

CONFERENCE COMMITTEE REPORT

BILL TEXT

S.B. No. 7

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 providing civil penalties.

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

7 ARTICLE 1. GENERAL PROVISIONS

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

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

14 SECTION 1.03. FINDINGS. The legislature finds that:

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

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

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

23 (4) the reforms to the election laws of this state made  
24 by this Act are not intended to impair the right of free suffrage

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

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

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

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

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

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

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

25 SECTION 1.06. Section 1.018, Election Code, is amended to  
26 read as follows:

27 Sec. 1.018. APPLICABILITY OF PENAL CODE. In addition to

1 Section 1.03, Penal Code, and to other titles of the Penal Code that  
2 may apply to this code, Titles 2 and ~~[Title]~~ 4, Penal Code, apply  
3 ~~[applies]~~ to offenses prescribed by this code.

4 ARTICLE 2. REGISTRATION OF VOTERS

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

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

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

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

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

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

1 voter's existing registration is canceled immediately after the  
2 voter is registered in the county in which the voter resides in  
3 accordance with Subsection (d-2).

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

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

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

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

21 SECTION 2.04. Section 31.006, Election Code, is amended to  
22 read as follows:

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

24 (a) If, after receiving or discovering information indicating that  
25 [a complaint alleging] criminal conduct in connection with an  
26 election has occurred, the secretary of state determines that there  
27 is reasonable cause to suspect that [~~the alleged~~] criminal conduct

1 occurred, the secretary shall promptly refer the information  
2 [~~complaint~~] to the attorney general. The secretary shall deliver to  
3 the attorney general all pertinent documents and information in the  
4 secretary's possession.

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

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

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

14 SECTION 2.05. Subchapter A, Chapter 31, Election Code, is  
15 amended by adding Section 31.019 to read as follows:

16 Sec. 31.019. ENFORCEMENT OF VOTER ROLL MAINTENANCE  
17 PROVISIONS. (a) In order to ensure compliance with voter roll  
18 maintenance provisions, the secretary of state shall monitor each  
19 county's list of registered voters to ensure that no county has a  
20 number of registered voters in the county equal to or greater than  
21 the number of people eligible to register to vote in the county.

22 (b) If the secretary of state determines that a county has a  
23 number of registered voters equal to or greater than the number of  
24 people eligible to register to vote in the county, the secretary of  
25 state shall notify the appropriate registrar in writing.

26 (c) Not later than 30 days after receiving notice under  
27 Subsection (b), a registrar must:

1           (1) refute, in writing, that the number of registered  
2 voters is equal to or greater than the number of people eligible to  
3 register to vote in the county and the failure to comply alleged by  
4 the notice; or

5           (2) develop a remediation plan to address failures to  
6 comply with voter roll maintenance provisions and send a copy of the  
7 plan to the secretary of state.

8           (d) If a voter registrar fails to respond to a notice under  
9 Subsection (c), refutes an allegation under Subsection (c)(1), or  
10 fails to comply with a provision of the remediation plan developed  
11 by the registrar under Subsection (c)(2), the secretary of state  
12 shall:

13           (1) require the registrar to attend a training course  
14 developed under Subsection (h);

15           (2) publish notice that the county is undergoing an  
16 audit under this subsection on the secretary of state's Internet  
17 website;

18           (3) audit the voter registration list for the county  
19 in which the registrar serves; and

20           (4) identify voter roll maintenance provisions with  
21 which the registrar is failing to comply and provide a list to the  
22 registrar.

23           (e) If the secretary of state determines that a voter  
24 registrar has not performed any overt actions in pursuance of  
25 compliance with the provisions identified under Subsection (d)(4)  
26 within 14 days of receiving the list under Subsection (d)(4), the  
27 secretary of state shall:

1           (1) withhold distribution of state funds for financing  
2 voter registration to the county until the registrar takes action  
3 in pursuance of compliance; and

4           (2) inform the attorney general that the county which  
5 the registrar serves may be subject to a civil penalty under  
6 Subsection (f).

7           (f) A county is liable to this state for a civil penalty of  
8 \$1,000 for each day after the 14th day following the receipt of a  
9 list under Subsection (d)(4) that the county's voter registrar  
10 fails to take overt action to comply with provisions identified  
11 under that subsection. The attorney general may bring an action to  
12 recover a civil penalty imposed under this section.

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

16           (h) The secretary of state shall develop and implement a  
17 three-hour training course for county clerks and registrars on the  
18 maintenance of voter rolls required and permitted by law.

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

21           ARTICLE 3. CONDUCT AND SECURITY OF ELECTIONS

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

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

1 order or ordinance shall be posted on election day at each polling  
2 place used or that would have been used in the election.

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

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

9 SECTION 3.03. Section 43.031(b), Election Code, is amended  
10 to read as follows:

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

16 SECTION 3.04. Section 52.092(a), Election Code, is amended  
17 to read as follows:

18 (a) Except as provided by Section 2.053(c) or 2.056(e), for  
19 ~~For~~ an election at which offices regularly filled at the general  
20 election for state and county officers are to appear on the ballot,  
21 the offices shall be listed in the following order:

22 (1) offices of the federal government;

23 (2) offices of the state government:

24 (A) statewide offices;

25 (B) district offices;

26 (3) offices of the county government:

27 (A) county offices;



1 (B) precinct offices.

