

By: Hughes, et al.

S.B. No. 7

A BILL TO BE ENTITLED

AN ACT

relating to elections, including election integrity and security;
creating a criminal offense; providing civil penalties.

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

ARTICLE 1. VOTER REGISTRATION

SECTION 1.01. 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 1.02. Section 13.002, Election Code, is amended by adding Subsection (c-1) to read as follows:

(c-1) A registration application must require the applicant to affirmatively indicate all information provided on the application.

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

1 is not eligible to vote may have registered to vote or [~~a registered~~
2 ~~voter~~] voted in an election, the registrar shall execute and
3 deliver to the attorney general, the secretary of state, and the
4 county or district attorney having jurisdiction in the territory
5 covered by the election an affidavit stating the relevant facts.

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

9 SECTION 1.04. Section 16.0332(a), Election Code, is amended
10 to read as follows:

11 (a) After the registrar receives a list under Section 18.068
12 of this code or Section 62.113, Government Code, of persons excused
13 or disqualified from jury service or otherwise determined to be
14 ineligible to vote because of citizenship status, the registrar
15 shall deliver to each registered voter whose name appears on the
16 list a written notice requiring the voter to submit to the registrar
17 proof of United States citizenship in the form of a certified copy
18 of the voter's birth certificate, United States passport, or
19 certificate of naturalization or any other form prescribed by the
20 secretary of state. The notice shall be delivered by forwardable
21 mail to the mailing address on the voter's registration application
22 and to any new address of the voter known to the registrar.

23 SECTION 1.05. Section 18.065, Election Code, is amended by
24 amending Subsection (a) and adding Subsections (e), (f), and (g) to
25 read as follows:

26 (a) The secretary of state shall monitor each registrar for
27 substantial compliance with Sections 15.083, 16.032, 16.0332, and

1 18.061 and with rules implementing the statewide computerized voter
2 registration list.

3 (e) If a registrar fails to correct a violation within 30
4 days of a notice under Subsection (b), the secretary of state shall
5 correct the violation on behalf of the registrar.

6 (f) A registrar is liable to this state for a civil penalty
7 of \$100 for each violation corrected by the secretary of state under
8 Subsection (e). The attorney general may bring an action to recover
9 a civil penalty imposed under this section.

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

13 SECTION 1.06. The changes in law made by this article apply
14 only to an application for voter registration submitted on or after
15 the effective date of this Act.

16 ARTICLE 2. VOTING BY MAIL

17 SECTION 2.01. Subchapter A, Chapter 84, Election Code, is
18 amended by adding Section 84.0011 to read as follows:

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

23 SECTION 2.02. Section 84.002, Election Code, is amended by
24 adding Subsection (c) to read as follows:

25 (c) An application for a ballot to be voted by mail on the
26 ground of disability must require the applicant to affirmatively
27 indicate that the applicant agrees with the statement "I am

1 physically unable to enter a polling place without needing personal
2 assistance or injuring my health," as prescribed by Section
3 82.002(a).

4 SECTION 2.03. Subchapter A, Chapter 84, Election Code, is
5 amended by adding Section 84.0111 to read as follows:

6 Sec. 84.0111. PROHIBITION ON DISTRIBUTION OF APPLICATION
7 FORM. (a) Unless authorized by this code, an officer or employee
8 of this state or of a political subdivision of this state may not
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 (b) An officer or employee of this state or of a political
12 subdivision of this state may not use public funds to facilitate the
13 distribution by another person of an application form for an early
14 voting ballot to a person who did not request an application under
15 Section 84.001.

16 SECTION 2.04. Section 84.035, Election Code, is amended to
17 read as follows:

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

21 (1) remove the applicant's name from the early voting
22 roster; and

23 (2) make any other entries in the records and take any
24 other action necessary to prevent the ballot from being counted if
25 returned.

26 (b) A person to whom an early voting ballot has been sent who
27 cancels the person's application for a ballot to be voted by mail in

1 accordance with Section 84.032 but fails to return the ballot to be
2 voted by mail to the early voting clerk, deputy early voting clerk,
3 or presiding judge as provided by that section may only vote a
4 provisional ballot under Section 63.011.

