

By: Murr

H.B. No. 3

A BILL TO BE ENTITLED

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

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 1.018, Election Code, is amended to
25 read as follows:

26 Sec. 1.018. APPLICABILITY OF PENAL CODE. In addition to
27 Section 1.03, Penal Code, and to other titles of the Penal Code that

1 may apply to this code, Titles 2 and [~~Title~~] 4, Penal Code, apply
2 [~~applies~~] to offenses prescribed by this code.

3 ARTICLE 2. REGISTRATION OF VOTERS

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

6 (c-1) The information required under Subsection (c) must be
7 supplied by the person desiring to register to vote.

8 SECTION 2.02. Section 15.021, Election Code, is amended by
9 amending Subsections (b) and (d) and adding Subsections (d-1) and
10 (d-2) to read as follows:

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

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

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

1 voter is registered in the county in which the voter resides in
2 accordance with Subsection (d-2).

3 (d-2) A registrar who receives a voter's notice and
4 application from another registrar under Subsection (d-1) shall
5 treat it as an original application for registration under Section
6 13.002, and shall register the voter if the voter resides in the
7 county and is otherwise eligible under Section 13.001.

8 SECTION 2.03. Section 15.028, Election Code, is amended to
9 read as follows:

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

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

20 ARTICLE 3. CONDUCT AND SECURITY OF ELECTIONS

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

23 (a) On receipt of the certification, the governing body of
24 the political subdivision by order or ordinance shall [~~may~~] declare
25 each unopposed candidate elected to the office. If no election is to
26 be held on election day by the political subdivision, a copy of the
27 order or ordinance shall be posted on election day at each polling

1 place used or that would have been used in the election.

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

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

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

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

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

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

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

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

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

1 the county; and

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

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

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

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

11 (a) Except as provided by Section 2.053(c) or 2.056(e), for
12 [For] an election at which offices regularly filled at the general
13 election for state and county officers are to appear on the ballot,
14 the offices shall be listed in the following order:

- 15 (1) offices of the federal government;
- 16 (2) offices of the state government:
 - 17 (A) statewide offices;
 - 18 (B) district offices;
- 19 (3) offices of the county government:
 - 20 (A) county offices;
 - 21 (B) precinct offices.

22 SECTION 3.06. Section 64.007(c), Election Code, is amended
23 to read as follows:

24 (c) An election officer shall maintain a register of spoiled
25 ballots at the polling place. An election officer shall enter on
26 the register the name of each voter who returns a spoiled ballot and
27 the spoiled ballot's number. The secretary of state shall create

1 and promulgate a form to be used for this purpose.

2 SECTION 3.07. Subchapter A, Chapter 66, Election Code, is
3 amended by adding Section 66.004 to read as follows:

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

9 SECTION 3.08. Section 85.005, Election Code, is amended to
10 read as follows:

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

21 (b) In an election to which Subsection (a) does not apply,
22 early voting by personal appearance at the main early voting
23 polling place shall be conducted at least nine [~~eight~~] hours each
24 weekday of the early voting period that is not a legal state holiday
25 unless the territory covered by the election has fewer than 1,000
26 registered voters. In that case, the voting shall be conducted at
27 least four [~~three~~] hours each day. The authority ordering the

1 election, or the county clerk if that person is the early voting
2 clerk, shall determine which hours the voting is to be conducted.

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

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

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

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

3 SECTION 3.09. Sections 85.006(b) and (e), Election Code,
4 are amended to read as follows:

5 (b) In an election in which a county clerk [~~or city~~
6 ~~secretary~~] is the early voting clerk under Section 83.002 [~~or~~
7 ~~83.005~~], only the early voting clerk may order voting on a Saturday
8 or Sunday. The clerk must do so by written order.