2 SECTION 3.05. Section 64.007(c), Election Code, is amended  
3 to read as follows:

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

10 SECTION 3.06. Subchapter A, Chapter 65, Election Code, is  
11 amended by adding Section 65.016 to read as follows:

12 Sec. 65.016. VOTE TABULATING EQUIPMENT. Beginning January  
13 1, 2024, equipment to tabulate votes may not be used if any wireless  
14 connectivity capability of the equipment has not been disabled or  
15 removed.

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

18 Sec. 66.004. CLOSING POLLING PLACE. The secretary of state  
19 shall adopt rules and create a checklist or similar guidelines to  
20 assist the presiding judge of a polling place in processing forms  
21 and conducting procedures required by this code at the closing of  
22 the polling place.

23 SECTION 3.08. Section 66.052, Election Code, is amended to  
24 read as follows:

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

26 (a) A delivery of election records or supplies that is to be  
27 performed by the presiding judge may be performed by an election

1 clerk designated by the presiding judge.

2 (b) If the presiding judge of a polling place designates a  
3 clerk to deliver election supplies, the presiding judge shall  
4 attest to the designation, and the clerk shall attest to the clerk's  
5 acceptance of the responsibility. The secretary of state shall  
6 create and promulgate a form to facilitate compliance with this  
7 section.

8 SECTION 3.09. Section 85.005, Election Code, is amended to  
9 read as follows:

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

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

1 clerk, shall determine which hours the voting is to be conducted.

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

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

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

27 [~~(2) on two weekdays, if the early voting period~~

1 ~~consists of six or more weekdays].~~

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

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

8 (e) In a primary election or the general election for state  
9 and county officers in a county with a population of 30,000  
10 [~~100,000~~] or more, the early voting clerk shall order voting by  
11 personal appearance [~~voting~~] at the main early voting polling place  
12 to be conducted on the last Saturday of the early voting period for  
13 at least 12 hours, except that voting may not be conducted earlier  
14 than 6 a.m. or later than 9 p.m., [~~on the last Saturday~~] and on the  
15 last Sunday of the early voting period for at least six [~~five~~]  
16 hours, except that voting may not be conducted earlier than 1 p.m.  
17 or later than 9 p.m. [~~on the last Sunday of the early voting period~~].  
18 The early voting clerk shall order voting to be conducted at those  
19 times in those elections in a county with a population under 30,000  
20 [~~100,000~~] on receipt of a written request for those hours submitted  
21 by at least 15 registered voters of the county. The request must be  
22 submitted in time to enable compliance with Section 85.007. This  
23 subsection supersedes any provision of this subchapter to the  
24 extent of any conflict.

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

27 (a-1) In this section, "eligible county polling place"

1 means an early voting polling place [~~, other than a polling place~~  
2 ~~established under Section 85.062(e),~~] established by a county.

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

5 (a) In a countywide election in which the county clerk is  
6 the early voting clerk under Section 83.002, an early voting  
7 polling place shall be located inside [~~at~~] each branch office that  
8 is regularly maintained for conducting general clerical functions  
9 of the county clerk, except as provided by Subsection (b). If a  
10 suitable room is unavailable inside the branch office, the polling  
11 place may be located in another room inside the same building as the  
12 branch office. The polling place may not be located in a tent or  
13 similar temporary movable structure or a parking garage, parking  
14 lot, or similar facility designed primarily for motor vehicles.

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

18 (b) A polling place established under this section may be  
19 located, subject to Subsection (d), at any place in the territory  
20 served by the early voting clerk and may be located inside [~~in~~] any  
21 building [~~stationary structure~~] as directed by the authority  
22 establishing the branch office. The polling place may not be  
23 located in a tent or similar temporary movable structure or a  
24 parking garage, parking lot, or similar facility designed primarily  
25 for motor vehicles in the general election for state and county  
26 officers, general primary election, or runoff primary election.  
27 Ropes or other suitable objects may be used at the polling place to

1 ensure compliance with Section 62.004. Persons who are not  
2 expressly permitted by law to be in a polling place shall be  
3 excluded from the polling place to the extent practicable.

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

10 SECTION 3.14. Section 124.002, Election Code, is amended by  
11 adding Subsection (c) to read as follows:

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

15 SECTION 3.15. Section 127.1232, Election Code, is amended  
16 to read as follows:

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

22 (b) The general custodian of election records in a county  
23 with a population of less than 100,000 may, and the general  
24 custodian of election records in a county with a population of  
25 100,000 or more shall, implement a video surveillance system that  
26 retains a record of all areas containing voted ballots:

27 (1) from the time the voted ballots are delivered to

1 the central counting station until the canvass of precinct election  
2 returns; and

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

6 (c) A video from a system implemented under Subsection (b)  
7 may be made available to the public by a livestream in a county with  
8 a population of less than 100,000, and shall be made available to  
9 the public by a livestream in a county with a population of 100,000  
10 or more.

11 (d) The video recorded is an election record under Section  
12 1.012 and shall be retained by the general custodian of election  
13 records until the end of the calendar year in which an election is  
14 held or until an election contest filed in the county has been  
15 resolved, whichever is later.