5 SECTION 2.05. Section 86.0015, Election Code, is amended by
6 adding Subsection (b-3) to read as follows:

7 (b-3) An application for a ballot to be voted by mail on the
8 ground of disability under this section must include or be
9 accompanied by:

10 (1) written documentation from the United States
11 Social Security Administration or the United States Department of
12 Veterans Affairs evidencing that the applicant has been determined
13 to have a disability; or

14 (2) a certificate of a licensed physician or
15 chiropractor or accredited Christian Science practitioner in
16 substantially the following form:

17 "This is to certify that I personally know that _____
18 has a sickness or physical condition that will prevent him or her
19 from appearing at a polling place without a likelihood of needing
20 personal assistance or of injuring his or her health.

21 "Witness my hand at _____, Texas, this _____ day of
22 _____, 20__.

23 _____
24 (signature of physician,
25 chiropractor, or practitioner)

26 _____
27 (printed name of physician,

1 chiropractor, or practitioner)"

2 SECTION 2.06. Chapter 86, Election Code, is amended by
3 adding Section 86.015 to read as follows:

4 Sec. 86.015. ELECTRONIC TRACKING OF APPLICATION FOR BALLOT
5 VOTED BY MAIL OR BALLOT VOTED BY MAIL. (a) The secretary of state
6 shall develop or otherwise provide an online tool to each early
7 voting clerk that enables a person who submits an application for a
8 ballot to be voted by mail to track the location and status of the
9 person's application and ballot on the secretary's Internet website
10 and on the county's Internet website if the early voting clerk is
11 the county clerk of a county that maintains an Internet website.

12 (b) The online tool developed or provided under Subsection
13 (a) must require the voter to provide, before permitting the voter
14 to access information described by that subsection:

15 (1) the voter's name and voter registration number or
16 registration address; and

17 (2) the voter's:

18 (A) driver's license number;

19 (B) personal identification card number issued
20 by the Department of Public Safety; or

21 (C) social security number.

22 (c) An online tool used under this section must update the
23 applicable Internet website as soon as practicable after each of
24 the following events occurs:

25 (1) receipt by the early voting clerk of the person's
26 application for a ballot to be voted by mail;

27 (2) acceptance or rejection by the early voting clerk

1 of the person's application for a ballot to be voted by mail;

2 (3) placement in the mail by the early voting clerk of
3 the person's official ballot;

4 (4) receipt by the early voting clerk of the person's
5 marked ballot; and

6 (5) acceptance or rejection by the early voting ballot
7 board of a person's marked ballot.

8 (d) The secretary of state shall adopt rules and prescribe
9 procedures as necessary to implement this section.

10 SECTION 2.07. Section 87.027(i), Election Code, is amended
11 to read as follows:

12 (i) The signature verification committee shall compare the
13 signature on each carrier envelope certificate, except those signed
14 for a voter by a witness, with the signature on the voter's ballot
15 application to determine whether the signatures are those of the
16 voter. The committee may also compare the signatures with any
17 known signature [~~two or more signatures~~] of the voter [~~made within~~
18 ~~the preceding six years and~~] on file with the county clerk or voter
19 registrar to determine whether the signatures are those of the
20 voter. Except as provided by Subsection (l), a determination under
21 this subsection that the signatures are not those of the voter must
22 be made by a majority vote of the committee's membership. The
23 committee shall place the jacket envelopes, carrier envelopes, and
24 applications of voters whose signatures are not those of the voter
25 in separate containers from those of voters whose signatures are
26 those of the voter. The committee chair shall deliver the sorted
27 materials to the early voting ballot board at the time specified by

1 the board's presiding judge.

2 SECTION 2.08. Section 87.041(e), Election Code, is amended
3 to read as follows:

4 (e) In making the determination under Subsection (b)(2),
5 the board may also compare the signatures with any known signature
6 [~~two or more signatures~~] of the voter [~~made within the preceding six~~
7 ~~years and~~] on file with the county clerk or voter registrar to
8 determine whether the signatures are those of the voter.

9 SECTION 2.09. 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 separately from
18 the ballots voted by personal appearance and shall be separately
19 reported on the returns [~~The results of all early voting ballots~~
20 ~~counted by the board under this subchapter shall be included in the~~
21 ~~same return~~].

22 SECTION 2.10. 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~~

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 2.11. 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 2.12. The changes in law made by this article apply
14 only to an application for an early voting ballot to be voted by
15 mail that is submitted on or after the effective date of this Act.