9 (e) In a primary election or the general election for state
10 and county officers in a county with a population of 55,000
11 [~~100,000~~] or more, the early voting clerk shall order voting by
12 personal appearance [~~voting~~] at the main early voting polling place
13 to be conducted on the last Saturday of the early voting period for
14 at least 12 hours, except that voting may not be conducted earlier
15 than 6 a.m. or later than 10 p.m., [~~on the last Saturday~~] and on the
16 last Sunday of the early voting period for at least six [~~five~~]
17 hours, except that voting may not be conducted earlier than 9 a.m.
18 or later than 10 p.m. [~~on the last Sunday of the early voting~~
19 ~~period~~]. The early voting clerk shall order voting to be conducted
20 at those times in those elections in a county with a population
21 under 55,000 [~~100,000~~] on receipt of a written request for those
22 hours submitted by at least 15 registered voters of the county. The
23 request must be submitted in time to enable compliance with Section
24 85.007. This subsection supersedes any provision of this subchapter
25 to the extent of any conflict.

26 SECTION 3.10. Section 85.010(a-1), Election Code, is
27 amended to read as follows:

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

4 SECTION 3.11. Section 85.061(a), Election Code, is amended
5 to read as follows:

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

14 SECTION 3.12. Section 85.062, Election Code, is amended by
15 amending Subsection (b) and adding Subsection (f-1) to read as
16 follows:

17 (b) A polling place established under this section may be
18 located, subject to Subsection (d), at any place in the territory
19 served by the early voting clerk and may be located inside ~~[in]~~ any
20 building ~~[stationary structure]~~ as directed by the authority
21 establishing the branch office. The polling place may not be
22 located in a movable structure in the general election for state and
23 county officers, general primary election, or runoff primary
24 election. Ropes or other suitable objects may be used at the
25 polling place to ensure compliance with Section 62.004. Persons
26 who are not expressly permitted by law to be in a polling place
27 shall be excluded from the polling place to the extent practicable.

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

7 SECTION 3.13. Section 124.002, Election Code, is amended by
8 adding Subsection (c) to read as follows:

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

12 ARTICLE 4. ELECTION OFFICERS AND OBSERVERS

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

15 (g) A presiding judge may not have a watcher duly accepted
16 for service under Subchapter A, Chapter 33, removed from the
17 polling place for violating a provision of this code, the Penal
18 Code, or any other provision of law relating to the conduct of
19 elections, unless the violation was observed by an election judge
20 or clerk after the watcher was previously warned that the watcher's
21 conduct violated the law.

22 (h) Notwithstanding Subsection (g), a presiding judge may
23 call a law enforcement officer to request that a poll watcher be
24 removed if the poll watcher commits a breach of the peace or a
25 violation of law.

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

1 Sec. 33.0015. CHAPTER PURPOSE AND WATCHER DUTY. The
2 purpose of this chapter is to preserve the integrity of the ballot
3 box in accordance with Section 4, Article VI, Texas Constitution,
4 by providing for the appointment of watchers. It is the intent of
5 the legislature that watchers duly accepted for service under this
6 chapter be allowed to observe and report on irregularities in the
7 conduct of any election, but may not interfere in the orderly
8 conduct of an election. To effect that purpose, a watcher appointed
9 under this chapter shall observe without obstructing the conduct of
10 an election and call to the attention of an election officer any
11 observed or suspected irregularity or violation of law in the
12 conduct of the election.

13 SECTION 4.03. Section 33.051, Election Code, is amended by
14 adding Subsections (g) and (h) to read as follows:

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

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

24 SECTION 4.04. Section 33.056, Election Code, is amended by
25 amending Subsection (a) and adding Subsections (e) and (f) to read
26 as follows:

27 (a) Except as provided by Section 33.057, a watcher is

1 entitled to observe any activity conducted at the location at which
2 the watcher is serving. A watcher is entitled to sit or stand
3 [~~conveniently~~] near enough to see and hear the election officers
4 conducting the observed activity, except as otherwise prohibited by
5 this chapter.

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

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

12 SECTION 4.05. Subchapter C, Chapter 33, Election Code, is
13 amended by adding Section 33.0605 to read as follows:

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

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

21 (b) Notwithstanding any other provision of this code, a
22 watcher duly accepted for service at a polling location is entitled
23 to follow the transfer of election materials from the polling place
24 at which the watcher was accepted to a regional tabulating center,
25 the central counting station, or any other location designated to
26 process election materials. The authority responsible for
27 administering a regional tabulating center or another location

1 where election materials are processed must accept duly appointed
2 watchers for service in the same manner a watcher is accepted for
3 service under Section 33.051 and must accept the same number of
4 watchers that may serve under Section 33.007(a).

