer of this state or a
18 political subdivision of this state; and

19 (2) violates a provision of this code.

20 (c) A civil penalty imposed under this section may include
21 termination of the person's employment and loss of the person's
22 employment benefits.

23 SECTION 7.03. Section 232.006(a), Election Code, is amended
24 to read as follows:

25 (a) The venue of an election contest for a statewide office
26 is in Travis County or any county where a contestee resided at the
27 time of the election. For purposes of this section, a contestee's

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1 residence is determined under Section 411.0257, Government Code.

2 SECTION 7.04. Sections 232.008(b), (c), and (d), Election
3 Code, are amended to read as follows:

4 (b) Except as provided by Subsection (c), a contestant must
5 file the petition not later than the later of the 45th ~~30th~~ day
6 after the date the election records are publicly available under
7 Section 1.012 or the official result of the contested election is
8 determined.

9 (c) A contestant must file the petition not later than the
10 later of the 15th ~~10th~~ day after the date the election records are
11 publicly available under Section 1.012 or the official result is
12 determined in a contest of:

13 (1) a primary or runoff primary election; or

14 (2) a general or special election for which a runoff is
15 necessary according to the official result or will be necessary if
16 the contestant prevails.

17 (d) A contestant must deliver, electronically or otherwise,
18 a copy of the petition to the secretary of state by the same
19 deadline prescribed for the filing of the petition.

20 SECTION 7.05. Chapter 232, Election Code, is amended by
21 adding Subchapter C to read as follows:

22 SUBCHAPTER C. CONTEST INVOLVING ALLEGED FRAUD

23 Sec. 232.061. PETITION ALLEGING FRAUD. This subchapter
24 applies to an election contest in which the contestant alleges in
25 the petition that an opposing candidate, an agent of the opposing
26 candidate, or a person acting on behalf of the opposing candidate
27 with the candidate's knowledge violated any of the following

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sections of this code:

(1) Section 13.007;

(2) Section 64.012;

(3) Section 64.036;

(4) Section 84.003;

(5) Section 84.0041;

(6) Section 86.0051;

(7) Section 86.006;

(8) Section 86.010; or

(9) Section 276.013.

Sec. 232.062. DAMAGES. (a) If it is shown by a preponderance of the evidence that a contestee, an agent of the contestee, or a person acting on behalf of the contestee with the contestee's knowledge committed one or more violations of a section described by Section 232.061, the contestee is liable to the contestant for damages in an amount of \$1,000 for each violation.

(b) Notwithstanding Section 41.004(a), Civil Practice and Remedies Code, a court shall award damages under Subsection (a) to the contestant irrespective of whether the contestant is awarded actual damages.

Sec. 232.063. ATTORNEY'S FEES. In an election contest to which this subchapter applies, the court may award reasonable attorney's fees to the prevailing party.

SECTION 7.06. Section 273.061, Election Code, is amended to read as follows:

Sec. 273.061. JURISDICTION. (a) The supreme court or a court of appeals may issue a writ of mandamus to compel the

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1 performance of any duty imposed by law in connection with the
2 holding of an election or a political party convention, regardless
3 of whether the person responsible for performing the duty is a
4 public officer.

5 (b) The court of criminal appeals may issue a writ of
6 mandamus to compel the performance of any duty imposed by law in
7 connection with the provision, sequestration, transfer, or
8 impoundment of evidence in or records relating to a criminal
9 investigation conducted under this code or conducted in connection
10 with the conduct of an election or political party convention. If a
11 writ of mandamus is issued under this subsection, it shall include
12 an order requiring the provision, sequestration, transfer, or
13 impoundment of the evidence or record.

14 SECTION 7.07. Subchapter D, Chapter 22, Government Code, is
15 amended by adding Section 22.304 to read as follows:

16 Sec. 22.304. PRIORITY OF CERTAIN ELECTION PROCEEDINGS. (a)
17 The supreme court, the court of criminal appeals, or a court of
18 appeals shall prioritize over any other proceeding pending or filed
19 in the court a proceeding for injunctive relief or for a writ of
20 mandamus under Chapter 273, Election Code, pending or filed in the
21 court on or after the 120th day before a general or special
22 election.

23 (b) If granted, oral argument for a proceeding described by
24 Subsection (a) may be given in person or through electronic means.

25 SECTION 7.08. Section 23.101, Government Code, is amended
26 by amending Subsection (a) and adding Subsection (b-1) to read as
27 follows:

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1 (a) Except as provided by Subsection (b-1), the ~~The~~ trial
2 courts of this state shall regularly and frequently set hearings
3 and trials of pending matters, giving preference to hearings and
4 trials of the following:

5 (1) temporary injunctions;

6 (2) criminal actions, with the following actions given
7 preference over other criminal actions:

8 (A) criminal actions against defendants who are
9 detained in jail pending trial;

10 (B) criminal actions involving a charge that a
11 person committed an act of family violence, as defined by Section
12 71.004, Family Code;

13 (C) an offense under:

14 (i) Section 21.02 or 21.11, Penal Code;

15 (ii) Chapter 22, Penal Code, if the victim
16 of the alleged offense is younger than 17 years of age;

17 (iii) Section 25.02, Penal Code, if the
18 victim of the alleged offense is younger than 17 years of age;

19 (iv) Section 25.06, Penal Code;

20 (v) Section 43.25, Penal Code; or

21 (vi) Section 20A.02(a)(7), 20A.02(a)(8),
22 or 20A.03, Penal Code;

23 (D) an offense described by Article 62.001(6)(C)
24 or (D), Code of Criminal Procedure; and

25 (E) criminal actions against persons who are
26 detained as provided by Section 51.12, Family Code, after transfer
27 for prosecution in criminal court under Section 54.02, Family Code;

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(3) election contests and suits under the Election Code;

(4) orders for the protection of the family under Subtitle B, Title 4, Family Code;

(5) appeals of final rulings and decisions of the division of workers' compensation of the Texas Department of Insurance regarding workers' compensation claims and claims under the Federal Employers' Liability Act and the Jones Act;

(6) appeals of final orders of the commissioner of the General Land Office under Section 51.3021, Natural Resources Code;

(7) actions in which the claimant has been diagnosed with malignant mesothelioma, other malignant asbestos-related cancer, malignant silica-related cancer, or acute silicosis; and

(8) appeals brought under Section 42.01 or 42.015, Tax Code, of orders of appraisal review boards of appraisal districts established for counties with a population of less than 175,000.

(b-1) Except for a criminal case in which the death penalty has been or may be assessed or when it would otherwise interfere with a constitutional right, the trial courts of this state shall prioritize over any other proceeding pending or filed in the court a proceeding for injunctive relief under Chapter 273, Election Code, pending or filed in the court on or after the 120th day before a general or special election.

ARTICLE 8. INELIGIBLE VOTERS AND RELATED REFORMS

SECTION 8.01. Chapter 42, Code of Criminal Procedure, is amended by adding Article 42.0194 to read as follows:

Art. 42.0194. FINDING REGARDING FELONY CONVICTION. In the

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trial of a felony offense, if the defendant is 18 years of age or older and is adjudged guilty of the offense, the court shall:

(1) make an affirmative finding that the person has been found guilty of a felony and enter the affirmative finding in the judgment of the case; and

(2) instruct the defendant regarding how the felony conviction will impact the defendant's right to vote in this state.

SECTION 8.02. Article 42.01, Code of Criminal Procedure, as effective September 1, 2021, is amended by adding Section 16 to read as follows:

Sec. 16. In addition to the information described by Section 1, the judgment should reflect the affirmative finding and instruction entered pursuant to Article 42.0194.

ARTICLE 9. REPEALER; SEVERABILITY; TRANSITION; EFFECTIVE DATE

SECTION 9.01. The following provisions of the Election Code are repealed:

(1) Section 85.062(e); and

(2) Section 127.201(f).

SECTION 9.02. If any provision of this Act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this Act that can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

SECTION 9.03. (a) Except as otherwise provided by this Act, the changes in law made by this Act apply only to an offense committed on or after the effective date of this Act. An offense

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1 committed before the effective date of this Act is governed by the
2 law in effect when the offense was committed, and the former law is
3 continued in effect for that purpose. For purposes of this section,
4 an offense was committed before the effective date of this Act if
5 any element of the offense occurred before that date.

6 (b) The changes in law made by this Act apply only to an
7 election ordered on or after the effective date of this Act. An
8 election ordered before the effective date of this Act is governed
9 by the law in effect when the election was ordered, and the former
10 law is continued in effect for that purpose.

11 (c) The changes in law made by this Act apply only to an
12 election contest for which the associated election occurred after
13 the effective date of this Act.

14 (d) The changes in law made by this Act apply only to an
15 application to vote an early voting ballot by mail submitted on or
16 after the effective date of this Act. An application to vote an
17 early voting ballot by mail submitted before the effective date of
18 this Act is governed by the law in effect when the application was
19 submitted, and the former law is continued in effect for that
20 purpose.

21 (e) The changes in law made by this Act apply only to an
22 application for voter registration submitted on or after the
23 effective date of this Act.

24 SECTION 9.04. This Act takes effect on the 91st day after
25 the last day of the legislative session.

TAB C

S.B.1
Engrossed Version

RETRIEVED FROM DEMOCRACYDOCKET.COM

By: Hughes, et al.

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A BILL TO BE ENTITLED

AN ACT

relating to election integrity and security, including by preventing fraud in the conduct of elections in this state; increasing criminal penalties; creating criminal offenses; providing civil penalties.

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

ARTICLE 1. REGISTRATION OF VOTERS

SECTION 1.01. Section 13.002, Election Code, is amended by adding Subsection (c-1) to read as follows:

(c-1) The information required under Subsections (c)(3), (4), (5), (6), and (8) must be supplied by the person desiring to register to vote.

SECTION 1.02. Section 15.021, Election Code, is amended by amending Subsections (b) and (d) and adding Subsections (d-1) and (d-2) to read as follows:

(b) Except as provided by Subsection (d), the ~~The~~ voter shall use the registration certificate or a registration application form as the notice, indicating the correct information in the appropriate space on the certificate or application form unless the voter does not have possession of the certificate or an application form at the time of giving the notice.