16 ARTICLE 4. ELECTION OFFICERS AND OBSERVERS

17 SECTION 4.01. Subchapter A, Chapter 33, Election Code, is  
18 amended by adding Section 33.0015 to read as follows:

19 Sec. 33.0015. CHAPTER PURPOSE AND WATCHER DUTY. The  
20 purpose of this chapter is to preserve the integrity of elections in  
21 accordance with Section 4, Article VI, Texas Constitution, by  
22 providing for the appointment of watchers. To effect that purpose,  
23 a watcher appointed under this chapter shall observe without  
24 obstructing the conduct of an election and call to the attention of  
25 an election officer any observed or suspected irregularity or  
26 violation of law in the conduct of the election.

27 SECTION 4.02. Section 33.051, Election Code, is amended by

1 adding Subsections (g) and (h) to read as follows:

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

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

11 SECTION 4.03. Section 33.056, Election Code, is amended by  
12 amending Subsection (a) and adding Subsections (e) and (f) to read  
13 as follows:

14 (a) Except as provided by Section 33.057, a watcher is  
15 entitled to observe any activity conducted at the location at which  
16 the watcher is serving. A watcher is entitled to sit or stand  
17 [~~conveniently~~] near enough to see and hear the election officers  
18 conducting the observed activity, except as otherwise prohibited by  
19 this chapter.

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

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

26 SECTION 4.04. Subchapter C, Chapter 33, Election Code, is  
27 amended by adding Section 33.0605 to read as follows:



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

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

8       (b) Notwithstanding any other provision of this code, a  
9       watcher duly accepted for service at a polling location is entitled  
10       to follow the transfer of election materials from the polling place  
11       at which the watcher was accepted to a regional tabulating center,  
12       the central counting station, or any other location designated to  
13       process election materials. The authority responsible for  
14       administering a regional tabulating center or another location  
15       where election materials are processed must accept duly appointed  
16       watchers for service in the same manner a watcher is accepted for  
17       service under Section 33.051 and must accept the same number of  
18       watchers that may serve under Section 33.007(a).

19       SECTION 4.05. Section 33.061(a), Election Code, is amended  
20       to read as follows:

21       (a) A person commits an offense if the person serves in an  
22       official capacity at a location at which the presence of watchers is  
23       authorized and knowingly prevents a watcher from observing an  
24       activity or procedure the person knows the watcher is entitled to  
25       observe, including by taking any action to obstruct the view of a  
26       watcher or distance the watcher from the activity or procedure to be  
27       observed in a manner that would make observation not reasonably

1 effective.

2 SECTION 4.06. Subchapter C, Chapter 33, Election Code, is  
3 amended by adding Section 33.063 to read as follows:

4 Sec. 33.063. RELIEF. (a) A watcher, or the appointing  
5 authority for a watcher, who believes that the watcher was  
6 unlawfully prevented or obstructed from the performance of the  
7 watcher's duties may 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 (b) The relief provided by this section is available to a  
14 state inspector appointed under Chapter 34 or any other election  
15 inspector authorized by law.

16 SECTION 4.07. Section 61.001, Election Code, is amended by  
17 amending Subsection (a) and adding Subsection (a-1) to read as  
18 follows:

19 (a) Except as permitted by this code and as described by  
20 Subsection (a-1), a person may not be in the polling place from the  
21 time the presiding judge arrives there on election day to make the  
22 preliminary arrangements until the precinct returns have been  
23 certified and the election records have been assembled for  
24 distribution following the election.

25 (a-1) Under this code, a person may be lawfully present in a  
26 polling place during the time described by Subsection (a) if the  
27 person is:

- 1           (1) an election judge or clerk;
- 2           (2) a watcher;
- 3           (3) the secretary of state;
- 4           (4) a staff member of the Elections Division of the  
5 Office of the Secretary of State performing an official duty in  
6 accordance with this code;
- 7           (5) an election official, a sheriff, or a staff member  
8 of an election official or sheriff delivering election supplies;
- 9           (6) a state inspector;
- 10          (7) a person admitted to vote;
- 11          (8) a child under 18 years of age who is accompanying a  
12 parent who has been admitted to vote;
- 13          (9) a person providing assistance to a voter under  
14 Section 61.032 or 64.032;
- 15          (10) a person accompanying a voter who has a  
16 disability;
- 17          (11) a special peace officer appointed by the  
18 presiding judge under Section 32.075;
- 19          (12) the county chair of a political party conducting  
20 a primary election, as authorized by Section 172.1113;
- 21          (13) a voting system technician, as authorized by  
22 Section 125.010;
- 23          (14) the county election officer, as defined by  
24 Section 31.091, as necessary to perform tasks related to the  
25 administration of the election; or
- 26          (15) a person whose presence has been authorized by  
27 the presiding judge and alternate presiding judge in accordance

1 with this code.

2 SECTION 4.08. Section 86.006, Election Code, is amended by  
3 amending Subsection (a) and adding Subsection (a-2) to read as  
4 follows:

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

9 (1) mail;

10 (2) common or contract carrier; or

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

13 (a-2) An in-person delivery of a marked ballot voted under  
14 this chapter must be received by an election official at the time of  
15 delivery. The receiving official shall record the voter's name,  
16 signature, and type of identification provided under Section  
17 63.0101 on a roster prescribed by the secretary of state. The  
18 receiving official shall attest on the roster that the delivery  
19 complies with this section.