16 ARTICLE 3. ELECTION SECURITY

17 SECTION 3.01. Section 33.006(b), Election Code, is amended
18 to read as follows:

19 (b) A certificate of appointment must:

20 (1) be in writing and signed by the appointing
21 authority or, for an appointment for a write-in candidate under
22 Section 33.004, by each of the voters making the appointment;

23 (2) indicate the capacity in which the appointing
24 authority is acting;

25 (3) state the name, residence address, and voter
26 registration number of the appointee and be signed by the
27 appointee;

1 (4) identify the election and the precinct polling
2 place or other location at which the appointee is to serve; and

3 (5) in an election on a measure, identify the measure
4 if more than one is to be voted on and state which side of the
5 measure the appointee represents[~~, and~~

6 [~~(6) contain an affidavit executed by the appointee~~
7 ~~stating that the appointee will not have possession of a device~~
8 ~~capable of recording images or sound or that the appointee will~~
9 ~~disable or deactivate the device while serving as a watcher].~~

10 SECTION 3.02. Section 33.051(c), Election Code, is amended
11 to read as follows:

12 (c) [~~A watcher may not be accepted for service if the~~
13 ~~watcher has possession of a device capable of recording images or~~
14 ~~sound unless the watcher agrees to disable or deactivate the~~
15 ~~device.] The presiding judge may inquire whether a watcher has
16 possession of a [~~any prohibited~~] recording device before accepting
17 the watcher for service.~~

18 SECTION 3.03. Section 33.056, Election Code, is amended by
19 amending Subsection (a) and adding Subsection (e) to read as
20 follows:

21 (a) Except as provided by Section 33.057, a watcher is
22 entitled to observe any activity conducted at the location at which
23 the watcher is serving. A watcher is entitled to sit or stand
24 [~~conveniently~~] near enough to see and hear the election officers
25 conducting the observed activity, except as otherwise prohibited by
26 this chapter.

27 (e) Except as provided by Section 33.057(b), a watcher may

1 not be denied free movement within the location at which the watcher
2 is serving.

3 SECTION 3.04. Section 33.061, Election Code, is amended by
4 adding Subsection (c) to read as follows:

5 (c) An offense under Subsection (a) includes an action taken
6 to distance or obstruct the view of a watcher in a way that makes
7 observation reasonably ineffective.

8 SECTION 3.05. Section 43.007, Election Code, is amended by
9 adding Subsection (q) to read as follows:

10 (q) Each countywide polling place in a county must have
11 approximately the same number of voting machines as each other
12 countywide polling place in the county.

13 SECTION 3.06. Section 43.031(b), Election Code, is amended
14 to read as follows:

15 (b) Each polling place shall be located inside a building. A
16 polling place may not be located in a tent or other temporary
17 moveable structure or in a facility primarily designed for motor
18 vehicles. No voter may cast a vote from inside a motor vehicle
19 unless the voter meets the requirements of Section 64.009.

20 SECTION 3.07. Section 61.014, Election Code, is amended by
21 amending Subsections (a) and (b) and adding Subsection (b-1) to
22 read as follows:

23 (a) A person, other than a watcher using the device solely
24 to record image or sound as permitted under Subsection (b), may not
25 use a wireless communication device within 100 feet of a voting
26 station.

27 (b) A person, other than a watcher, may not use a [any]

1 mechanical or electronic device to record [~~means of recording~~]
2 images or sound that captures the activity [~~within 100 feet~~] of a
3 voter at a voting station, unless the voter is receiving assistance
4 the watcher reasonably believes to be unlawful.

5 (b-1) A recording made by a watcher under Subsection (b) may
6 not capture or record any information on a voter's ballot.

7 SECTION 3.08. Section 64.007(c), Election Code, is amended
8 to read as follows:

9 (c) An election officer shall maintain a register of spoiled
10 ballots at the polling place, including spoiled ballots from a
11 direct recording electronic voting unit. An election officer shall
12 enter on the register the name of each voter who returns a spoiled
13 ballot and the spoiled ballot's number.

14 SECTION 3.09. Section 64.009, Election Code, is amended by
15 amending Subsection (b) and adding Subsections (b-1), (e), (f), and
16 (g) to read as follows:

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

20 (b-1) A person other than the voter is only permitted to be
21 inside the motor vehicle while the voter votes if the person would
22 be entitled to accompany the voter to the voting station under other
23 law.