(d) A voter ~~[who continues to reside in the county in which the voter is registered]~~ may correct information under this section by digital transmission of the information under a program

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administered by the secretary of state and the Department of Information Resources.

(d-1) If the notice indicates that a voter no longer resides in the county in which the voter is registered, the registrar shall forward the notice and the voter's application for registration to the registrar of the county in which the voter resides. The registrars shall coordinate to ensure that the voter's existing registration is canceled immediately after the voter is registered in the county in which the voter resides in accordance with Subsection (d-2).

(d-2) A registrar who receives a voter's notice and application from another registrar under Subsection (d-1) shall treat it as an original application for registration under Section 13.002, and shall register the voter if the voter resides in the county and is otherwise eligible under Section 13.001.

SECTION 1.03. Section 15.028, Election Code, is amended to read as follows:

Sec. 15.028. NOTICE OF UNLAWFUL VOTING OR REGISTRATION ~~[TO PROSECUTOR]~~. ~~[(a)]~~ If the registrar determines that a person who is not eligible to vote registered to vote or [a registered voter] voted in an election, the registrar shall execute and deliver to the attorney general, the secretary of state, and the county or district attorney having jurisdiction in the territory covered by the election an affidavit stating the relevant facts.

~~[(b) If the election covers territory in more than one county, the registrar shall also deliver an affidavit to the attorney general.]~~

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1 SECTION 1.04. Section 16.0332, Election Code, is amended by
2 amending Subsection (a) and adding Subsections (a-1), (d), and (e)
3 to read as follows:

4 (a) After the registrar receives notification ~~[a list]~~
5 under Subsection (a-1) of this section, Section 18.068 of this
6 code, or Section 62.113, Government Code, of persons excused or
7 disqualified from jury service because of citizenship status or
8 notification of persons who indicate a lack of citizenship status
9 in connection with a motor vehicle or Department of Public Safety
10 record as provided by Subsection (a-1), the registrar shall deliver
11 to each registered voter whose name appears on the list a written
12 notice requiring the voter to submit to the registrar proof of
13 United States citizenship in the form of a certified copy of the
14 voter's birth certificate, United States passport, or certificate
15 of naturalization or any other form prescribed by the secretary of
16 state. The notice shall be delivered by forwardable mail to the
17 mailing address on the voter's registration application and to any
18 new address of the voter known to the registrar.

19 (a-1) The secretary of state shall enter into an agreement
20 with the Department of Public Safety under which information in the
21 existing statewide computerized voter registration list is
22 compared against information in the database of the Department of
23 Public Safety on a monthly basis to verify the accuracy of
24 citizenship status information previously provided on voter
25 registration applications. In comparing information under this
26 subsection, the secretary of state shall consider only a voter's
27 information in the database of the Department of Public Safety that

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1 was derived from documents presented by the voter to the department
2 after the person's current voter registration became effective, and
3 may not consider information derived from documents presented by
4 the voter to the department before the person's current voter
5 registration became effective.

6 (d) The secretary of state shall prescribe rules for the
7 administration of this section.

8 (e) Not later than December 31 of each year, the secretary
9 of state shall provide a report to the legislature of the number of
10 voter registrations canceled under this section during the calendar
11 year.

12 SECTION 1.05. Section 18.068, Election Code, is amended by
13 amending Subsection (a) and adding Subsection (a-1) to read as
14 follows:

15 (a) The secretary of state shall quarterly compare the
16 information received under Section 16.001 of this code and Sections
17 [Section] 62.113 and 62.114, Government Code, to the statewide
18 computerized voter registration list. If the secretary determines
19 that a voter on the registration list is deceased or has been
20 excused or disqualified from jury service because the voter is not a
21 citizen or a resident of the county in which the voter is registered
22 to vote, the secretary shall send notice of the determination to:

23 (1) the voter registrar of the counties considered
24 appropriate by the secretary; and

25 (2) the attorney general, who shall quarterly review
26 the information to investigate whether a person has committed an
27 offense under Section 13.007 or other law.

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1 (a-1) The secretary of state is not required to send notice
2 under Subsection (a) for a voter who is subject to an exemption from
3 jury service under Section 62.106, Government Code, if that
4 exemption is the only reason the voter is excused from jury service.

5 SECTION 1.06. Section 31.006, Election Code, is amended to
6 read as follows:

7 Sec. 31.006. REFERRAL [~~OF COMPLAINT~~] TO ATTORNEY GENERAL.

8 (a) If, after receiving or discovering information indicating that
9 [a complaint alleging] criminal conduct in connection with an
10 election has occurred, the secretary of state determines that there
11 is reasonable cause to suspect that [~~the alleged~~] criminal conduct
12 occurred, the secretary shall promptly refer the information
13 [~~complaint~~] to the attorney general. The secretary shall deliver
14 to the attorney general all pertinent documents and information in
15 the secretary's possession.

16 (b) The documents and information submitted under
17 Subsection (a) are not considered public information until:

18 (1) the secretary of state makes a determination that
19 the information [~~complaint~~] received does not warrant an
20 investigation; or

21 (2) if referred to the attorney general, the attorney
22 general has completed the investigation or has made a determination
23 that the information [~~complaint~~] referred does not warrant an
24 investigation.

25 SECTION 1.07. Section 62.113(b), Government Code, is
26 amended to read as follows:

27 (b) On the third business day of each month, the clerk shall

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1 send a copy of the list of persons excused or disqualified because
2 of citizenship in the previous month to:

- 3 (1) the voter registrar of the county;
4 (2) the secretary of state; and
5 (3) the attorney general and the county or district
6 attorney~~[, as applicable,]~~ for an investigation of whether the
7 person committed an offense under Section 13.007, Election Code, or
8 other law.

9 SECTION 1.08. Sections 62.114(b) and (c), Government Code,
10 are amended to read as follows:

11 (b) On the third business day of each month, the clerk shall
12 send ~~[to the voter registrar of the county]~~ a copy of the list of
13 persons excused or disqualified in the previous month because the
14 persons do not reside in the county to:

- 15 (1) the voter registrar of the county;
16 (2) the secretary of state; and
17 (3) the attorney general and the county or district
18 attorney for an investigation of whether the person committed an
19 offense under Section 13.007, Election Code, or other law.

20 (c) A list compiled under this section may not be used for a
21 purpose other than a purpose described by Subsection (b) or Section
22 15.081 or 18.068, Election Code.

23 ARTICLE 2. CONDUCT AND SECURITY OF ELECTIONS

24 SECTION 2.01. Section 43.031, Election Code, is amended by
25 amending Subsection (b) and adding Subsections (b-1) and (b-2) to
26 read as follows:

27 (b) Each polling place shall be located inside a building.

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1 Except as provided by Subsection (b-1), a polling place may not be
2 located in a tent or similar temporary moveable structure or in a
3 facility primarily designed for motor vehicles. No voter may cast a
4 vote from inside a motor vehicle unless the voter meets the
5 requirements of Section 64.009.

6 (b-1) A polling place may be located in a tent or similar
7 temporary moveable structure if:

8 (1) a building selected for a polling place is later
9 determined by the county commissioners court to be not reasonably
10 accessible due to fire, flood, or other natural disaster rendering
11 the building unsafe for public use;

12 (2) a suitable substitute building is not available;
13 and

14 (3) the tent or similar temporary moveable structure
15 is adjacent to the building described by Subdivision (1).

16 (b-2) If the county commissioners court makes a
17 determination described by Subsection (b-1)(1):

18 (1) the determination is valid only for the next
19 scheduled election; and

20 (2) the court shall send a record of that
21 determination to the secretary of state as soon as practicable.

22 SECTION 2.02. Section 61.002, Election Code, is amended to
23 read as follows:

24 Sec. 61.002. OPENING AND CLOSING POLLING PLACE FOR VOTING.

25 (a) Immediately before opening the polls for voting on the first
26 day of early voting and on election day, the presiding election
27 judge or alternate election judge shall confirm that each voting

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1 machine has any public counter reset to zero and shall print the
2 tape that shows the counter was set to zero for each candidate or
3 measure on the ballot.

4 (b) At the official time for opening the polls for voting,
5 an election officer shall open the polling place entrance and admit
6 the voters.

7 (c) Immediately after closing the polls for voting on
8 election day, the presiding election judge or alternate election
9 judge shall print the tape to show the number of votes cast for each
10 candidate or ballot measure for each voting machine.

11 (d) Each election judge or alternate election judge present
12 shall sign a tape printed under this section.

13 SECTION 2.03. Section 64.007(c), Election Code, is amended
14 to read as follows:

15 (c) An election officer shall maintain a register of spoiled
16 ballots at the polling place, including spoiled ballots from a
17 direct recording electronic voting unit. An election officer shall
18 enter on the register the name of each voter who returns a spoiled
19 ballot and the spoiled ballot's number. The secretary of state
20 shall create and promulgate a form to be used for this purpose.

21 SECTION 2.04. Subchapter A, Chapter 66, Election Code, is
22 amended by adding Section 66.004 to read as follows:

23 Sec. 66.004. POLLING PLACE CHECKLISTS. The secretary of
24 state shall adopt rules and create a checklist or similar
25 guidelines to assist the presiding judge of a polling place in
26 processing forms and conducting procedures required by this code at
27 the opening and closing of the polling place.

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SECTION 2.05. Section 66.052, Election Code, is amended to read as follows:

Sec. 66.052. DELIVERY BY ELECTION CLERK; CHAIN OF CUSTODY.

(a) A delivery of election records or supplies that is to be performed by the presiding judge may be performed by an election clerk designated by the presiding judge.

(b) If the presiding judge of a polling place designates a clerk to deliver election supplies, the presiding judge shall attest to the designation, and the clerk shall attest to the clerk's acceptance of the responsibility. The secretary of state shall create and promulgate a form to facilitate compliance with this section.

SECTION 2.06. Section 85.005, Election Code, is amended to read as follows:

Sec. 85.005. REGULAR DAYS AND HOURS FOR VOTING. (a) Except as provided by Subsection (c), in an election in which a county clerk ~~[or city secretary]~~ is the early voting clerk under Section 83.002 ~~[or 83.005]~~, early voting by personal appearance at the main early voting polling place shall be conducted on each weekday of [the weekdays of] the early voting period that is not a legal state holiday and for a period of at least nine hours, except that voting may not be conducted earlier than 6 a.m. or later than 9 p.m. [during the hours that the county clerk's or city secretary's main business office is regularly open for business.]