20 SECTION 4.09. Section 87.026, Election Code, is amended to  
21 read as follows:

22 Sec. 87.026. BYSTANDERS EXCLUDED. (a) Except as permitted  
23 by this code and as described by Subsection (b), a person may not be  
24 in the meeting place of an early voting ballot board during the time  
25 of the board's operations.

26 (b) Under this code, a person may be lawfully present in the  
27 meeting place of an early voting ballot board during the time of the

1 board's operations if the person is:

2 (1) a presiding judge or member of the board;

3 (2) a watcher;

4 (3) a voting system technician, as authorized by  
5 Section 125.010;

6 (4) the county election officer, as defined by Section  
7 31.091, as necessary to perform tasks related to the administration  
8 of the election;

9 (5) the county chair of a political party conducting a  
10 primary election or runoff primary election;

11 (6) an inspector, as provided for by law; or

12 (7) a person whose presence has been authorized by the  
13 presiding judge in accordance with this code.

14 SECTION 4.10. Subchapter A, Chapter 127, Election Code, is  
15 amended by adding Section 127.008 to read as follows:

16 Sec. 127.008. BYSTANDERS EXCLUDED. (a) Except as permitted  
17 by this code and as described by Subsection (b), a person may not be  
18 in a central counting station while ballots are being counted.

19 (b) Under this code, a person may be lawfully present in the  
20 central counting station while ballots are being counted if the  
21 person is:

22 (1) a counting station manager, tabulation  
23 supervisor, assistant to the tabulation supervisor, presiding  
24 judge, or clerk;

25 (2) a watcher;

26 (3) a voting system technician, as authorized by  
27 Section 125.010;

1           (4) the county election officer, as defined by Section  
2 31.091, as necessary to perform tasks related to the administration  
3 of the election;

4           (5) an inspector, as provided for by law; or

5           (6) a person whose presence has been authorized by the  
6 presiding judge of the central counting station in accordance with  
7 this code.

8           SECTION 4.11. Chapter 121, Election Code, is amended by  
9 adding Section 121.004 to read as follows:

10          Sec. 121.004. COMMUNICATIONS WITH VOTING SYSTEMS VENDOR  
11 PUBLIC INFORMATION. (a) Except as provided by Subsection (b) and  
12 notwithstanding any other law, including Chapter 552, Government  
13 Code, a written letter, e-mail, or other communication, including a  
14 communication made confidential by other law, between a public  
15 official and a voting systems vendor:

16           (1) is not confidential;

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

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

21          (b) Subsection (a) does not apply to a written letter,  
22 e-mail, or other communication related to the bidding process.

23           SECTION 4.12. Subchapter A, Chapter 127, Election Code, is  
24 amended by adding Section 127.009 to read as follows:

25          Sec. 127.009. ELECTRONIC DEVICES IN CENTRAL COUNTING  
26 STATION. (a) A counting station manager and the presiding judge of  
27 the counting station shall develop a protocol under which any

1 electronic device inside a central counting station that is  
2 necessary to count votes is equipped with software that tracks all  
3 input and activity on the electronic device.

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

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

10 SECTION 4.13. Section 127.1301, Election Code, is amended  
11 to read as follows:

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

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

24 SECTION 4.14. Subchapter A, Chapter 129, Election Code, is  
25 amended by adding Section 129.003 to read as follows:

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

1           (1) uses a paper record; or

2           (2) produces a paper record by which a voter can verify  
3 that the voter's ballot will be counted accurately.

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

8           (c) Except for a recount under Title 13 or an election  
9 contest under Title 14, the electronic vote is the official record  
10 of the ballot. For a recount of ballots cast on a system involving  
11 direct recording electronic voting machines, or in an election  
12 contest, the person requesting the recount may request a recount of  
13 the electronic vote or the paper record.

14           (d) An authority that purchased a voting system other than  
15 an auditable voting system after September 1, 2016, and before  
16 September 1, 2021, may use available federal funding and, if  
17 federal funding is not available, available state funding to  
18 retrofit the purchased voting system as an auditable voting system  
19 in accordance with the following schedule:

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

24           (2) if the authority is not eligible for a 100 percent  
25 reimbursement of cost under Subdivision (1) and the voting system  
26 was retrofitted as an auditable voting system not later than the  
27 election taking place November 3, 2026, the authority is eligible



1 to have 50 percent of the cost of retrofitting reimbursed under this  
2 section.

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

5 (f) Before opening the polls for voting, the presiding  
6 election judge shall confirm that each voting machine has any  
7 public counter reset to zero and shall print the tape that shows the  
8 counter was set to zero. After closing the polls for voting, the  
9 presiding election judge shall print the tape that shows the number  
10 of votes cast. Each election judge present shall sign a tape  
11 printed under this subsection.