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

26 (f) A person who assists a voter voting under this section
27 by providing the voter with transportation to the polling place

1 must complete and sign a form that:

2 (1) requires the person to affirm that the voter is
3 physically unable to enter the polling place without personal
4 assistance or likelihood of injuring the voter's health; and

5 (2) contains the following information:

6 (A) the person's name and address; and

7 (B) whether the person is providing assistance
8 solely under this section or under both this section and Subchapter
9 B.

10 (g) The secretary of state shall prescribe the form
11 described by Subsection (f).

12 SECTION 3.10. Subchapter B, Chapter 64, Election Code, is
13 amended by adding Section 64.0322 to read as follows:

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

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

20 (2) the manner in which the person assisted the voter;

21 (3) the reason the assistance was necessary; and

22 (4) the relationship of the assistant to the voter.

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

1 ballot if the voter is voting at a polling place or under Section
2 64.009.

3 SECTION 3.11. Section 66.052, Election Code, is amended to
4 read as follows:

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

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

9 (b) The presiding judge or an election clerk designated by
10 the presiding judge under this section must keep records of each
11 person that has custody of a precinct election record until the
12 records are delivered.

13 SECTION 3.12. Sections 66.058(b) and (g), Election Code,
14 are amended to read as follows:

15 (b) For a period of at least 60 days after the date of the
16 election, or until any election contest is resolved, whichever is
17 longer, the voted ballots shall be preserved securely in a locked
18 room in the locked ballot box in which they are delivered to the
19 general custodian of election records. On the 61st day after
20 election day, or the day an election contest is resolved, whichever
21 is later, the general custodian of election records may:

22 (1) require a person who has possession of a key that
23 operates the lock on a ballot box containing voted ballots to return
24 the key to the custodian; and

25 (2) unlock the ballot box and transfer the voted
26 ballots to another secure container for the remainder of the
27 preservation period.

1 (g) Electronic records created under Chapter 129 shall be
2 preserved in a secure container. Electronic records may not be
3 deleted or overwritten during the preservation period.

4 SECTION 3.13. Section 85.005, Election Code, is amended to
5 read as follows:

6 Sec. 85.005. REGULAR DAYS AND HOURS FOR VOTING. (a) Except
7 as provided by Subsection (c), in an election in which a county
8 clerk or city secretary is the early voting clerk under Section
9 83.002 or 83.005, early voting by personal appearance at the main
10 early voting polling place shall be conducted on the weekdays of the
11 early voting period and during the hours that the county clerk's or
12 city secretary's main business office is regularly open for
13 business, except that voting may not be conducted earlier than 7
14 a.m. or later than 7 p.m.[-]

15 (b) In an election to which Subsection (a) does not apply,
16 early voting by personal appearance at the main early voting
17 polling place shall be conducted at least eight hours each weekday
18 of the early voting period that is not a legal state holiday unless
19 the territory covered by the election has fewer than 1,000
20 registered voters. In that case, the voting shall be conducted at
21 least three hours each day. The authority ordering the election, or
22 the county clerk if that person is the early voting clerk, shall
23 determine which hours the voting is to be conducted except that
24 voting may not be conducted earlier than 7 a.m. or later than 7
25 p.m.[-]

26 (c) In a county with a population of 100,000 or more, the
27 voting in a primary election or the general election for state and

1 county officers shall be conducted at the main early voting polling
2 place for [~~at least~~] 12 hours on each weekday of the last week of the
3 early voting period, and the voting in a special election ordered by
4 the governor shall be conducted at the main early voting polling
5 place for [~~at least~~] 12 hours on each of the last two days of the
6 early voting period. Voting shall be conducted in accordance with
7 this subsection in those elections in a county with a population
8 under 100,000 on receipt by the early voting clerk of a written
9 request for the extended hours submitted by at least 15 registered
10 voters of the county. The request must be submitted in time to
11 enable compliance with Section 85.067.

12 (d) In an election ordered by a city, early voting by
13 personal appearance at the main early voting polling place shall be
14 conducted for [~~at least~~] 12 hours:

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

17 (2) on two weekdays, if the early voting period
18 consists of six or more weekdays.