5 SECTION 4.06. Section 33.061(a), Election Code, is amended
6 to read as follows:

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

15 SECTION 4.07. Subchapter C, Chapter 33, Election Code, is
16 amended by adding Section 33.063 to read as follows:

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

20 (1) injunctive relief under Section 273.081,
21 including issuance of temporary orders;

22 (2) a writ of mandamus under Section 161.009 or
23 273.061; and

24 (3) any other remedy available under law.

25 SECTION 4.08. Section 34.005, Election Code, is amended to
26 read as follows:

27 Sec. 34.005. ACTION BY SECRETARY OF STATE. (a) The

1 secretary of state may refer a reported violation of law for
2 appropriate action to the attorney general, if the attorney general
3 has jurisdiction, or to a prosecuting attorney having jurisdiction.

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

8 (1) injunctive relief under Section 273.081,
9 including issuance of temporary orders;

10 (2) a writ of mandamus under Section 161.009 or
11 273.061; and

12 (3) any other remedy available under law.

13 SECTION 4.09. Section 86.006, Election Code, is amended by
14 amending Subsection (a) and adding Subsection (a-2) to read as
15 follows:

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

20 (1) mail;

21 (2) common or contract carrier; or

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

24 (a-2) An in-person delivery of a marked ballot voted under
25 this chapter must be received by an election official at the time of
26 delivery. The receiving official shall record the voter's name,
27 signature, and type of identification provided under Section

1 63.0101 on a roster prescribed by the secretary of state. The
2 receiving official shall attest on the roster that the delivery
3 complies with this section.

4 SECTION 4.10. Section 129.023, Election Code, is amended by
5 adding Subsections (b-2) and (c-1) to read as follows:

6 (b-2) If the test is being conducted for an election in
7 which a county election board has been established under Section
8 51.002, the general custodian of election records shall notify each
9 member of the board of the test at least 48 hours before the date of
10 the test. If the county election board chooses to witness the test,
11 each member shall sign the statement required by Subsection (e)(1).

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

16 ARTICLE 5. VOTING BY MAIL

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

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

22 SECTION 5.02. Section 84.002, Election Code, as effective
23 September 1, 2021, is amended by amending Subsection (a) and adding
24 Subsection (d) to read as follows:

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

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

1 (1-a) the following information:

2 (A) the number of the applicant's driver's
3 license or personal identification card issued by the Department of
4 Public Safety;

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

8 (C) a statement by the applicant that the
9 applicant has not been issued a number described by Paragraph (A) or
10 (B);

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

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

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

27 (5) for an application for a ballot to be voted by mail

1 on any ground, an indication of each election for which the
2 applicant is applying for a ballot;

3 (6) an indication of the ground of eligibility for
4 early voting; and

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

10 (d) A person may use the number of a driver's license or
11 personal identification card that has expired for the purpose of
12 fulfilling the requirement under Subsection (a)(1-a) if the license
13 or identification is otherwise valid.

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

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

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

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

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

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

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

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

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

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

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

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

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

27 (G) spaces for entering the signature, printed

1 name, and residence address of any person assisting the applicant;

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

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

6 SECTION 5.04. Section 84.032(c), Election Code, is amended
7 to read as follows:

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

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

12 (2) executing an affidavit that the applicant:

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

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

17 (C) received notice of a defect under Section
18 87.0271(b) or 87.0411(b).