12 SECTION 4.15. Section 129.023, Election Code, is amended by  
13 adding Subsections (b-2) and (c-1) to read as follows:

14 (b-2) If the test is being conducted for an election in  
15 which a county election board has been established under Section  
16 51.002, the general custodian of election records shall notify each  
17 member of the board of the test at least 48 hours before the date of  
18 the test. If the county election board chooses to witness the test,  
19 each member shall sign the statement required by Subsection (e)(1).

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

24 SECTION 4.16. Section 127.131, Election Code, is amended by  
25 adding Subsection (f) to read as follows:

26 (f) The presiding judge of the central counting station  
27 shall provide and attest to a written reconciliation of votes and

1 voters at the close of tabulation for election day and again after  
2 the central counting station meets for the last time to process  
3 late-arriving ballots by mail and provisional ballots. The  
4 secretary of state shall create and promulgate rules and a form to  
5 facilitate compliance with this subsection. The form shall be  
6 posted on a website maintained by the county along with election  
7 returns and results.

8 ARTICLE 5. VOTING BY MAIL

9 SECTION 5.01. Section 82.002, Election Code, is amended to  
10 read as follows:

11 Sec. 82.002. DISABILITY. (a) A qualified voter is eligible  
12 for early voting by mail if the voter is not capable of [~~has a~~  
13 ~~sickness or physical condition that prevents the voter from~~]  
14 appearing at the polling place on election day without [~~a~~  
15 ~~likelihood of~~] needing personal assistance or [~~of~~] injuring the  
16 voter's health due to the voter's:

17 (1) illness;

18 (2) injury;

19 (3) medical confinement ordered by a health care  
20 professional; or

21 (4) mental or physical disability.

22 (b) The following do not constitute [~~Expected or likely~~  
23 ~~confinement for childbirth on election day is~~] sufficient cause to  
24 entitle a voter to vote under Subsection (a):

25 (1) a lack of transportation;

26 (2) an illness, injury, or disability that does not  
27 prevent the voter from appearing at the polling place on election

1 day without a likelihood of needing personal assistance or of  
2 injuring the voter's health; or

3 (3) a requirement to appear at the voter's place of  
4 employment on election day.

5 (c) An application for a ballot to be voted by mail on the  
6 ground of disability must require the applicant to specifically  
7 select the grounds on which the voter is eligible under Subsection  
8 (a).

9 SECTION 5.02. Section 84.001(b), Election Code, is amended  
10 to read as follows:

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

14 SECTION 5.03. Section 84.002, Election Code, is amended by  
15 amending Subsection (a) and adding Subsection (c) to read as  
16 follows:

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

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

20 (1-a) the following information:

21 (A) the number of the applicant's driver's  
22 license or personal identification card issued by the Department of  
23 Public Safety;

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

27 (C) a statement by the applicant that the

1 applicant has not been issued a number described by Paragraph (A) or  
2 (B);

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

7 (3) for an application for a ballot to be voted by mail  
8 on the ground of age or disability:

9 (A) [] the address of the hospital, nursing home  
10 or other long-term care facility, or retirement center, or of a  
11 person related to the applicant within the second degree by  
12 affinity or the third degree by consanguinity, as determined under  
13 Chapter 573, Government Code, if the applicant is living at that  
14 address and that address is different from the address at which the  
15 applicant is registered to vote; and

16 (B) if applicable, the selected specific grounds  
17 on which the voter is eligible for a ballot to be voted by mail on  
18 the ground of disability, as required by Section 82.002(c);

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

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

26 (6) an indication of the ground of eligibility for  
27 early voting.

1        (c) A person may use the number of a driver's license or  
2 personal identification card that has expired for the purpose of  
3 fulfilling the requirement under Subsection (a)(1-a) if the license  
4 or identification is otherwise valid.

5        SECTION 5.04. Section 84.011(a), Election Code, is amended  
6 to read as follows:

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

9            (1) immediately preceding the signature space the  
10 statement: "I certify that the information given in this  
11 application is true, and I understand that giving false information  
12 in this application is a crime.";

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

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

19            (3-a) a space for entering the information required  
20 under Section 84.002(a)(1-a); and

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

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

26                    (B) a space for indicating the fact that an  
27 applicant whose application is signed by a witness cannot make the

1 applicant's mark and a space for indicating the relationship or  
2 lack of relationship of the witness to the applicant;

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

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

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

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

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

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

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

23 SECTION 5.05. Section 84.035, Election Code, is amended to  
24 read as follows:

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

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

3           (2) make any other entries in the records and take any  
4 other action necessary to prevent the ballot from being counted if  
5 returned.

6           (b) An election judge may permit a person to whom an early  
7 voting ballot has been sent who cancels the person's application  
8 for a ballot to be voted by mail in accordance with Section 84.032  
9 but fails to return the ballot to be voted by mail to the early  
10 voting clerk, deputy early voting clerk, or presiding judge as  
11 provided by that section to vote only a provisional ballot under  
12 Section 63.011.

13           SECTION 5.06. Section 86.001, Election Code, is amended by  
14 adding Subsection (f) to read as follows:

15           (f) If the information required under Section  
16 84.002(a)(1-a) included on the application does not match the  
17 information on the applicant's application for voter registration  
18 under Section 13.002(c)(8), the clerk shall reject the application.