(b) In an election to which Subsection (a) does not apply, early voting by personal appearance at the main early voting polling place shall be conducted at least nine ~~[eight]~~ hours each

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1 weekday of the early voting period that is not a legal state holiday
2 unless the territory covered by the election has fewer than 1,000
3 registered voters. In that case, the voting shall be conducted at
4 least four [~~three~~] hours each day. The authority ordering the
5 election, or the county clerk if that person is the early voting
6 clerk, shall determine which hours the voting is to be conducted.

7 (c) In a county with a population of 30,000 [~~100,000~~] or
8 more, the voting in a primary election or the general election for
9 state and county officers shall be conducted at the main early
10 voting polling place for at least 12 hours on each weekday of the
11 last week of the early voting period, and the voting in a special
12 election ordered by the governor shall be conducted at the main
13 early voting polling place for at least 12 hours on each of the last
14 two days of the early voting period. Voting under this subsection
15 may not be conducted earlier than 6 a.m. or later than 9 p.m. Voting
16 shall be conducted in accordance with this subsection in those
17 elections in a county with a population under 30,000 [~~100,000~~] on
18 receipt by the early voting clerk of a written request for the
19 extended hours submitted by at least 15 registered voters of the
20 county. The request must be submitted in time to enable compliance
21 with Section [85.067](#).

22 (d) A voter who has not voted before the scheduled time for
23 closing a polling place is entitled to vote after that time if the
24 voter is in line at the polling place by closing time. The
25 secretary of state shall promulgate any materials and provide any
26 training to presiding judges necessary to properly process voters
27 under this subsection [~~In an election ordered by a city, early~~

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~~voting by personal appearance at the main early voting polling place shall be conducted for at least 12 hours.~~

~~[(1) on one weekday, if the early voting period consists of less than six weekdays, or~~

~~[(2) on two weekdays, if the early voting period consists of six or more weekdays].~~

SECTION 2.07. Sections 85.006(b) and (e), Election Code, are amended to read as follows:

(b) In an election in which a county clerk ~~[or city secretary]~~ is the early voting clerk under Section 83.002 ~~[or 83.005]~~, only the early voting clerk may order voting on a Saturday or Sunday. The clerk must do so by written order.

(e) In a primary election or the general election for state and county officers in a county with a population of 30,000 ~~[100,000]~~ or more, the early voting clerk shall order voting by personal appearance [voting] at the main early voting polling place to be conducted on the last Saturday of the early voting period for at least 12 hours, except that voting may not be conducted earlier than 6 a.m. or later than 9 p.m., [on the last Saturday] and on the last Sunday of the early voting period for at least six [five] hours, except that voting may not be conducted earlier than 6 a.m. or later than 9 p.m. [on the last Sunday of the early voting period].

The early voting clerk shall order voting to be conducted at those times in those elections in a county with a population under 30,000 ~~[100,000]~~ on receipt of a written request for those hours submitted by at least 15 registered voters of the county. The request must be submitted in time to enable compliance with Section 85.007. This

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subsection supersedes any provision of this subchapter to the extent of any conflict.

SECTION 2.08. Section 85.010(a-1), Election Code, is amended to read as follows:

(a-1) In this section, "eligible county polling place" means an early voting polling place~~[, other than a polling place established under Section 85.062(e),]~~ established by a county.

SECTION 2.09. Section 85.061, Election Code, is amended by amending Subsection (a) and adding Subsections (a-1) and (a-2) to read as follows:

(a) In a countywide election in which the county clerk is the early voting clerk under Section 83.002, an early voting polling place shall be located inside ~~at~~ each branch office that is regularly maintained for conducting general clerical functions of the county clerk, except as provided by Subsection (b). If a suitable room is unavailable inside the branch office, the polling place may be located in another room inside the same building as the branch office. Except as provided by Subsection (a-1), the polling place may not be located in a tent or similar temporary moveable structure or a parking garage, parking lot, or similar facility designed primarily for motor vehicles.

(a-1) An early voting polling place may be located in a tent or similar temporary moveable structure if:

(1) a building selected for an early voting polling place is later determined by the county commissioners court to be not reasonably accessible due to fire, flood, or other natural disaster rendering the building unsafe for public use;

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1 (2) a suitable substitute building is not available;
 2 and

3 (3) the tent or similar temporary moveable structure
 4 is adjacent to the building described by Subdivision (1).

5 (a-2) If the county commissioners court makes a
 6 determination described by Subsection (a-1)(1):

7 (1) the determination is valid only for the next
 8 scheduled election; and

9 (2) the court shall send a record of that
 10 determination to the secretary of state as soon as practicable.

11 SECTION 2.10. Section 85.062, Election Code, is amended by
 12 amending Subsection (b) and adding Subsections (b-1), (b-2), and
 13 (f-1) to read as follows:

14 (b) A polling place established under this section may be
 15 located, subject to Subsection (d), at any place in the territory
 16 served by the early voting clerk and may be located inside ~~in~~ any
 17 building ~~[stationary structure]~~ as directed by the authority
 18 establishing the branch office. **Except as provided by Subsection**
 19 **(b-1), the [The] polling place may not be located in a tent or**
 20 **similar temporary movable structure or a parking garage, parking**
 21 **lot, or similar facility designed primarily for motor vehicles in**
 22 **the general election for state and county officers, general primary**
 23 **election, or runoff primary election.** Ropes or other suitable
 24 objects may be used at the polling place to ensure compliance with
 25 Section 62.004. Persons who are not expressly permitted by law to
 26 be in a polling place shall be excluded from the polling place to
 27 the extent practicable.

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1 (b-1) A temporary branch polling place may be located in a
2 tent or similar temporary moveable structure if:

3 (1) a building selected for a temporary branch polling
4 place is later determined by the county commissioners court to be
5 not reasonably accessible due to fire, flood, or other natural
6 disaster rendering the building unsafe for public use;

7 (2) a suitable substitute building is not available;
8 and

9 (3) the tent or similar temporary moveable structure
10 is adjacent to the building described by Subdivision (1).

11 (b-2) If the county commissioners court makes a
12 determination described by Subsection (b-1)(1):

13 (1) the determination is valid only for the next
14 scheduled election; and

15 (2) the court shall send a record of that
16 determination to the secretary of state as soon as practicable.

17 (f-1) Notwithstanding any other provision of this section
18 concerning the location of temporary branch polling places, in an
19 election in which countywide polling places are used, the
20 commissioners court of a county shall employ the same methodology
21 it uses to determine the location of countywide polling places to
22 determine the location of temporary branch polling places.

23 SECTION 2.11. Section 124.002, Election Code, is amended by
24 adding Subsection (c) to read as follows:

25 (c) Voting system ballots may not be arranged in a manner
26 that allows a political party's candidates to be selected in one
27 motion or gesture.

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SECTION 2.12. Section 127.1232, Election Code, is amended to read as follows:

Sec. 127.1232. SECURITY OF VOTED BALLOTS. (a) The general custodian of election records shall post a licensed peace officer ~~[guard]~~ to ensure the security of ballot boxes containing voted ballots throughout the period of tabulation at the central counting station.

(b) The general custodian of election records shall implement a video surveillance system that retains a record of all areas containing voted ballots:

(1) from the time the voted ballots are delivered to the central counting station until the canvass of precinct election returns; and

(2) from the time the voted ballots are delivered to the signature verification committee or early voting ballot board until the canvass of precinct election returns.

(c) A video from a system implemented under Subsection (b) shall be made available to the public by a livestream.

(d) The video recorded is an election record under Section 1.012 and shall be retained by the general custodian of election records until the end of the calendar year in which an election is held or until an election contest filed in the county has been resolved, whichever is later.

ARTICLE 3. ELECTION OFFICERS AND OBSERVERS

SECTION 3.01. Subchapter A, Chapter 33, Election Code, is amended by adding Section 33.0015 to read as follows:

Sec. 33.0015. REFERENCES TO EARLY VOTING BALLOT BOARD IN

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1 THIS CHAPTER. A reference in this chapter to an early voting ballot
2 board includes a signature verification committee.

3 SECTION 3.02. Subchapter A, Chapter 33, Election Code, is
4 amended by adding Section 33.008 to read as follows:

5 Sec. 33.008. TRAINING MANUAL. (a) The secretary of state
6 shall publish and maintain a training manual for watchers and shall
7 make the manual available on the secretary of state's Internet
8 website.

9 (b) An appointing authority must provide each watcher
10 appointed by the authority with a copy of the training manual
11 maintained under this section.

12 SECTION 3.03. Section 33.051, Election Code, is amended by
13 adding Subsections (g) and (h) to read as follows:

14 (g) An election officer commits an offense if the officer
15 intentionally or knowingly refuses to accept a watcher for service
16 when acceptance of the watcher is required by this section. An
17 offense under this subsection is a Class A misdemeanor.

18 (h) Before accepting a watcher, the officer presented with a
19 watcher's certificate of appointment shall require the watcher to
20 take the following oath, administered by the officer: "I swear (or
21 affirm) that I will not disrupt the voting process or harass voters
22 in the discharge of my duties."

23 SECTION 3.04. Section 33.056, Election Code, is amended by
24 amending Subsection (a) and adding Subsections (e) and (f) to read
25 as follows:

26 (a) Except as provided by Section 33.057, a watcher is
27 entitled to observe any activity conducted at the location at which

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1 the watcher is serving. A watcher is entitled to sit or stand
2 [~~conveniently~~] near enough to see and hear the election officers
3 conducting the observed activity, except as otherwise prohibited by
4 this chapter.

5 (e) Except as provided by Section 33.057(b), a watcher may
6 not be denied free movement where election activity is occurring
7 within the location at which the watcher is serving.

8 (f) In this code, a watcher who is entitled to "observe" an
9 election activity is entitled to sit or stand near enough to see and
10 hear the activity.

11 SECTION 3.05. Subchapter C, Chapter 33, Election Code, is
12 amended by adding Section 33.0605 to read as follows:

13 Sec. 33.0605. OBSERVING DATA STORAGE SEALING AND TRANSFER.

14 (a) A watcher appointed to serve at a polling place in an election
15 who is available at the time of the action may observe all election
16 activities relating to closing the polling place, including the
17 sealing and transfer of a memory card, flash drive, hard drive, data
18 storage device, or other medium now existing or later developed
19 used by the voting system equipment.