19 SECTION 5.05. Section 86.001, Election Code, is amended by
20 adding Subsection (f) to read as follows:

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

25 SECTION 5.06. Section 86.002, Election Code, is amended by
26 adding Subsections (g), (h), and (i) to read as follows:

27 (g) The carrier envelope must include a space that is hidden

1 from view when the envelope is sealed for the voter to enter the
2 following information:

3 (1) the number of the voter's driver's license or
4 personal identification card issued by the Department of Public
5 Safety;

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

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

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

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

16 SECTION 5.07. Section 86.011(c), Election Code, is amended
17 to read as follows:

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

23 SECTION 5.08. Section 87.027(i), Election Code, is amended
24 to read as follows:

25 (i) The signature verification committee shall compare the
26 signature on each carrier envelope certificate, except those signed
27 for a voter by a witness, with the signature on the voter's ballot

1 application to determine whether the signatures are those of the
 2 voter. The committee may also compare the signatures with any
 3 known signature [~~two or more signatures~~] of the voter [~~made within~~
 4 ~~the preceding six years and~~] on file with the county clerk or voter
 5 registrar to determine whether the signatures are those of the
 6 voter. Except as provided by Subsection (1), a determination under
 7 this subsection that the signatures are not those of the voter must
 8 be made by a majority vote of the committee's membership. The
 9 committee shall place the jacket envelopes, carrier envelopes, and
 10 applications of voters whose signatures are not those of the voter
 11 in separate containers from those of voters whose signatures are
 12 those of the voter. The committee chair shall deliver the sorted
 13 materials to the early voting ballot board at the time specified by
 14 the board's presiding judge.

15 SECTION 5.09. Subchapter B, Chapter 87, Election Code, is
 16 amended by adding Section 87.0271 to read as follows:

17 Sec. 87.0271. OPPORTUNITY TO CORRECT DEFECT: SIGNATURE
 18 VERIFICATION COMMITTEE. (a) This section applies to an early
 19 voting ballot 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.

1 (b) Not later than the second business day after discovering
2 a defect described by Subsection (a) and before deciding whether to
3 accept or reject a timely delivered ballot under Section 87.027,
4 the signature verification committee shall:

5 (1) return the carrier envelope to the voter by mail,
6 if the signature verification committee determines that it would be
7 possible to correct the defect and return the carrier envelope
8 before the time the polls are required to close on election day; or

9 (2) notify the voter of the defect by telephone or
10 e-mail and inform the voter that the voter may request to have the
11 voter's application to vote by mail canceled in the manner
12 described by Section 84.032 or come to the early voting clerk's
13 office in person not later than the sixth day after election day to
14 correct the defect.

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

19 (d) A poll watcher is entitled to observe an action taken
20 under Subsection (b).

21 (e) The secretary of state may prescribe any procedures
22 necessary to implement this section.

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

26 SECTION 5.10. Section 87.041, Election Code, is amended by
27 amending Subsections (b) and (e) and adding Subsection (d-1) to

1 read as follows:

2 (b) A ballot may be accepted only if:

3 (1) the carrier envelope certificate is properly
4 executed;

5 (2) neither the voter's signature on the ballot
6 application nor the signature on the carrier envelope certificate
7 is determined to have been executed by a person other than the
8 voter, unless signed by a witness;

9 (3) the voter's ballot application states a legal
10 ground for early voting by mail;

11 (4) the voter is registered to vote, if registration
12 is required by law;

13 (5) the address to which the ballot was mailed to the
14 voter, as indicated by the application, was outside the voter's
15 county of residence, if the ground for early voting is absence from
16 the county of residence;

17 (6) for a voter to whom a statement of residence form
18 was required to be sent under Section 86.002(a), the statement of
19 residence is returned in the carrier envelope and indicates that
20 the voter satisfies the residence requirements prescribed by
21 Section 63.0011; ~~and~~

22 (7) the address to which the ballot was mailed to the
23 voter is an address that is otherwise required by Sections 84.002
24 and 86.003; and

25 (8) the information required under Section 86.002(g)
26 provided by the voter matches the information on the voter's
27 application for voter registration under Section 13.002(c)(8).

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

7 (e) In making the determination under Subsection (b)(2), to
8 determine whether the signatures are those of the voter, the board:

9 (1) shall request from the Department of Public Safety
10 any signature of the voter's on file with that department and
11 compare the signatures of the voter on the ballot application and
12 the carrier envelope certificate with any signature provided; and

13 (2) may also compare the signatures with any known
14 signature [~~two or more signatures~~] of the voter [~~made within the~~
15 ~~preceding six years and~~] on file with the county clerk or voter
16 registrar [~~to determine whether the signatures are those of the~~
17 ~~voter~~].