19 SECTION 3.14. Sections 85.006(c) and (e), Election Code,
20 are amended to read as follows:

21 (c) The authority ordering voting on a Saturday or Sunday
22 shall determine the hours during which voting is to be conducted
23 except that voting may not be conducted earlier than 7 a.m. or later
24 than 7 p.m. [-]

25 (e) In a primary election or the general election for state
26 and county officers in a county with a population of 100,000 or
27 more, the early voting clerk shall order personal appearance voting

1 at the main early voting polling place to be conducted for [~~at~~
2 ~~least~~] 12 hours on the last Saturday and for at least five hours on
3 the last Sunday of the early voting period. The early voting clerk
4 shall order voting to be conducted at those times in those elections
5 in a county with a population under 100,000 on receipt of a written
6 request for those hours submitted by at least 15 registered voters
7 of the county. The request must be submitted in time to enable
8 compliance with Section 85.007. This subsection supersedes any
9 provision of this subchapter to the extent of any conflict.

10 SECTION 3.15. Section 85.010(c), Election Code, is amended
11 to read as follows:

12 (c) A shared polling place established under Subsection (b)
13 that is designated as a main early voting polling place by any
14 political subdivision:

15 (1) must be open for voting for all political
16 subdivisions the polling place serves for at least the days and
17 hours required of a main early voting polling place under Section
18 85.002 for the political subdivision making the designation; and

19 (2) may not be open for voting earlier than 7 a.m. or
20 later than 7 p.m. [~~-~~]

21 SECTION 3.16. Section 85.061(a), Election Code, is amended
22 to read as follows:

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

1 suitable room is unavailable inside the branch office, the polling
2 place may be located in another room inside the same building as the
3 branch office. The polling place may not be located in a tent or
4 other temporary movable structure or a parking garage, parking lot,
5 or similar facility designed primarily for motor vehicles.

6 SECTION 3.17. Section 85.062(b), Election Code, is amended
7 to read as follows:

8 (b) A polling place established under this section may be
9 located, subject to Subsection (d), at any place in the territory
10 served by the early voting clerk and may be located inside [~~in~~] any
11 building [~~stationary structure~~] as directed by the authority
12 establishing the branch office. The polling place may not be
13 located in a tent or other temporary movable structure or a parking
14 garage, parking lot, or similar facility designed primarily for
15 motor vehicles in the general election for state and county
16 officers, general primary election, or runoff primary election.
17 Ropes or other suitable objects may be used at the polling place to
18 ensure compliance with Section 62.004. Persons who are not
19 expressly permitted by law to be in a polling place shall be
20 excluded from the polling place to the extent practicable.

21 SECTION 3.18. Section 85.064, Election Code, is amended by
22 adding Subsection (c) to read as follows:

23 (c) Early voting by personal appearance at a temporary
24 branch polling place may not be conducted earlier than 7 a.m. or
25 later than 7 p.m.

26 SECTION 3.19. Section 124.002, Election Code, is amended by
27 adding Subsection (c) to read as follows:

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

4 SECTION 3.20. Subchapter A, Chapter 125, Election Code, is
5 amended by adding Section 125.0071 to read as follows:

6 Sec. 125.0071. VOTER ALLOWED TO CAST BALLOT AT ANY TIME. A
7 voting machine or ballot marking device must allow a voter the
8 option to cast or complete the voter's ballot without voting on all
9 races or measures if the voter affirmatively chooses to do so.

10 SECTION 3.21. Subchapter A, Chapter 127, Election Code, is
11 amended by adding Section 127.008 to read as follows:

12 Sec. 127.008. ELECTRONIC DEVICES IN CENTRAL COUNTING
13 STATION. (a) A counting station manager and the presiding judge of
14 the counting station shall develop a protocol under which any
15 electronic device inside a central counting station, including the
16 equipment necessary to count votes, is equipped with software that
17 tracks all input and activity on the electronic device.

18 (b) The software described by Subsection (a) must provide
19 for the input and activity on the electronic device to be
20 automatically delivered to the secretary of state.

21 SECTION 3.22. Section 127.1232, Election Code, is amended
22 to read as follows:

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

1 (b) The general custodian of election records may implement
2 a video surveillance system that retains a record of all areas
3 containing voted ballots from the time the voted ballots are
4 delivered to the central counting station until the canvass of
5 precinct election returns. The video may be made available to the
6 public by a livestream.