20 (b) Notwithstanding any other provision of this code, a
21 watcher duly accepted for service at a polling location is entitled
22 to follow the transfer of election materials from the polling place
23 at which the watcher was accepted to a regional tabulating center,
24 the central counting station, or any other location designated to
25 process election materials. The authority responsible for
26 administering a regional tabulating center or another location
27 where election materials are processed must accept duly appointed

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watchers for service in the same manner a watcher is accepted for service under Section 33.051 and must accept the same number of watchers that may serve under Section 33.007(a).

SECTION 3.06. Section 33.061(a), Election Code, is amended to read as follows:

(a) A person commits an offense if the person serves in an official capacity at a location at which the presence of watchers is authorized and knowingly prevents a watcher from observing an activity or procedure the person knows the watcher is entitled to observe, including by taking any action to obstruct the view of a watcher or distance the watcher from the activity or procedure to be observed in a manner that would make observation not reasonably effective.

SECTION 3.07. Subchapter C, Chapter 33, Election Code, is amended by adding Section 33.063 to read as follows:

Sec. 33.063. RELIEF. (a) A watcher, or the appointing authority for a watcher, who believes that the watcher was unlawfully prevented or obstructed from the performance of the watcher's duties may seek:

(1) injunctive relief under Section 273.081, including issuance of temporary orders;

(2) a writ of mandamus under Section 161.009 or 273.061; and

(3) any other remedy available under law.

(b) The relief provided by this section is available to a state inspector appointed under Chapter 34 or any other election inspector authorized by law.

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SECTION 3.08. Section 86.006, Election Code, is amended by amending Subsection (a) and adding Subsection (a-2) to read as follows:

(a) A marked ballot voted under this chapter must be returned to the early voting clerk in the official carrier envelope. The carrier envelope may be delivered in another envelope and must be transported and delivered only by:

(1) mail;

(2) common or contract carrier; or

(3) subject to Subsections ~~[Subsection]~~ (a-1) and (a-2), in-person delivery by the voter who voted the ballot.

(a-2) An in-person delivery of a marked ballot voted under this chapter must be received by an election official at the time of delivery. The receiving official shall record the voter's name, signature, and type of identification provided under Section 63.0101 on a roster prescribed by the secretary of state. The receiving official shall attest on the roster that the delivery complies with this section.

SECTION 3.09. Section 87.002, Election Code, is amended to read as follows:

Sec. 87.002. COMPOSITION OF BOARD. (a) The early voting ballot board consists of a presiding judge, an alternate presiding judge, and at least one ~~[two]~~ other member ~~[members]~~.

(b) Except as provided by Subsection (d), the presiding judge and the alternate presiding judge are ~~[is]~~ appointed in the same manner as a presiding election judge and alternate presiding election judge, respectively. Except as provided by Subsection

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(c), each ~~[the]~~ other member is ~~[members are]~~ appointed by the presiding judge in the same manner as the precinct election clerks.

(c) In the general election for state and county officers, each county chair of a political party with nominees on the general election ballot shall submit to the county election board a list of names of persons eligible to serve on the early voting ballot board in order of the county chair's preference. The county election board shall appoint at least one person from each list to serve as a member of the early voting ballot board. The same number of members must be appointed from each list. The county election board shall appoint persons as members of the early voting ballot board in the order of preference indicated on each list.

(d) In addition to the members appointed under Subsection (c), the county election board shall appoint as the presiding judge the highest-ranked person on ~~[from]~~ the list provided under that subsection by the political party whose nominee for governor received the most votes in the county in the most recent gubernatorial general election and as the alternate presiding judge the highest-ranked person on the list provided under that subsection by the political party whose nominee for governor received the second most votes in the county in the most recent gubernatorial general election.

SECTION 3.10. Sections [87.027](#)(d) and (e), Election Code, are amended to read as follows:

(d) The early voting clerk shall determine the number of members who are to compose the signature verification committee and shall state that number in the order calling for the committee's

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1 appointment. A committee must consist of not fewer than five
 2 members. In an election in which party alignment is indicated on
 3 the ballot, each county chair of a political party with a nominee or
 4 aligned candidate on the ballot shall submit to the appointing
 5 authority a list of names of persons eligible to serve on the
 6 signature verification committee in order of the county chair's
 7 preference. The authority shall appoint at least two persons from
 8 each list in the order of preference indicated on each list to serve
 9 as members of the committee. The same number of members must be
 10 appointed from each list. The authority shall appoint as [the]
 11 chair of the committee the highest-ranked person on [from] the list
 12 provided by the political party whose nominee for governor received
 13 the most votes in the county in the most recent gubernatorial
 14 general election. The authority shall appoint as vice chair of the
 15 committee the highest-ranked person on the list provided by the
 16 political party whose nominee for governor received the second most
 17 votes in the county in the most recent gubernatorial general
 18 election. A vacancy on the committee shall be filled by appointment
 19 from the original list or from a new list submitted by the
 20 appropriate county chair.

21 (e) To be eligible to serve on a signature verification
 22 committee, a person must be eligible under Subchapter C, Chapter
 23 32, for service as a presiding election judge, except that the
 24 person must be a qualified voter:

25 (1) of the county, in a countywide election ordered by
 26 the governor or a county authority or in a primary election;

27 (2) of the part of the county in which the election is

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held, for an election ordered by the governor or a county authority that does not cover the entire county of the person's residence; or

(3) of the political subdivision, in an election ordered by an authority of a political subdivision other than a county.

SECTION 3.11. Chapter 121, Election Code, is amended by adding Section 121.004 to read as follows:

Sec. 121.004. COMMUNICATIONS WITH VOTING SYSTEMS VENDOR PUBLIC INFORMATION. Except as provided by Sections 552.110 and 552.1101, Government Code, a written letter, e-mail, or other communication, including a communication made confidential by other law, between a public official and a voting systems vendor:

(1) is not confidential;

(2) is public information for purposes of Chapter 552, Government Code; and

(3) is not subject to an exception to disclosure provided by Chapter 552, Government Code.

SECTION 3.12. Sections 127.006(a) and (c), Election Code, are amended to read as follows:

(a) The [Both the] manager, [and] the presiding judge, and the alternate presiding judge may appoint clerks to serve at the central counting station.

(c) A clerk appointed by the manager serves under the manager and shall perform the functions directed by the manager. A clerk appointed by the presiding judge or the alternate presiding judge serves under the presiding judge and shall perform the functions directed by the presiding judge.

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SECTION 3.13. Subchapter A, Chapter 127, Election Code, is amended by adding Section 127.009 to read as follows:

Sec. 127.009. ELECTRONIC DEVICES IN CENTRAL COUNTING STATION. (a) A counting station manager and the presiding judge of the counting station shall develop a protocol under which any electronic device inside a central counting station that is necessary to count votes is equipped with software that tracks all input and activity on the electronic device.

(b) The counting station manager and the presiding judge of the counting station shall ensure that the input and activity tracked by the software is printed and delivered to the secretary of state not later than the fifth day after vote counting is complete.

(c) This section applies only to a central counting station located in a county with a population of 250,000 or more.

SECTION 3.14. Section 127.1301, Election Code, is amended to read as follows:

Sec. 127.1301. ~~[TALLYING, TABULATING, AND REPORTING]~~ CENTRALLY COUNTED OPTICAL SCAN BALLOTS ~~[BALLOT UNDERVOTES AND OVERVOTES]~~. (a) In an election using centrally counted optical scan ballots, the undervotes and overvotes on those ballots shall be tallied, tabulated, and reported by race and by election precinct in the form and manner prescribed by the secretary of state.

(b) After January 1, 2024, an authority operating a central counting station under this chapter may not purchase or use a centrally counted optical ballot scan system that uses a data storage disc on which information, once written, is capable of

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1 being modified.

2 SECTION 3.15. Section 127.131, Election Code, is amended by
3 adding Subsection (f) to read as follows:

4 (f) The presiding judge of the central counting station
5 shall provide and attest to a written reconciliation of votes and
6 voters at the close of tabulation for election day and again after
7 the central counting station meets for the last time to process
8 late-arriving ballots by mail and provisional ballots. The
9 secretary of state shall create and promulgate rules and a form to
10 facilitate compliance with this subsection. The form shall be
11 posted on a website maintained by the county along with election
12 returns and results.

13 SECTION 3.16. Section 129.023, Election Code, is amended by
14 adding Subsections (b-2) and (c-1) to read as follows:

15 (b-2) If the test is being conducted for an election in
16 which a county election board has been established under Section
17 51.002, the general custodian of election records shall notify each
18 member of the board of the test at least 48 hours before the date of
19 the test. If the county election board chooses to witness the test,
20 each member shall sign the statement required by Subsection (e)(1).

21 (c-1) A test conducted under this section must also require
22 the general custodian of election records to demonstrate, using a
23 representative sample of voting system equipment, that the source
24 code of the equipment has not been altered.

25 ARTICLE 4. VOTING BY MAIL

26 SECTION 4.01. Section 84.001(b), Election Code, is amended
27 to read as follows:

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(b) An application must be submitted in writing and signed by the applicant using ink on paper. An electronic signature or photocopied signature is not permitted.

SECTION 4.02. Subchapter A, Chapter 84, Election Code, is amended by adding Section 84.0011 to read as follows:

Sec. 84.0011. SOLICITATION OF BALLOT BY MAIL APPLICATIONS PROHIBITED. The early voting clerk may make no attempt to solicit a person to complete an application for an early voting ballot by mail, whether directly or through a third party.