18 SECTION 5.11. Subchapter C, Chapter 87, Election Code, is
19 amended by adding Section 87.0411 to read as follows:

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

23 (1) for which the voter did not sign the carrier
24 envelope certificate;

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

1 (3) missing any required statement of residence; or
2 (4) containing incomplete information with respect to
3 a witness.

4 (b) Not later than the second business day after discovering
5 a defect described by Subsection (a) and before deciding whether to
6 accept or reject a timely delivered ballot under Section 87.041,
7 the early voting ballot board shall:

8 (1) return the carrier envelope to the voter by mail,
9 if the early voting ballot board determines that it would be
10 possible to correct the defect and return the carrier envelope
11 before the time the polls are required to close on election day; or

12 (2) notify the voter of the defect by telephone or
13 e-mail and inform the voter that the voter may request to have the
14 voter's application to vote by mail canceled in the manner
15 described by Section 84.032 or come to the early voting clerk's
16 office in person not later than the sixth day after election day to
17 correct the defect.

18 (c) If the early voting ballot board takes an action
19 described by Subsection (b), the board must take either action
20 described by that subsection with respect to each ballot in the
21 election to which this section applies.

22 (d) A poll watcher is entitled to observe an action taken
23 under Subsection (b).

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

26 (f) Notwithstanding any other law, a ballot may not be
27 finally rejected for a reason listed in Section 87.041(b)(1), (2),

1 or (6) before the seventh day after election day.

2 SECTION 5.12. Section 87.0431(b), Election Code, is amended
3 to read as follows:

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

8 (1) the voter was deceased;

9 (2) the voter already voted in person in the same
10 election;

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

13 (4) the carrier envelope certificate lacked a witness
14 signature; ~~or~~

15 (5) the carrier envelope certificate was improperly
16 executed by an assistant; or

17 (6) the early voting ballot board or the signature
18 verification committee determined that another violation of the
19 Election Code occurred.

20 SECTION 5.13. Sections 87.062(a) and (c), Election Code,
21 are amended to read as follows:

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

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

6 SECTION 5.14. Section 87.103, Election Code, is amended to
7 read as follows:

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

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

18 SECTION 5.15. Section 87.126, Election Code, is amended by
19 adding Subsection (a-1) to read as follows:

20 (a-1) Electronic records made under this section shall
21 record both sides of any application, envelope, or ballot recorded,
22 and all such records shall be provided to the early voting ballot
23 board, the signature verification committee, or both.

24 SECTION 5.16. Subchapter G, Chapter 87, Election Code, is
25 amended by adding Section 87.128 to read as follows:

26 Sec. 87.128. NOTES. Each member of an early voting ballot
27 board and each member of a signature verification committee is

1 entitled to take and keep any notes reasonably necessary to perform
2 the member's duties under this chapter.

3 ARTICLE 6. ASSISTANCE OF VOTERS

4 SECTION 6.01. Section 64.031, Election Code, is amended to
5 read as follows:

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

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

12 (2) an inability to read the language in which the
13 ballot is written.

14 SECTION 6.02. Subchapter B, Chapter 64, Election Code, is
15 amended by adding Section 64.0322 to read as follows:

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

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

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

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

27 (b) The secretary of state shall prescribe the form required

1 by this section. The form must be incorporated into the official
2 carrier envelope if the voter is voting an early voting ballot by
3 mail and receives assistance under Section 86.010, or must be
4 submitted to an election officer at the time the voter casts a
5 ballot if the voter is voting at a polling place or under Section
6 64.009.