19           SECTION 5.07. Section 86.002, Election Code, is amended by  
20 adding Subsections (g), (h), and (i) to read as follows:

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

24           (1) the number of the voter's driver's license or  
25 personal identification card issued by the Department of Public  
26 Safety;

27           (2) if the voter has not been issued a number described

1 by Subdivision (1), the last four digits of the voter's social  
2 security number; or

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

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

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

10 SECTION 5.08. Section 86.011(c), Election Code, is amended  
11 to read as follows:

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

17 SECTION 5.09. Section 87.027(i), Election Code, is amended  
18 to read as follows:

19 (i) The signature verification committee shall compare the  
20 signature on each carrier envelope certificate, except those signed  
21 for a voter by a witness, with the signature on the voter's ballot  
22 application to determine whether the signatures are those of the  
23 voter. The committee may also compare the signatures with any  
24 known signature [~~two or more signatures~~] of the voter [~~made within~~  
25 ~~the preceding six years and~~] on file with the county clerk or voter  
26 registrar to determine whether the signatures are those of the  
27 voter. Except as provided by Subsection (1), a determination under



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

9 SECTION 5.10. Section 87.041, Election Code, is amended by  
10 amending Subsections (b) and (e) and adding Subsection (d-1) to  
11 read as follows:

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

13 (1) the carrier envelope certificate is properly  
14 executed;

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

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

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

23 (5) the address to which the ballot was mailed to the  
24 voter, as indicated by the application, was outside the voter's  
25 county of residence, if the ground for early voting is absence from  
26 the county of residence;

27 (6) for a voter to whom a statement of residence form

1 was required to be sent under Section 86.002(a), the statement of  
2 residence is returned in the carrier envelope and indicates that  
3 the voter satisfies the residence requirements prescribed by  
4 Section 63.0011; ~~and~~

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

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

11 (d-1) If a voter provides the information required under  
12 Section 86.002(g) and it matches the information on the voter's  
13 application for voter registration under Section 13.002(c)(8), the  
14 signature on the ballot application and on the carrier envelope  
15 certificate shall be rebuttably presumed to be the signatures of  
16 the voter.

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

19 (1) shall request from the Department of Public Safety  
20 any signature of the voter's on file with that department and  
21 compare the signatures of the voter on the ballot application and  
22 the carrier envelope certificate with any signature provided; and

23 (2) may also compare the signatures with any known  
24 signature ~~[two or more signatures]~~ of the voter ~~[made within the~~  
25 ~~preceding six years and]~~ on file with the county clerk or voter  
26 registrar ~~[to determine whether the signatures are those of the~~  
27 ~~voter]~~.

1 SECTION 5.11. Section 87.0431(b), Election Code, is amended  
2 to read as follows:

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

7 (1) the voter was deceased;

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

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

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

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

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

19 SECTION 5.12. Sections 87.062(a) and (c), Election Code,  
20 are amended to read as follows:

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

27 (c) Ballots voted by mail shall be tabulated and stored

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

5 SECTION 5.13. Section 87.103, Election Code, is amended to  
6 read as follows:

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

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

17 SECTION 5.14. Section 87.126, Election Code, is amended by  
18 adding Subsection (a-1) to read as follows:

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

23 SECTION 5.15. Subchapter G, Chapter 87, Election Code, is  
24 amended by adding Section 87.128 to read as follows:

25 Sec. 87.128. NOTES. Each member of an early voting ballot  
26 board and each member of a signature verification committee is  
27 entitled to take and keep any notes reasonably necessary to perform

1 the member's duties under this chapter.

2 ARTICLE 6. ASSISTANCE OF VOTERS

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

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

9 (b-1) A person other than a voter is only permitted to be  
10 inside a motor vehicle while a voter votes from the motor vehicle if  
11 the person would be entitled to accompany the voter to the voting  
12 station under other law.

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

15 (f) A person who simultaneously assists three or more voters  
16 voting under this section by providing the voters with  
17 transportation to the polling place must complete and sign a form,  
18 provided by an election officer, that contains the person's name  
19 and address and whether the person is providing assistance solely  
20 under this section or under both this section and Subchapter B.

21 (f-1) Subsection (f) does not apply if the person is related  
22 to each voter within the second degree by affinity or the third  
23 degree by consanguinity, as determined under Subchapter B, Chapter  
24 573, Government Code.

25 (g) A form completed under Subsection (f) shall be delivered  
26 to the secretary of state as soon as practicable. The secretary  
27 shall retain a form delivered under this section for the period for

1 preserving the precinct election records and shall make the form  
2 available to the attorney general for inspection upon request.

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

5 SECTION 6.02. Section 64.031, Election Code, is amended to  
6 read as follows:

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

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

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

15 SECTION 6.03. Subchapter B, Chapter 64, Election Code, is  
16 amended by adding Section 64.0322 to read as follows:

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

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

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

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

1        (b) The secretary of state shall prescribe the form required  
2 by this section. The form must be incorporated into the official  
3 carrier envelope if the voter is voting an early voting ballot by  
4 mail and receives assistance under Section 86.010, or must be  
5 submitted to an election officer at the time the voter casts a  
6 ballot if the voter is voting at a polling place or under Section  
7 64.009.