SECTION 4.03. Section 84.002, Election Code, as effective September 1, 2021, is amended by amending Subsection (a) and adding Subsection (b-1) to read as follows:

(a) An early voting ballot application must include:

(1) the applicant's name and the address at which the applicant is registered to vote;

(1-a) the following information:

(A) the number of the applicant's driver's license, election identification certificate, or personal identification card issued by the Department of Public Safety;

(B) if the applicant has not been issued a number described by Paragraph (A), the last four digits of the applicant's social security number; or

(C) a statement by the applicant that the applicant has not been issued a number described by Paragraph (A) or (B);

(2) for an application for a ballot to be voted by mail on the ground of absence from the county of residence, the address

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1 outside the applicant's county of residence to which the ballot is
2 to be mailed;

3 (3) for an application for a ballot to be voted by mail
4 on the ground of age or disability, the address of the hospital,
5 nursing home or other long-term care facility, or retirement
6 center, or of a person related to the applicant within the second
7 degree by affinity or the third degree by consanguinity, as
8 determined under Chapter 573, Government Code, if the applicant is
9 living at that address and that address is different from the
10 address at which the applicant is registered to vote;

11 (4) for an application for a ballot to be voted by mail
12 on the ground of confinement in jail, the address of the jail or of a
13 person related to the applicant within the degree described by
14 Subdivision (3);

15 (5) for an application for a ballot to be voted by mail
16 on any ground, an indication of each election for which the
17 applicant is applying for a ballot;

18 (6) an indication of the ground of eligibility for
19 early voting; and

20 (7) for an application for a ballot to be voted by mail
21 on the ground of involuntary civil commitment, the address of the
22 facility operated by or under contract with the Texas Civil
23 Commitment Office or of a person related to the applicant within the
24 degree of consanguinity described by Subdivision (3).

25 (b-1) A person may use the number of a driver's license,
26 election identification certificate, or personal identification
27 card that has expired for the purpose of fulfilling the requirement

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under Subsection (a)(1-a) if the license or identification is otherwise valid.

SECTION 4.04. Section 84.011(a), Election Code, as effective September 1, 2021, is amended to read as follows:

(a) The officially prescribed application form for an early voting ballot must include:

(1) immediately preceding the signature space the statement: "I certify that the information given in this application is true, and I understand that giving false information in this application is a crime.";

(2) a statement informing the applicant of the offenses prescribed by Sections 84.003 and 84.004;

(3) spaces for entering an applicant's voter registration number and county election precinct of registration, with a statement informing the applicant that failure to furnish that information does not invalidate the application;

(3-a) a space for entering the information required under Section 84.002(a)(1-a); and

(4) on an application for a ballot to be voted by mail:

(A) a space for an applicant applying on the ground of absence from the county of residence to indicate the date on or after which the applicant can receive mail at the address outside the county;

(B) a space for indicating the fact that an applicant whose application is signed by a witness cannot make the applicant's mark and a space for indicating the relationship or lack of relationship of the witness to the applicant;

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(C) a space for entering an applicant's telephone number, with a statement informing the applicant that failure to furnish that information does not invalidate the application;

(D) a space or box for an applicant applying on the ground of age or disability to indicate that the address to which the ballot is to be mailed is the address of a facility or relative described by Section 84.002(a)(3), if applicable;

(E) a space or box for an applicant applying on the ground of confinement in jail or involuntary civil commitment to indicate that the address to which the ballot is to be mailed is the address of a relative described by Section 84.002(a)(4) or (7), if applicable;

(F) a space for an applicant applying on the ground of age or disability to indicate if the application is an application under Section 86.0015;

(G) spaces for entering the signature, printed name, and residence address of any person assisting the applicant;

(H) a statement informing the applicant of the condition prescribed by Section 81.005; and

(I) a statement informing the applicant of the requirement prescribed by Section 86.003(c).

SECTION 4.05. Subchapter A, Chapter 84, Election Code, is amended by adding Section 84.0111 to read as follows:

Sec. 84.0111. DISTRIBUTION OF APPLICATION FORM. (a) Except as provided by Subsection (c) or as otherwise authorized by this code, an officer or employee of this state or of a political subdivision of this state may not distribute an application form

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1 for an early voting ballot to a person who did not request an
 2 application under Section 84.001.

3 (b) An officer or employee of this state or of a political
 4 subdivision of this state may not use public funds to facilitate the
 5 distribution by another person of an application form for an early
 6 voting ballot to a person who did not request an application under
 7 Section 84.001.

8 (c) A political party or a candidate for office may
 9 distribute an application form for an early voting ballot to a
 10 person who did not request an application under Section 84.001.

11 SECTION 4.06. Section 84.032(c), Election Code, is amended
 12 to read as follows:

13 (c) An applicant may submit a request after the close of
 14 early voting by personal appearance by appearing in person and:

15 (1) returning the ballot to be voted by mail to the
 16 early voting clerk; or

17 (2) executing an affidavit that the applicant:

18 (A) has not received the ballot to be voted by
 19 mail; ~~or~~

20 (B) never requested a ballot to be voted by mail;
 21 or

22 (C) received notice of a defect under Section
 23 87.0271(b) or 87.0411(b).

24 SECTION 4.07. Section 84.035, Election Code, is amended to
 25 read as follows:

26 Sec. 84.035. BALLOT SENT TO APPLICANT. (a) If the early
 27 voting clerk cancels an application by an applicant to whom an early

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voting ballot has been sent, the clerk shall:

(1) remove the applicant's name from the early voting roster; and

(2) make any other entries in the records and take any other action necessary to prevent the ballot from being counted if returned.

(b) An election judge may permit a person to whom an early voting ballot has been sent who cancels the person's application for a ballot to be voted by mail in accordance with Section 84.032 but fails to return the ballot to be voted by mail to the early voting clerk, deputy early voting clerk, or presiding judge as provided by that section to vote only a provisional ballot under Section 63.011.

SECTION 4.08. Section 86.001, Election Code, is amended by adding Subsection (f) to read as follows:

(f) If the information required under Section 84.002(a)(1-a) included on the application does not identify the same voter identified on the applicant's application for voter registration under Section 13.002(c)(8), the clerk shall reject the application.

SECTION 4.09. Section 86.002, Election Code, is amended by adding Subsections (g), (h), and (i) to read as follows:

(g) The carrier envelope must include a space that is hidden from view when the envelope is sealed for the voter to enter the following information:

(1) the number of the voter's driver's license, election identification certificate, or personal identification

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1 card issued by the Department of Public Safety;

2 (2) if the voter has not been issued a number described
3 by Subdivision (1), the last four digits of the voter's social
4 security number; or

5 (3) a statement by the applicant that the applicant
6 has not been issued a number described by Subdivision (1) or (2).

7 (h) A person may use the number of a driver's license,
8 election identification certificate, or personal identification
9 card that has expired for purposes of Subsection (g) if the license
10 or identification is otherwise valid.

11 (i) No record associating an individual voter with a ballot
12 may be created.

13 SECTION 4.10. Section 86.011(c), Election Code, is amended
14 to read as follows:

15 (c) If the return is not timely, the clerk shall enter the
16 time of receipt on the carrier envelope and retain it in a locked
17 container for the period for preserving the precinct election
18 records. The clerk shall destroy the unopened envelope and its
19 contents after the preservation period.

20 SECTION 4.11. Section 86.015(c), Election Code, as
21 effective September 1, 2021, is amended to read as follows:

22 (c) An online tool used under this section must:

23 (1) for each election, record:

24 (A) each application for a ballot to be voted by
25 mail received by the clerk; and

26 (B) each carrier envelope sent to a voter by the
27 clerk;

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(2) for each carrier envelope, record or assign a serially numbered and sequentially issued barcode or tracking number that is unique to each envelope; ~~and~~

(3) update the applicable Internet website as soon as practicable after each of the following events occurs:

(A) receipt by the early voting clerk of the person's application for a ballot to be voted by mail;

(B) acceptance or rejection by the early voting clerk of the person's application for a ballot to be voted by mail;

(C) placement in the mail by the early voting clerk of the person's official ballot;

(D) receipt by the early voting clerk of the person's marked ballot; and

(E) acceptance or rejection by the early voting ballot board of a person's marked ballot; and

(4) allow a voter to add or correct information required under Section 84.002(a)(1-a) or Section 86.002(g).

SECTION 4.12. Section 87.027(i), Election Code, is amended to read as follows:

(i) The signature verification committee shall compare the signature on each carrier envelope certificate, except those signed for a voter by a witness, with the signature on the voter's ballot application to determine whether the signatures are those of the voter. The committee may also compare the signatures with any known signature ~~[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

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1 voter. Except as provided by Subsection (1), a determination under
 2 this subsection that the signatures are not those of the voter must
 3 be made by a majority vote of the committee's membership. The
 4 committee shall place the jacket envelopes, carrier envelopes, and
 5 applications of voters whose signatures are not those of the voter
 6 in separate containers from those of voters whose signatures are
 7 those of the voter. The committee chair shall deliver the sorted
 8 materials to the early voting ballot board at the time specified by
 9 the board's presiding judge.

10 SECTION 4.13. Subchapter B, Chapter 87, Election Code, is
 11 amended by adding Section 87.0271 to read as follows:

12 Sec. 87.0271. OPPORTUNITY TO CORRECT DEFECT: SIGNATURE
 13 VERIFICATION COMMITTEE. (a) This section applies to an early
 14 voting ballot voted by mail:

15 (1) for which the voter did not sign the carrier
 16 envelope certificate;

17 (2) for which it cannot immediately be determined
 18 whether the signature on the carrier envelope certificate is that
 19 of the voter;

20 (3) missing any required statement of residence;

21 (4) missing information or containing incorrect
 22 information required under Section 84.002(a)(1-a) or Section
 23 86.002; or

24 (5) containing incomplete information with respect to
 25 a witness.

26 (b) Before deciding whether to accept or reject a timely
 27 delivered ballot under Section 87.027, the signature verification

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committee may:

(1) return the carrier envelope to the voter by mail, if the signature verification committee determines that it would be possible to correct the defect and return the carrier envelope before the time the polls are required to close on election day; or

(2) notify the voter of the defect by telephone or e-mail and inform the voter that the voter may come to the early voting clerk's office in person to:

(A) correct the defect; or

(B) request to have the voter's application to vote by mail canceled under Section 84.032.

(c) If the signature verification committee takes an action described by Subsection (b), the committee must take either action described by that subsection with respect to each ballot in the election to which this section applies.

(d) A poll watcher is entitled to observe an action taken under Subsection (b).

(e) The secretary of state may prescribe any procedures necessary to implement this section.

SECTION 4.14. Section 87.041, Election Code, is amended by amending Subsections (b) and (e) and adding Subsection (d-1) 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 nor the signature on the carrier envelope certificate

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1 is determined to have been executed by a person other than the
2 voter, unless signed by a witness;

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

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

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

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

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

19 (8) the information required under Section 86.002(g)
20 provided by the voter identifies the same voter identified on the
21 voter's application for voter registration under Section
22 13.002(c)(8).