7 SECTION 6.03. Section 64.034, Election Code, is amended to
8 read as follows:

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

13 "I swear (or affirm) under penalty of perjury that the voter I
14 am assisting represented to me they are eligible to receive
15 assistance because of a physical disability that renders the voter
16 unable to write or see or an inability to read the language in which
17 the ballot is written; I will not suggest, by word, sign, or
18 gesture, how the voter should vote; I will confine my assistance to
19 reading the ballot to the voter, directing the voter to read the
20 ballot, marking the voter's ballot, or directing the voter to mark
21 the ballot; [~~answering the voter's questions, to stating~~
22 ~~propositions on the ballot, and to naming candidates and, if~~
23 ~~listed, their political parties,~~] I will prepare the voter's ballot
24 as the voter directs; I did not pressure or coerce the voter into
25 choosing me to provide assistance; [~~and~~] I am not the voter's
26 employer, an agent of the voter's employer, or an officer or agent
27 of a labor union to which the voter belongs; I will not communicate

1 information about how the voter has voted to another person; and I
2 understand that if assistance is provided to a voter who is not
3 eligible for assistance, the voter's ballot may not be counted."

4 SECTION 6.04. Sections 86.010(e), (h), and (i), Election
5 Code, are amended to read as follows:

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

9 (1) the person's signature, printed name, and
10 residence address;

11 (2) the relationship of the person providing the
12 assistance to the voter; and

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

17 (h) Subsection (f) does not apply:

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

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

27 (3) if the voter is a person with a disability being

1 assisted by a previously known attendant or caregiver.

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

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

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

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

11 SECTION 6.05. Section 86.0105, Election Code, is amended by
12 amending Subsections (a), (c), and (e) and adding Subsection (f) to
13 read as follows:

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

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

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

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

27 (c) An offense under this section is a state jail felony [~~if~~

1 ~~it is shown on the trial of an offense under this section that the~~
2 ~~defendant was previously convicted two or more times under this~~
3 ~~section].~~

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

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

11 SECTION 6.06. Section 86.013(b), Election Code, is amended
12 to read as follows:

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

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

17 (2) entering the signature, printed name, and
18 residence address of a person other than the voter who deposits the
19 carrier envelope in the mail or with a common or contract carrier;
20 and

21 (3) indicating the relationship of that person to the
22 voter.

23 ARTICLE 7. FRAUD AND OTHER UNLAWFUL PRACTICES

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

26 Sec. 63.0111. OFFENSES RELATED TO PROVISIONAL VOTING. (a)
27 An election judge commits an offense if the judge knowingly

1 provides a voter with a form for an affidavit required by Section
2 63.001 if the form contains information that the judge entered on
3 the form knowing it was false.

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

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

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

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

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

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

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

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

25 (1) influence the independent exercise of the vote of
26 another in the presence of the ballot or during the voting process,
27 including by altering the ballot of another or by otherwise causing

1 a ballot to not reflect the intent of the voter;

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

4 (3) cause any intentionally misleading statement,
5 representation, or information to be provided:

6 (A) to an election official; or

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

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

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

14 (b) An offense under this section is a Class A misdemeanor,
15 except that an offense under this section is a state jail felony if
16 the person committed the offense while acting in the person's
17 official capacity as an election officer.

18 SECTION 7.04. Chapter 276, Election Code, is amended by
19 adding Sections 276.015, 276.016, 276.017, 276.018, and 276.019 to
20 read as follows:

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

22 (1) "Benefit" has the meaning assigned by Section
23 1.07, Penal Code.

24 (2) "Vote harvesting services" means in-person
25 interaction with one or more voters, in the presence of the ballot
26 or during the voting process, intended to deliver votes for a
27 specific candidate or measure.

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

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

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

11 (e) This section does not apply to:

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

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

16 (3) interactions that are not conducted in-person with
17 a voter; or

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

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

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

25 (h) Records necessary to investigate an offense under this
26 section or any other section of this code shall be provided by an
27 election officer in an unredacted form to a law enforcement officer

1 upon request. Records obtained under this subsection are not
2 subject to public disclosure.

3 Sec. 276.016. UNLAWFUL SOLICITATION AND DISTRIBUTION OF
4 APPLICATION TO VOTE BY MAIL. (a) A public official commits an
5 offense if the official, while acting in an official capacity,
6 knowingly:

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

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

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

15 (4) completes any portion of an application to vote by
16 mail and distributes the application to an applicant.

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

18 (c) Subsection (a)(2) does not apply if the public official
19 engaged in the conduct described by Subsection (a)(2) by providing
20 access to an application to vote by mail from a publicly accessible
21 Internet website.