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

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

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

1 agent of a labor union to which the voter belongs; I will not  
2 communicate information about how the voter has voted to another  
3 person; and I understand that if assistance is provided to a voter  
4 who is not eligible for assistance, the voter's ballot may not be  
5 counted."

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

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

11 (1) the person's signature, printed name, and  
12 residence address;

13 (2) the relationship of the person providing the  
14 assistance to the voter; and

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

19 (h) Subsection (f) does not apply to:

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

25 (2) a violation of Subsection (e), if the person is  
26 related to the voter within the second degree by affinity or the  
27 third degree by consanguinity, as determined under Subchapter B,



1 Chapter 573, Government Code.

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 6.06. Sections 86.0105(a), (c), and (e), Election  
12 Code, are amended to read as follows:

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

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

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

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

26 (c) An offense under this section is a state jail felony [~~if~~  
27 ~~it is shown on the trial of an offense under this section that the~~

1 ~~defendant was previously convicted two or more times under this~~  
2 ~~section].~~

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

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

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

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

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

18 (3) indicating the relationship of that person to the  
19 voter.

20 ARTICLE 7. FRAUD AND OTHER UNLAWFUL PRACTICES

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

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

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

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

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

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

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

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

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

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

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

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

1           (3) count votes that are invalid, or should otherwise  
2 not be counted, fail to count votes that were lawfully cast, or  
3 alter a report to include invalid votes;

4           (4) fail to count valid votes or alter a report to  
5 exclude valid votes;

6           (5) [~~3~~] cause any intentionally misleading  
7 statement, representation, or information to be provided:

8                   (A) to an election official; or

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

11           (6) prevent a voter from casting a legal ballot in an  
12 election in which the voter is eligible to vote; or

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

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

20           SECTION 7.04. Chapter 276, Election Code, is amended by  
21 adding Sections 276.014, 276.015, 276.016, 276.017, 276.018, and  
22 276.019 to read as follows:

23           Sec. 276.014. VOTE HARVESTING. (a) In this section and in  
24 Section 276.015:

25                   (1) "Benefit" means anything reasonably regarded as a  
26 gain or advantage, including a promise or offer of employment, a  
27 political favor, or an official act of discretion, whether to a

1 person or another party whose welfare is of interest to the person.

2 (2) "Vote harvesting services" means in-person  
3 interaction with one or more voters, involving an official ballot,  
4 a ballot voted by mail, or an application for ballot by mail,  
5 intended to deliver votes for a specific candidate or measure.

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

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

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

16 (e) This section does not apply to:

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

19 (2) interactions that do not directly involve an  
20 official ballot, ballot by mail, or an application for ballot by  
21 mail;

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

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

26 (f) In this section, compensation in exchange for vote  
27 harvesting services is inferred if a person who performed vote

1 harvesting services for a candidate or campaign solicits, receives,  
2 or is offered compensation from the candidate or campaign, directly  
3 or through a third party, for services other than vote harvesting  
4 services provided.

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

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

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

15 Sec. 276.015. CIVIL LIABILITY FOR VOTE HARVESTING. (a) A  
16 person who is shown by a preponderance of the evidence to have  
17 violated Section 276.014 is civilly liable to any candidate or  
18 political party who suffers harm from the vote harvesting services  
19 for damages and penalties that may be awarded under Subsection (c).

20 (b) A person is harmed by the vote harvesting services if  
21 the person can demonstrate that:

22 (1) the person has standing to seek relief; and

23 (2) the liable party violated Section 276.014.

24 (b-1) To establish standing under this section, a person is  
25 not required to demonstrate that the vote harvesting services  
26 successfully delivered votes for a specific candidate or measure,  
27 but must demonstrate that:

1           (1) the vote harvesting services were intended to  
2 deliver votes for a specific candidate or measure; and

3           (2) the person opposed the candidate or measure in the  
4 person's capacity as a candidate or political party.

5           (c) A party who prevails in an action under this section may  
6 recover damages in an amount including any or all of:

7           (1) the amount of compensation paid to or received by a  
8 party in exchange for vote harvesting services;

9           (2) the fair market value of any benefit given or  
10 received in exchange for vote harvesting services;

11           (3) a penalty in the amount of \$35,000; or

12           (4) reasonable and necessary attorney's fees, court  
13 costs, witness fees, and discovery costs.

14           (d) A party who is a candidate for office who prevails in an  
15 action under this section and shows that the number of voters  
16 contacted by the vote harvesting activity exceeds the number of  
17 votes by which the party lost the election shall recover damages in  
18 an amount including any or all of:

19           (1) the party's campaign expenditures properly filed  
20 on a campaign finance report in connection with the election; or

21           (2) any fees and expenses incurred by the party in  
22 filing and securing a place on the ballot.

23           (e) A person who commits an offense under Section 276.014  
24 and is found civilly liable, including by vicarious liability,  
25 under this chapter or other law for any amount of damages arising  
26 from the vote harvesting services is jointly liable with any other  
27 defendant for the entire amount of damages arising from the vote

1 harvesting services.

2 (f) The cause of action created by this section is  
3 cumulative of any other remedy provided by common law or statute.

4 (g) Rules applicable to a party's access to election records  
5 under Chapter 231 or 232 apply to a cause of action under this  
6 section.