23 (d-1) If a voter provides the information required under
24 Section 86.002(g) and it identifies the same voter identified on
25 the voter's application for voter registration under Section
26 13.002(c)(8), the signature on the ballot application and on the
27 carrier envelope certificate shall be rebuttably presumed to be the

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1 signatures of the voter.

2 (e) In making the determination under Subsection (b)(2), to
 3 determine whether the signatures are those of the voter, the board
 4 may also compare the signatures with any known signature [~~two or~~
 5 ~~more signatures~~] of the voter [~~made within the preceding six years~~
 6 ~~and~~] on file with the county clerk or voter registrar [~~to determine~~
 7 ~~whether the signatures are those of the voter~~].

8 SECTION 4.15. Subchapter C, Chapter 87, Election Code, is
 9 amended by adding Section 87.0411 to read as follows:

10 Sec. 87.0411. OPPORTUNITY TO CORRECT DEFECT: EARLY VOTING
 11 BALLOT BOARD. (a) This section applies to an early voting ballot
 12 voted by mail:

13 (1) for which the voter did not sign the carrier
 14 envelope certificate;

15 (2) for which it cannot immediately be determined
 16 whether the signature on the carrier envelope certificate is that
 17 of the voter;

18 (3) missing any required statement of residence;

19 (4) missing information or containing incorrect
 20 information required under Section 84.002(a)(1-a) or Section
 21 86.002; or

22 (5) containing incomplete information with respect to
 23 a witness.

24 (b) Before deciding whether to accept or reject a timely
 25 delivered ballot under Section 87.041, the early voting ballot
 26 board may:

27 (1) return the carrier envelope to the voter by mail,

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if the early voting ballot board determines that it would be possible to correct the defect and return the carrier envelope before the time the polls are required to close on election day; or

(2) notify the voter of the defect by telephone or e-mail and inform the voter that the voter may come to the early voting clerk's office in person to:

(A) correct the defect; or

(B) request to have the voter's application to vote by mail canceled under Section 84.032.

(c) If the early voting ballot board takes an action described by Subsection (b), the board must take either action described by that subsection with respect to each ballot in the election to which this section applies.

(d) A poll watcher is entitled to observe an action taken under Subsection (b).

(e) The secretary of state may prescribe any procedures necessary to implement this section.

SECTION 4.16. Section 87.0431(b), Election Code, is amended to read as follows:

(b) The early voting clerk shall, not later than the 30th day after election day, deliver notice to the attorney general, including certified copies of the carrier envelope and corresponding ballot application, of any ballot rejected because:

(1) the voter was deceased;

(2) the voter already voted in person in the same election;

(3) the signatures on the carrier envelope and ballot

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1 application were not executed by the same person;

2 (4) the carrier envelope certificate lacked a witness
3 signature; ~~or~~

4 (5) the carrier envelope certificate was improperly
5 executed by an assistant; or

6 (6) the early voting ballot board or the signature
7 verification committee determined that another violation of the
8 Election Code occurred.

9 SECTION 4.17. Sections 87.062(a) and (c), Election Code,
10 are amended to read as follows:

11 (a) On the direction of the presiding judge, the early
12 voting ballot board, in accordance with Section 85.032(b), shall
13 open the containers ~~[container]~~ for the early voting ballots that
14 are to be counted by the board, remove the contents from each ~~[the]~~
15 container, and remove any ballots enclosed in ballot envelopes from
16 their envelopes.

17 (c) Ballots voted by mail shall be tabulated and stored
18 separately from the ballots voted by personal appearance and shall
19 be separately reported on the returns ~~[The results of all early~~
20 ~~voting ballots counted by the board under this subchapter shall be~~
21 ~~included in the same return]~~.

22 SECTION 4.18. Section 87.103, Election Code, is amended to
23 read as follows:

24 Sec. 87.103. COUNTING BALLOTS AND PREPARING RETURNS. (a)
25 The early voting electronic system ballots counted at a central
26 counting station, the ballots cast at precinct polling places, and
27 the ballots voted by mail shall be tabulated separately ~~[from the~~

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1 ~~ballots cast at precinct polling places]~~ and shall be separately
 2 reported on the returns.

3 (b) The early voting returns prepared at the central
 4 counting station must include any early voting results obtained by
 5 the early voting ballot board under Subchapter ~~[Subchapters]~~ D ~~[and~~
 6 ~~E]~~.

7 SECTION 4.19. Section 87.126, Election Code, is amended by
 8 adding Subsection (a-1) to read as follows:

9 (a-1) Electronic records made under this section shall
 10 record both sides of any application, envelope, or ballot recorded,
 11 and all such records shall be provided to the early voting ballot
 12 board, the signature verification committee, or both.

13 SECTION 4.20. Subchapter G, Chapter 87, Election Code, is
 14 amended by adding Section 87.128 to read as follows:

15 Sec. 87.128. NOTES. Each member of an early voting ballot
 16 board and each member of a signature verification committee is
 17 entitled to take and keep any notes reasonably necessary to perform
 18 the member's duties under this chapter.

19 ARTICLE 5. ASSISTANCE OF VOTERS

20 SECTION 5.01. Section 64.009, Election Code, is amended by
 21 amending Subsection (b) and adding Subsections (e), (f), (f-1),
 22 (g), and (h) to read as follows:

23 (b) The regular voting procedures, except those in
 24 Subchapter B, may be modified by the election officer to the extent
 25 necessary to conduct voting under this section.

26 (e) Except as provided by Section 33.057, a poll watcher is
 27 entitled to observe any activity conducted under this section.

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1 (f) A person who simultaneously assists three or more voters
2 voting under this section by providing the voters with
3 transportation to the polling place must complete and sign a form,
4 provided by an election officer, that contains the person's name
5 and address and whether the person is providing assistance solely
6 under this section or under both this section and Subchapter B.

7 (f-1) Subsection (f) does not apply if the person is related
8 to each voter within the second degree by affinity or the third
9 degree by consanguinity, as determined under Subchapter B, Chapter
10 573, Government Code.

11 (g) A form completed under Subsection (f) shall be delivered
12 to the secretary of state as soon as practicable. The secretary
13 shall retain a form delivered under this section for the period for
14 preserving the precinct election records and shall make the form
15 available to the attorney general for inspection upon request.

16 (h) The secretary of state shall prescribe the form
17 described by Subsection (f).

18 SECTION 5.02. Section 64.031, Election Code, is amended to
19 read as follows:

20 Sec. 64.031. ELIGIBILITY FOR ASSISTANCE. A voter is
21 eligible to receive assistance in marking or reading the ballot, as
22 provided by this subchapter, if the voter cannot prepare or read the
23 ballot because of:

24 (1) a physical disability that renders the voter
25 unable to write or see; or

26 (2) an inability to read the language in which the
27 ballot is written.

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SECTION 5.03. Subchapter B, Chapter 64, Election Code, is amended by adding Section 64.0322 to read as follows:

Sec. 64.0322. SUBMISSION OF FORM BY ASSISTANT. (a) A person, other than an election officer, who assists a voter in accordance with this chapter is required to complete a form stating:

(1) the name and address of the person assisting the voter;

(2) the relationship to the voter of the person assisting the voter; and

(3) whether the person assisting the voter received or accepted any form of compensation or other benefit from a candidate, campaign, or political committee.

(b) The secretary of state shall prescribe the form required by this section. The form must be incorporated into the official carrier envelope if the voter is voting an early voting ballot by mail and receives assistance under Section 86.010, or must be submitted to an election officer at the time the voter casts a ballot if the voter is voting at a polling place or under Section 64.009.

SECTION 5.04. Section 64.034, Election Code, is amended to read as follows:

Sec. 64.034. OATH. A person, other than an election officer, selected to provide assistance to a voter must take the following oath, administered by an election officer at the polling place, before providing assistance:

"I swear (or affirm) under penalty of perjury that the voter I

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1 am assisting represented to me they are eligible to receive
 2 assistance; I will not suggest, by word, sign, or gesture, how the
 3 voter should vote; [~~I will confine my assistance to answering the~~
 4 ~~voter's questions, to stating propositions on the ballot, and to~~
 5 ~~naming candidates and, if listed, their political parties;~~] I will
 6 prepare the voter's ballot as the voter directs; I did not
 7 encourage, pressure, or coerce the voter into choosing me to
 8 provide assistance; [~~and~~] I am not the voter's employer, an agent of
 9 the voter's employer, or an officer or agent of a labor union to
 10 which the voter belongs; I will not communicate information about
 11 how the voter has voted to another person; and I understand that if
 12 assistance is provided to a voter who is not eligible for
 13 assistance, the voter's ballot may not be counted."

14 SECTION 5.05. Sections 86.010(e), (h), and (i), Election
 15 Code, are amended to read as follows:

16 (e) A person who assists a voter to prepare a ballot to be
 17 voted by mail shall enter on the official carrier envelope of the
 18 voter:

19 (1) the person's signature, printed name, and
 20 residence address;

21 (2) the relationship of the person providing the
 22 assistance to the voter; and

23 (3) whether the person received or accepted any form
 24 of compensation or other benefit from a candidate, campaign, or
 25 political committee in exchange for providing assistance [~~on the~~
 26 ~~official carrier envelope of the voter~~].

27 (h) Subsection (f) does not apply to:

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1 (1) a violation of Subsection (c), if the person is
2 related to the voter within the second degree by affinity or the
3 third degree by consanguinity, as determined under Subchapter B,
4 Chapter 573, Government Code, or was physically living in the same
5 dwelling as the voter at the time of the event; or

6 (2) a violation of Subsection (e), if the person is
7 related to the voter within the second degree by affinity or the
8 third degree by consanguinity, as determined under Subchapter B,
9 Chapter 573, Government Code.

10 (i) An offense under this section for a violation of
11 Subsection (c) is increased to the next higher category of offense
12 if it is shown on the trial of an offense under this section that:

13 (1) the defendant was previously convicted of an
14 offense under this code;

15 (2) the offense involved a voter 65 years of age or
16 older; or

17 (3) the defendant committed another offense under this
18 section in the same election.