22 (d) Subsection (a)(4) does not apply if the public official
23 engaged in the conduct described by Subsection (a)(4) while
24 lawfully assisting the applicant under Section 84.003.

25 (e) Subsection (a) does not apply if the public official:

26 (1) provided general information about voting by mail,
27 the vote by mail process, or the timelines associated with voting to

1 a person or the public; or

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

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

9 Sec. 276.017. UNLAWFUL DISTRIBUTION OF EARLY VOTING BALLOTS
10 AND BALLOTING MATERIALS. (a) The early voting clerk or other
11 election official commits an offense if the clerk or official
12 knowingly mails or otherwise provides an early voting ballot by
13 mail or other early voting by mail ballot materials to a person who
14 the clerk or official knows did not submit an application for a
15 ballot to be voted by mail under Section 84.001.

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

17 Sec. 276.018. PERJURY IN CONNECTION WITH CERTAIN ELECTION
18 PROCEDURES. (a) A person commits an offense if the person makes a
19 false statement or swears to the truth of a false statement
20 previously made while making the oath described by Section 64.034.

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

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

26 ARTICLE 8. ENFORCEMENT

27 SECTION 8.01. Subchapter D, Chapter 22, Government Code, is

1 amended by adding Sections 22.304 and 22.305 to read as follows:

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

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

13 (c) A person, including a public official, commits an
14 offense if the person communicates with a court clerk with the
15 intention of influencing or attempting to influence the composition
16 of a three-justice panel assigned a specific proceeding under this
17 section.

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

19 Sec. 22.305. PRIORITY OF CERTAIN ELECTION PROCEEDINGS. (a)
20 The supreme court or a court of appeals shall prioritize over any
21 other proceeding pending or filed in the court a proceeding for
22 injunctive relief or for a writ of mandamus under Chapter 273,
23 Election Code, pending or filed in the court on or after the 70th
24 day before a general or special election.

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

27 SECTION 8.02. Section 23.101, Government Code, is amended

1 by amending Subsection (a) and adding Subsections (b-1) and (b-2)
2 to read as follows:

3 (a) Except as provided by Subsection (b-1), the ~~[The]~~ trial
4 courts of this state shall regularly and frequently set hearings
5 and trials of pending matters, giving preference to hearings and
6 trials of the following:

7 (1) temporary injunctions;

8 (2) criminal actions, with the following actions given
9 preference over other criminal actions:

10 (A) criminal actions against defendants who are
11 detained in jail pending trial;

12 (B) criminal actions involving a charge that a
13 person committed an act of family violence, as defined by Section
14 71.004, Family Code;

15 (C) an offense under:

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

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

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

21 (iv) Section 25.06, Penal Code;

22 (v) Section 43.25, Penal Code; or

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

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

27 (E) criminal actions against persons who are

1 detained as provided by Section 51.12, Family Code, after transfer
2 for prosecution in criminal court under Section 54.02, Family Code;

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

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

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

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

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

16 (8) appeals brought under Section 42.01 or 42.015, Tax
17 Code, of orders of appraisal review boards of appraisal districts
18 established for counties with a population of less than 175,000.

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

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

1 determined by the court.

2 SECTION 8.03. Chapter 23, Government Code, is amended by
3 adding Subchapter D to read as follows:

4 SUBCHAPTER D. GENERAL PROVISIONS

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

12 (b) Notwithstanding any other law or rule, the clerk of a
13 county court or statutory county court in which a proceeding
14 entitled to priority under Section 23.101(b-1) is filed shall
15 docket the proceeding and, if more than one court in the county has
16 jurisdiction over the proceeding, randomly assign the proceeding to
17 a court using an automated assignment system.

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

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

26 (e) If a district or county clerk does not comply with this
27 section, a person may seek from the supreme court or a court of

1 appeals a writ of mandamus as provided by Section 273.061, Election
2 Code, to compel compliance with this section.