7 (c) The video recorded is an election record under Section
8 1.012 and shall be retained by the general custodian of election
9 records until the end of the calendar year in which an election is
10 held or until an election contest filed in the county has been
11 resolved, whichever is later.

12 SECTION 3.23. Subchapter A, Chapter 129, Election Code, is
13 amended by adding Section 129.003 to read as follows:

14 Sec. 129.003. PAPER AUDIT TRAIL REQUIRED. (a) In this
15 section, "auditable voting system" means a voting system that:

- 16 (1) uses a paper record; or
17 (2) produces a paper receipt by which a voter can
18 verify that the voter's ballot will be counted accurately.

19 (b) Except as provided by Subsection (e), a voting system
20 that consists of direct recording electronic voting machines may
21 not be used in an election unless the system is an auditable voting
22 system.

23 (c) Except for a recount under Title 13, the electronic vote
24 is the official record of the ballot. For a recount of ballots cast
25 on a system involving direct recording electronic voting machines,
26 the paper record or receipt copy is the official record of the vote
27 cast.

1 (d) An authority that purchased a voting system other than
2 an auditable voting system after September 1, 2016, and before
3 September 1, 2021, may use available federal funding and, if
4 federal funding is not available, available state funding to
5 retrofit the purchased voting system as an auditable voting system
6 in accordance with the following schedule:

7 (1) if the voting system was retrofitted as an
8 auditable voting system not later than the election taking place
9 November 8, 2022, the authority is eligible to have 100 percent of
10 the cost of retrofitting reimbursed under this section; and

11 (2) if the authority is not eligible for a 100 percent
12 reimbursement of cost under Subdivision (1) and the voting system
13 was retrofitted as an auditable voting system not later than the
14 election taking place November 3, 2026, the authority is eligible
15 to have 50 percent of the cost of retrofitting reimbursed under this
16 section.

17 (e) Subsections (a)-(c) do not apply to an election held
18 before September 1, 2026.

19 SECTION 3.24. Section [129.023](#), Election Code, is amended by
20 adding Subsection (c-1) to read as follows:

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 SECTION 3.25. Section [216.001](#), Election Code, is amended to
26 read as follows:

27 Sec. 216.001. APPLICABILITY OF CHAPTER. (a) Except as

1 provided by Subsection (b), this [~~This~~] chapter applies only to an
2 election that results in a tie vote as provided by Sections
3 2.002(i), 2.023(b) and (c), and 2.028.

4 (b) If the results of an election show that the number of
5 votes cast in an election precinct exceeds the number of registered
6 voters in the precinct, the authority designated under Section
7 212.026 shall initiate an automatic recount for that precinct in
8 accordance with this chapter.

9 SECTION 3.26. Section 81.032, Local Government Code, is
10 amended to read as follows:

11 Sec. 81.032. ACCEPTANCE OF DONATIONS AND BEQUESTS. (a) The
12 commissioners court may accept a donation of labor or services,
13 gift, grant, donation, bequest, or devise of money or other
14 property on behalf of the county, including a donation under
15 Chapter 38, Government Code, for the purpose of performing a
16 function conferred by law on the county or a county officer.

17 (b) The commissioners court may not accept a donation
18 described in Subsection (a) of over \$1,000 for use in administering
19 elections without the written consent of the secretary of state.

20 SECTION 3.27. The changes in law made by this article apply
21 only to an election ordered on or after the effective date of this
22 Act. An election ordered before the effective date of this Act is
23 governed by the law in effect when the election was ordered, and the
24 former law is continued in effect for that purpose.