19 SECTION 5.06. Section 86.013(b), Election Code, is amended
20 to read as follows:

21 (b) Spaces must appear on the reverse side of the official
22 carrier envelope for:

23 (1) indicating the identity and date of the election;
24 [~~and~~]

25 (2) entering the signature, printed name, and
26 residence address of a person other than the voter who deposits the
27 carrier envelope in the mail or with a common or contract carrier;

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1 and

2 (3) indicating the relationship of that person to the
3 voter.

4 SECTION 5.07. (a) The secretary of state shall conduct a
5 study regarding the implementation of educational programs,
6 including the production and publication on the secretary of
7 state's Internet website of instructional videos, to help voters
8 with disabilities understand how to use voting systems used in this
9 state.

10 (b) Not later than December 1, 2022, the secretary of state
11 shall submit to the standing committees of the legislature with
12 jurisdiction over elections a report on the study required by this
13 section.

14 (c) The secretary of state, using existing resources, may
15 contract with a qualified vendor to conduct the study required by
16 this section.

17 (d) This section expires December 1, 2023.

18 ARTICLE 6. FRAUD AND OTHER UNLAWFUL PRACTICES

19 SECTION 6.01. Chapter 63, Election Code, is amended by
20 adding Section 63.0111 to read as follows:

21 Sec. 63.0111. OFFENSES RELATED TO PROVISIONAL VOTING. (a)
22 An election judge commits an offense if the judge knowingly
23 provides a voter with a form for an affidavit required by Section
24 63.001 if the form contains information that the judge entered on
25 the form knowing it was false.

26 (b) An offense under this section is a state jail felony.

27 SECTION 6.02. Sections 276.004(a) and (b), Election Code,

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are amended to read as follows:

(a) A person commits an offense if, with respect to another person over whom the person has authority in the scope of employment, the person knowingly:

(1) refuses to permit the other person to be absent from work on election day or while early voting is in progress for the purpose of attending the polls to vote; or

(2) subjects or threatens to subject the other person to a penalty for attending the polls on election day or while early voting is in progress to vote.

(b) It is an exception to the application of this section that the person's conduct occurs in connection with an election in which the polls are open on election day or while early voting is in progress for voting for two consecutive hours outside of the voter's working hours.

SECTION 6.03. Chapter 276, Election Code, is amended by adding Sections 276.015, 276.016, and 276.017 to read as follows:

Sec. 276.015. VOTE HARVESTING. (a) In this section and in Section 276.016:

(1) "Benefit" means anything reasonably regarded as a gain or advantage, including a promise or offer of employment, a political favor, or an official act of discretion, whether to a person or another party whose welfare is of interest to the person.

(2) "Vote harvesting services" means in-person interaction with one or more voters, in the physical presence of an official ballot, a ballot voted by mail, or an application for ballot by mail, intended to deliver votes for a specific candidate

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1 or measure.

2 (b) A person commits an offense if the person, directly or
3 through a third party, knowingly provides or offers to provide vote
4 harvesting services in exchange for compensation or other benefit.

5 (c) A person commits an offense if the person, directly or
6 through a third party, knowingly provides or offers to provide
7 compensation or other benefit to another person in exchange for
8 vote harvesting services.

9 (d) A person commits an offense if the person knowingly
10 collects or possesses a mail ballot or official carrier envelope in
11 connection with vote harvesting services.

12 (e) This section does not apply to:

13 (1) an activity not performed in exchange for
14 compensation or a benefit;

15 (2) interactions that do not directly involve an
16 official ballot, ballot by mail, or an application for ballot by
17 mail;

18 (3) interactions that are not conducted in-person with
19 a voter; or

20 (4) activity that is not designed to deliver votes for
21 or against a specific candidate or measure.

22 (f) In this section, compensation in exchange for vote
23 harvesting services is inferred if a person who performed vote
24 harvesting services for a candidate or campaign solicits, receives,
25 or is offered compensation from the candidate or campaign, directly
26 or through a third party, for services other than vote harvesting
27 services provided.

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1 (g) An offense under this section is a felony of the third
2 degree.

3 (h) If conduct that constitutes an offense under this
4 section also constitutes an offense under any other law, the actor
5 may be prosecuted under this section, the other law, or both.

6 (i) Records necessary to investigate an offense under this
7 section or any other section of this code shall be provided by an
8 election officer in an unredacted form to a law enforcement officer
9 upon request. Records obtained under this subsection are not
10 subject to public disclosure.

11 Sec. 276.016. CIVIL LIABILITY FOR VOTE HARVESTING. (a) A
12 person who is shown by a preponderance of the evidence to have
13 violated Section 276.015 is civilly liable to any candidate or
14 political party who suffers harm from the vote harvesting services
15 for damages and penalties that may be awarded under Subsection (c).

16 (b) A person is harmed by the vote harvesting services if
17 the person can demonstrate that:

18 (1) the person has standing to seek relief; and

19 (2) the liable party violated Section 276.015.

20 (b-1) To establish standing under this section, a person is
21 not required to demonstrate that the vote harvesting services
22 successfully delivered votes for a specific candidate or measure,
23 but must demonstrate that:

24 (1) the vote harvesting services were intended to
25 deliver votes for a specific candidate or measure; and

26 (2) the person opposed the candidate or measure in the
27 person's capacity as a candidate or political party.

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1 (c) A party who prevails in an action under this section may
2 recover damages in an amount including any or all of:

3 (1) the amount of compensation paid to or received by a
4 party in exchange for vote harvesting services;

5 (2) the fair market value of any benefit given or
6 received in exchange for vote harvesting services; or

7 (3) a penalty in the amount of \$35,000.

8 (d) A party who is a candidate for office who prevails in an
9 action under this section and shows that the number of voters
10 contacted by the vote harvesting activity exceeds the number of
11 votes by which the party lost the election shall recover additional
12 damages in an amount equal to the amount of liability attributed to
13 the defendant under Subsection (c).

14 (e) If an action under this section is brought by a
15 candidate for office, the period for commencing the action begins
16 on the day after the date the election is certified and ends on the
17 90th day after the later of that date or the date election records
18 are made publicly available under Section 1.012. If an action under
19 this section is brought by a political party, the period for
20 commencing the action begins on the day after the last day a
21 candidate may bring an action and ends on the 90th day after that
22 date. If an action under this section is brought by a candidate for
23 office, a political party may not bring an action under this section
24 for the same instance of vote harvesting activity.

25 (f) The cause of action created by this section is
26 cumulative of any other remedy provided by common law or statute.

27 (g) Rules applicable to a party's access to election records

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under Chapter 231 or 232 apply to a cause of action under this section.

(h) The expedited actions process created by Rule 169, Texas Rules of Civil Procedure, does not apply to an action under this section.

(i) Chapter 27, Civil Practice and Remedies Code, does not apply to a cause of action under this section.

(j) A cause of action under this section may be brought in the county where any element of a violation under Section 276.015 occurred, or where any part of the vote harvesting services occurred.

(k) This section shall be liberally construed and applied to promote its underlying purpose to protect candidates and the voting public from unlawful vote harvesting and provide an efficient and economical remedy to secure that protection.

Sec. 276.017. UNLAWFUL ALTERING OF ELECTION PROCEDURES. A public official may not create, alter, modify, waive, or suspend any election standard, practice, or procedure mandated by law or rule in a manner not expressly authorized by this code.

ARTICLE 7. ENFORCEMENT

SECTION 7.01. Section 18.065, Election Code, is amended by amending Subsection (a) and adding Subsections (e), (f), and (g) to read as follows:

(a) The secretary of state shall monitor each registrar for substantial compliance with Sections 15.083, 16.032, 16.0332, and 18.061 and with rules implementing the statewide computerized voter registration list.

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1 (e) A registrar shall correct a violation within 30 days of
2 a notice under Subsection (b). If a registrar fails to correct the
3 violation within 30 days of a notice under Subsection (b), the
4 secretary of state shall:

5 (1) correct the violation on behalf of the registrar;
6 and

7 (2) notify the attorney general that the registrar
8 failed to correct a violation under this subsection.

9 (f) A county served by a registrar who fails to correct a
10 violation under Subsection (e) is liable to this state for a civil
11 penalty of \$1,000 for each violation corrected by the secretary of
12 state under that subsection. The attorney general may bring an
13 action to recover a civil penalty imposed under this section.

14 (g) A civil penalty collected by the attorney general under
15 this section shall be deposited in the state treasury to the credit
16 of the general revenue fund.

17 SECTION 7.02. Subchapter E, Chapter 31, Election Code, is
18 amended by adding Sections 31.128 and 31.129 to read as follows:

19 Sec. 31.128. RESTRICTION ON ELIGIBILITY. (a) In this
20 section, "election official" means:

- 21 (1) a county clerk;
22 (2) a permanent or temporary deputy county clerk;
23 (3) an elections administrator;
24 (4) a permanent or temporary employee of an elections
25 administrator;
26 (5) an election judge;
27 (6) an alternate election judge;

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- 1 (7) an early voting clerk;
- 2 (8) a deputy early voting clerk;
- 3 (9) an election clerk;
- 4 (10) the presiding judge of an early voting ballot
- 5 board;
- 6 (11) the alternate presiding judge of an early voting
- 7 ballot board;
- 8 (12) a member of an early voting ballot board;
- 9 (13) the chair of a signature verification committee;
- 10 (14) the vice chair of a signature verification
- 11 committee;
- 12 (15) a member of a signature verification committee;
- 13 (16) the presiding judge of a central counting
- 14 station;
- 15 (17) the alternate presiding judge of a central
- 16 counting station;
- 17 (18) a central counting station manager;
- 18 (19) a central counting station clerk;
- 19 (20) a tabulation supervisor; and
- 20 (21) an assistant to a tabulation supervisor.

21 (b) A person may not serve as an election official if the

22 person has been finally convicted of an offense under this code.

23 Sec. 31.129. CIVIL PENALTY. (a) In this section, "election

24 official" has the meaning assigned by Section 31.128.

25 (b) An election official may be liable to this state for a

26 civil penalty if the official:

- 27 (1) is employed by or is an officer of this state or a

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1 political subdivision of this state; and

2 (2) violates a provision of this code.

3 (c) A civil penalty imposed under this section may include
 4 termination of the person's employment and loss of the person's
 5 employment benefits.