3 Sec. 23.302. DEADLINES IN CERTAIN ELECTION PROCEEDINGS.

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

7 (1) hear an application for any emergency temporary
8 relief sought;

9 (2) grant or deny any emergency temporary relief
10 sought; and

11 (3) set a scheduling order that provides:

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

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

17 (b) The presiding judge of an administrative region shall
18 assign a new judge to a proceeding assigned under Section 23.301(b)
19 not later than 12 hours after the original judge assigned to the
20 proceeding is recused under Subsection (a).

21 (c) A final order in a proceeding filed under Section
22 273.081, Election Code, shall be submitted in writing to the
23 parties not later than 24 hours after the judge makes a final
24 determination in the proceeding.

25 (d) If a district judge does not comply with this section, a
26 person may seek from the supreme court, the court of criminal
27 appeals, or a court of appeals a writ of mandamus as provided by

1 Section 273.061, Election Code, to compel compliance with this
2 section.

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

7 ARTICLE 9. INELIGIBLE VOTERS AND RELATED REFORMS

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

10 Art. 42.0194. FINDING REGARDING FELONY CONVICTION. In the
11 trial of a felony offense, if the defendant is adjudged guilty of
12 the offense, the court shall:

13 (1) make an affirmative finding that the person has
14 been found guilty of a felony and enter the affirmative finding in
15 the judgment of the case; and

16 (2) instruct the defendant regarding how the felony
17 conviction will impact the defendant's right to vote in this state.

18 SECTION 9.02. Article 42.01, Code of Criminal Procedure, is
19 amended by adding Section 16 to read as follows:

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

23 SECTION 9.03. Section 64.012, Election Code, is amended by
24 amending Subsection (a) and adding Subsections (c) and (d) to read
25 as follows:

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

27 (1) votes or attempts to vote in an election in which

1 the person knows the person is not eligible to vote;

2 (2) knowingly votes or attempts to vote more than once
3 in an election;

4 (3) knowingly votes or attempts to vote a ballot
5 belonging to another person, or by impersonating another person;
6 [~~or~~]

7 (4) knowingly marks or attempts to mark any portion of
8 another person's ballot without the consent of that person, or
9 without specific direction from that person how to mark the ballot;
10 or

11 (5) knowingly votes or attempts to vote in an election
12 in this state after voting in another state in an election in which
13 a federal office appears on the ballot and the election day for both
14 states is the same day.

15 (c) A person may not be convicted solely upon the fact that
16 the person signed a provisional ballot affidavit under Section
17 63.011 unless corroborated by other evidence that the person
18 knowingly committed the offense.

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

22 SECTION 9.04. The change in law made by this article in
23 adding Section 64.012(c), Election Code, applies to an offense
24 committed before, on, or after the effective date of this Act,
25 except that a final conviction for an offense under that section
26 that exists on the effective date of this Act remains unaffected by
27 this article.

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

2 SECTION 10.01. The following provisions of the Election
3 Code are repealed:

4 (1) Section 85.062(e); and

5 (2) Section 86.0105(b).

6 SECTION 10.02. If any provision of this Act or its
7 application to any person or circumstance is held invalid, the
8 invalidity does not affect other provisions or applications of this
9 Act that can be given effect without the invalid provision or
10 application, and to this end the provisions of this Act are declared
11 to be severable.

12 SECTION 10.03. (a) Except as otherwise provided by this
13 Act, the changes in law made by this Act apply only to an offense
14 committed on or after the effective date of this Act. An offense
15 committed before the effective date of this Act is governed by the
16 law in effect when the offense was committed, and the former law is
17 continued in effect for that purpose. For purposes of this section,
18 an offense was committed before the effective date of this Act if
19 any element of the offense occurred before that date.

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

25 (c) The changes in law made by this Act apply only to an
26 application to vote an early voting ballot by mail submitted on or
27 after the effective date of this Act. An application to vote an

1 early voting ballot by mail submitted before the effective date of
2 this Act is governed by the law in effect when the application was
3 submitted, and the former law is continued in effect for that
4 purpose.

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

8 SECTION 10.04. This Act takes effect immediately if it
9 receives a vote of two-thirds of all the members elected to each
10 house, as provided by Section 39, Article III, Texas Constitution.
11 If this Act does not receive the vote necessary for immediate
12 effect, this Act takes effect on the 91st day after the last day of
13 the legislative session.