25 ARTICLE 4. ENFORCEMENT

26 SECTION 4.01. Subchapter E, Chapter 31, Election Code, is
27 amended by adding Sections 31.126 and 31.127 to read as follows:

1 Sec. 31.126. RESTRICTION ON ELIGIBILITY. (a) In this
2 section, "election official" means:

3 (1) a county clerk;

4 (2) a permanent or temporary deputy county clerk;

5 (3) an elections administrator;

6 (4) a permanent or temporary employee of an elections
7 administrator;

8 (5) an election judge;

9 (6) an alternate election judge;

10 (7) an early voting clerk;

11 (8) a deputy early voting clerk;

12 (9) an election clerk;

13 (10) the presiding judge of an early voting ballot
14 board;

15 (11) the alternate presiding judge of an early voting
16 ballot board;

17 (12) a member of an early voting ballot board;

18 (13) the chair of a signature verification committee;

19 (14) the vice chair of a signature verification
20 committee;

21 (15) a member of a signature verification committee;

22 (16) the presiding judge of a central counting
23 station;

24 (17) the alternate presiding judge of a central
25 counting station;

26 (18) a central counting station manager; and

27 (19) a central counting station clerk.

1 (b) A person may not serve as an election official if the
2 person has been finally convicted of an offense under Section
3 33.061.

4 Sec. 31.127. CIVIL PENALTY. (a) In this section, "election
5 official" has the meaning assigned by Section 31.126.

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

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

10 (2) violates a provision of this code.

11 (c) A civil penalty imposed under this section may include
12 termination of the person's employment and loss of the person's
13 employment benefits.

14 SECTION 4.02. Section 33.051, Election Code, is amended by
15 adding Subsection (g) to read as follows:

16 (g) An election officer commits an offense if the officer
17 knowingly refuses to accept a watcher for service whose acceptance
18 is required by this code. An offense under this section is a Class A
19 misdemeanor.

20 SECTION 4.03. Subchapter C, Chapter 33, Election Code, is
21 amended by adding Section 33.062 to read as follows:

22 Sec. 33.062. INJUNCTIVE RELIEF. A watcher, or the
23 appointing authority for a watcher, is entitled to injunctive
24 relief under Section 273.081 to enforce this chapter, including
25 issuance of temporary orders.

26 SECTION 4.04. Section 87.0431(b), Election Code, is amended
27 to read as follows:

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

5 (1) the voter was deceased;

6 (2) the voter already voted in person in the same
7 election;

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

10 (4) the carrier envelope certificate lacked a witness
11 signature; ~~or~~

12 (5) the carrier envelope certificate was improperly
13 executed by an assistant; or

14 (6) any form of voter fraud was committed.

15 SECTION 4.05. Section 232.006(a), Election Code, is amended
16 to read as follows:

17 (a) The venue of an election contest for a statewide office
18 is in Travis County or any county where a contestee resided at the
19 time of the election. For purposes of this section, a contestee's
20 residence is determined under Section 411.0257, Government Code.

21 SECTION 4.06. Chapter 232, Election Code, is amended by
22 adding Subchapter C to read as follows:

23 SUBCHAPTER C. CONTEST INVOLVING ALLEGED FRAUD

24 Sec. 232.061. PETITION ALLEGING FRAUD. This subchapter
25 applies to an election contest in which the contestant alleges in
26 the petition that an opposing candidate, an agent of the opposing
27 candidate, or a person acting on behalf of the opposing candidate

1 with the candidate's knowledge committed election fraud under any
2 of the following sections of this code:

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

12 Sec. 232.062. EVIDENTIARY STANDARD. A contestant must
13 prove an allegation described by Section 232.061 by a preponderance
14 of the evidence.

15 Sec. 232.063. CIVIL PENALTY. (a) If the court in its
16 judgment finds that the contestee, an agent of the contestee, or a
17 person acting on behalf of the contestee with the contestee's
18 knowledge committed one or more violations of a section described
19 by Section 232.061, the contestee is liable to this state for a
20 civil penalty of \$1,000 for each violation.

21 (b) A penalty collected under this section by the attorney
22 general shall be deposited in the state treasury to the credit of
23 the general revenue fund.

24 Sec. 232.064. ATTORNEY'S FEES. In an election contest to
25 which this subchapter applies, the court may award reasonable
26 attorney's fees to the prevailing party.

27 SECTION 4.07. (a) The changes in law made by this article

1 apply only to an election contest for which the associated election
2 occurred after the effective date of this Act.

3 (b) The changes in law made by this article apply only to an
4 election ordered on or after the effective date of this Act. An
5 election ordered before the effective date of this Act is governed
6 by the law in effect when the election was ordered, and the former
7 law is continued in effect for that purpose.

8 ARTICLE 5. EFFECTIVE DATE

9 SECTION 5.01. This Act takes effect September 1, 2021.