6 SECTION 7.03. Subchapter E, Chapter 31, Election Code, is
 7 amended by adding Section 31.130 to read as follows:

8 Sec. 31.130. SUIT AGAINST ELECTION OFFICER. An action,
 9 including an action for a writ of mandamus, alleging that an
 10 election officer violated a provision of this code while acting in
 11 the officer's official capacity may only be brought against the
 12 officer in the officer's official capacity.

13 SECTION 7.04. Section 232.006(a), Election Code, is amended
 14 to read as follows:

15 (a) The venue of an election contest for a statewide office
 16 is in Travis County or any county where a contestee resided at the
 17 time of the election. For purposes of this section, a contestee's
 18 residence is determined under Section 411.0257, Government Code.

19 SECTION 7.05. Sections 232.008(b), (c), and (d), Election
 20 Code, are amended to read as follows:

21 (b) Except as provided by Subsection (c), a contestant must
 22 file the petition not later than the later of the 45th ~~[30th]~~ day
 23 after the date the election records are publicly available under
 24 Section 1.012 or the official result of the contested election is
 25 determined.

26 (c) A contestant must file the petition not later than the
 27 later of the 15th ~~[10th]~~ day after the date the election records are

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publicly available under Section 1.012 or the official result is determined in a contest of:

- (1) a primary or runoff primary election; or
- (2) a general or special election for which a runoff is necessary according to the official result or will be necessary if the contestant prevails.

(d) A contestant must deliver, electronically or otherwise, a copy of the petition to the secretary of state by the same deadline prescribed for the filing of the petition.

SECTION 7.06. The heading to Title 14, Election Code, is amended to read as follows:

TITLE 14. ELECTION CONTESTS AND OTHER ELECTION LAWSUITS

SECTION 7.07. Title 14, Election Code, is amended by adding Subtitle D to read as follows:

SUBTITLE D. OTHER ELECTION LAWSUITS

CHAPTER 247. LAWSUIT ALLEGING IMPROPER ELECTION ACTIVITIES

Sec. 247.001. PETITION ALLEGING FRAUD. This chapter applies to a civil suit in which a candidate in an election alleges in the petition that an opposing candidate, an agent of the opposing candidate, or a person acting on behalf of the opposing candidate with the candidate's knowledge violated any of the following sections of this code:

- (1) Section 13.007;
- (2) Section 64.012;
- (3) Section 64.036;
- (4) Section 84.003;
- (5) Section 84.0041;

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1 (6) Section 86.0051;

2 (7) Section 86.006;

3 (8) Section 86.010; or

4 (9) Section 276.013.

5 Sec. 247.002. PROCEDURE. A candidate in an election may
6 file a petition for an action under this chapter in any county where
7 a defendant resided at the time of the election. If the election is
8 for a statewide office, the candidate may also file the petition in
9 a district court in Travis County.

10 Sec. 247.003. FILING PERIOD FOR PETITION. A candidate in an
11 election may file a petition for an action under this chapter not
12 earlier than the day after the date the election is certified and
13 not later than the 45th day after the later of that date or the date
14 election records are made publicly available under Section 1.012.

15 Sec. 247.004. DAMAGES. (a) If it is shown by a
16 preponderance of the evidence that a defendant, an agent of the
17 defendant, or a person acting on behalf of the defendant with the
18 defendant's knowledge committed one or more violations of a section
19 described by Section 247.001, the defendant is liable to the
20 plaintiff for damages in an amount of \$1,000 for each violation.

21 (b) Notwithstanding Section 41.004, Civil Practice and
22 Remedies Code, a court shall award damages under Subsection (a) to
23 the plaintiff irrespective of whether the plaintiff is awarded
24 actual damages.

25 Sec. 247.005. ATTORNEY'S FEES. In an action under this
26 chapter, the court may award reasonable attorney's fees to the
27 prevailing party.

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1 SECTION 7.08. Section 273.061, Election Code, is amended to
2 read as follows:

3 Sec. 273.061. JURISDICTION. (a) The supreme court or a
4 court of appeals may issue a writ of mandamus to compel the
5 performance of any duty imposed by law in connection with the
6 holding of an election or a political party convention, regardless
7 of whether the person responsible for performing the duty is a
8 public officer.

9 (b) The court of criminal appeals may issue a writ of
10 mandamus to compel the performance of any duty imposed by law in
11 connection with the provision, sequestration, transfer, or
12 impoundment of evidence in or records relating to a criminal
13 investigation conducted under this code or conducted in connection
14 with the conduct of an election or political party convention. If a
15 writ of mandamus is issued under this subsection, it shall include
16 an order requiring the provision, sequestration, transfer, or
17 impoundment of the evidence or record.

18 SECTION 7.09. Subchapter D, Chapter 22, Government Code, is
19 amended by adding Section 22.304 to read as follows:

20 Sec. 22.304. PRIORITY OF CERTAIN ELECTION PROCEEDINGS. (a)
21 The supreme court, the court of criminal appeals, or a court of
22 appeals shall prioritize over any other proceeding pending or filed
23 in the court a proceeding for injunctive relief or for a writ of
24 mandamus under Chapter 273, Election Code, pending or filed in the
25 court on or after the 120th day before a general or special
26 election.

27 (b) If granted, oral argument for a proceeding described by

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1 Subsection (a) may be given in person or through electronic means.

2 SECTION 7.10. Section 23.101, Government Code, is amended
3 by amending Subsection (a) and adding Subsection (b-1) to read as
4 follows:

5 (a) Except as provided by Subsection (b-1), the ~~The~~ trial
6 courts of this state shall regularly and frequently set hearings
7 and trials of pending matters, giving preference to hearings and
8 trials of the following:

9 (1) temporary injunctions;

10 (2) criminal actions, with the following actions given
11 preference over other criminal actions:

12 (A) criminal actions against defendants who are
13 detained in jail pending trial;

14 (B) criminal actions involving a charge that a
15 person committed an act of family violence, as defined by Section
16 71.004, Family Code;

17 (C) an offense under:

18 (i) Section 21.02 or 21.11, Penal Code;

19 (ii) Chapter 22, Penal Code, if the victim
20 of the alleged offense is younger than 17 years of age;

21 (iii) Section 25.02, Penal Code, if the
22 victim of the alleged offense is younger than 17 years of age;

23 (iv) Section 25.06, Penal Code;

24 (v) Section 43.25, Penal Code; or

25 (vi) Section 20A.02(a)(7), 20A.02(a)(8),
26 or 20A.03, Penal Code;

27 (D) an offense described by Article 62.001(6)(C)

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or (D), Code of Criminal Procedure; and

(E) criminal actions against persons who are detained as provided by Section 51.12, Family Code, after transfer for prosecution in criminal court under Section 54.02, Family Code;

(3) election contests and suits under the Election Code;

(4) orders for the protection of the family under Subtitle B, Title 4, Family Code;

(5) appeals of final rulings and decisions of the division of workers' compensation of the Texas Department of Insurance regarding workers' compensation claims and claims under the Federal Employers' Liability Act and the Jones Act;

(6) appeals of final orders of the commissioner of the General Land Office under Section 51.3021, Natural Resources Code;

(7) actions in which the claimant has been diagnosed with malignant mesothelioma, other malignant asbestos-related cancer, malignant silica-related cancer, or acute silicosis; and

(8) appeals brought under Section 42.01 or 42.015, Tax Code, of orders of appraisal review boards of appraisal districts established for counties with a population of less than 175,000.

(b-1) Except for a criminal case in which the death penalty has been or may be assessed or when it would otherwise interfere with a constitutional right, the trial courts of this state shall prioritize over any other proceeding pending or filed in the court a proceeding for injunctive relief under Chapter 273, Election Code, pending or filed in the court on or after the 120th day before a general or special election.

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ARTICLE 8. INELIGIBLE VOTERS AND RELATED REFORMS

SECTION 8.01. Chapter 42, Code of Criminal Procedure, is amended by adding Article 42.0194 to read as follows:

Art. 42.0194. FINDING REGARDING FELONY CONVICTION. In the trial of a felony offense, if the defendant is 18 years of age or older and is adjudged guilty of the offense, the court shall:

(1) make an affirmative finding that the person has been found guilty of a felony and enter the affirmative finding in the judgment of the case; and

(2) instruct the defendant regarding how the felony conviction will impact the defendant's right to vote in this state.

SECTION 8.02. Article 42.01, Code of Criminal Procedure, as effective September 1, 2021, is amended by adding Section 16 to read as follows:

Sec. 16. In addition to the information described by Section 1, the judgment should reflect the affirmative finding and instruction entered pursuant to Article 42.0194.

ARTICLE 9. REPEALER; SEVERABILITY; TRANSITION; EFFECTIVE DATE

SECTION 9.01. The following provisions of the Election Code are repealed:

(1) Section 85.062(e); and

(2) Section 127.201(f).

SECTION 9.02. If any provision of this Act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this Act that can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared

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1 to be severable.

2 SECTION 9.03. (a) Except as otherwise provided by this Act,
3 the changes in law made by this Act apply only to an offense
4 committed on or after the effective date of this Act. An offense
5 committed before the effective date of this Act is governed by the
6 law in effect when the offense was committed, and the former law is
7 continued in effect for that purpose. For purposes of this section,
8 an offense was committed before the effective date of this Act if
9 any element of the offense occurred before that date.

10 (b) The changes in law made by this Act apply only to an
11 election ordered on or after the effective date of this Act. An
12 election ordered before the effective date of this Act is governed
13 by the law in effect when the election was ordered, and the former
14 law is continued in effect for that purpose.

15 (c) The changes in law made by this Act apply only to an
16 election contest for which the associated election occurred after
17 the effective date of this Act.

18 (d) The changes in law made by this Act apply only to an
19 application to vote an early voting ballot by mail submitted on or
20 after the effective date of this Act. An application to vote an
21 early voting ballot by mail submitted before the effective date of
22 this Act is governed by the law in effect when the application was
23 submitted, and the former law is continued in effect for that
24 purpose.

25 (e) The changes in law made by this Act apply only to an
26 application for voter registration submitted on or after the
27 effective date of this Act.

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1 SECTION 9.04. This Act takes effect on the 91st day after
2 the last day of the legislative session.

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