7 (h) A party to an action under this section may compel a  
8 voter to reveal the voter's vote in the same manner established  
9 under Section 221.009 to compel a voter to reveal the voter's vote  
10 in an election contest.

11 (i) The expedited actions process created by Rule 169, Texas  
12 Rules of Civil Procedure, does not apply to an action under this  
13 section.

14 (j) Chapter 27, Civil Practice and Remedies Code, does not  
15 apply to a cause of action under this section.

16 (k) A cause of action under this section may be brought in  
17 the county where any element of a violation under Section 276.014  
18 occurred, or where any part of the vote harvesting services  
19 occurred.

20 (l) This section shall be liberally construed and applied to  
21 promote its underlying purpose to protect candidates and the voting  
22 public from unlawful vote harvesting and provide an efficient and  
23 economical remedy to secure that protection.

24 Sec. 276.016. UNLAWFUL SOLICITATION AND DISTRIBUTION OF  
25 APPLICATION TO VOTE BY MAIL. (a) A public official commits an  
26 offense if the official, while acting in an official capacity,  
27 knowingly:



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

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

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

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

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

12           (c) Subsection (a)(2) does not apply if the public official  
13 engaged in the conduct described by Subsection (a)(2) by providing  
14 access to an application to vote by mail from a publicly accessible  
15 Internet website.

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

19           (e) Subsection (a) does not apply if the public official  
20 provided general information about voting by mail, the vote by mail  
21 process, or the timelines associated with voting to a person or the  
22 public.

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

27           Sec. 276.017. UNLAWFUL DISTRIBUTION OF EARLY VOTING BALLOTS

1 AND BALLOTING MATERIALS. (a) The early voting clerk or other  
2 election official commits an offense if the clerk or official  
3 knowingly mails or otherwise provides an early voting ballot by  
4 mail or other early voting by mail ballot materials to a person who  
5 did not submit an application for a ballot to be voted by mail under  
6 Section 84.001.

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

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

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

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

17 ARTICLE 8. ENFORCEMENT

18 SECTION 8.01. Section 18.065, Election Code, is amended by  
19 amending Subsection (a) and adding Subsections (e), (f), and (g) to  
20 read as follows:

21 (a) The secretary of state shall monitor each registrar for  
22 substantial compliance with Sections 15.083, 16.032, 16.0332, and  
23 18.061 and with rules implementing the statewide computerized voter  
24 registration list.

25 (e) A registrar shall correct a violation within 30 days of  
26 a notice under Subsection (b). If a registrar fails to correct the  
27 violation within 30 days of a notice under Subsection (b), the

1 secretary of state shall:

2 (1) correct the violation on behalf of the registrar;

3 and

4 (2) notify the attorney general that the registrar  
5 failed to correct a violation under this subsection.

6 (f) A county served by a registrar who fails to correct a  
7 violation under Subsection (e) is liable to this state for a civil  
8 penalty of \$1,000 for each violation corrected by the secretary of  
9 state under that subsection. The attorney general may bring an  
10 action to recover a civil penalty imposed under this section.

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

14 SECTION 8.02. Subchapter E, Chapter 31, Election Code, is  
15 amended by adding Section 31.126 to read as follows:

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

18 (1) a county clerk;

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

20 (3) an elections administrator;

21 (4) a permanent or temporary employee of an elections  
22 administrator;

23 (5) an election judge;

24 (6) an alternate election judge;

25 (7) an early voting clerk;

26 (8) a deputy early voting clerk;

27 (9) an election clerk;

- 1           (10) the presiding judge of an early voting ballot
- 2 board;
- 3           (11) the alternate presiding judge of an early voting
- 4 ballot board;
- 5           (12) a member of an early voting ballot board;
- 6           (13) the chair of a signature verification committee;
- 7           (14) the vice chair of a signature verification
- 8 committee;
- 9           (15) a member of a signature verification committee;
- 10           (16) the presiding judge of a central counting
- 11 station;
- 12           (17) the alternate presiding judge of a central
- 13 counting station;
- 14           (18) a central counting station manager;
- 15           (19) a central counting station clerk;
- 16           (20) a tabulation supervisor; and
- 17           (21) an assistant to a tabulation supervisor.

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

20           SECTION 8.03. Section 232.006(a), Election Code, is amended  
21 to read as follows:

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

26           SECTION 8.04. Sections 232.008(b), (c), and (d), Election  
27 Code, are amended to read as follows:

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

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

- 10 (1) a primary or runoff primary election; or  
11 (2) a general or special election for which a runoff is  
12 necessary according to the official result or will be necessary if  
13 the contestant prevails.

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

17 SECTION 8.05. Chapter 232, Election Code, is amended by  
18 adding Subchapter C to read as follows:

19 SUBCHAPTER C. CONTEST INVOLVING ALLEGED FRAUD

20 Sec. 232.061. PETITION ALLEGING FRAUD. This subchapter  
21 applies to an election contest in which the contestant alleges in  
22 the petition that an opposing candidate, an agent of the opposing  
23 candidate, or a person acting on behalf of the opposing candidate  
24 with the candidate's knowledge violated any of the following  
25 sections of this code:

26 (1) Section 13.007;

27 (2) Section 64.012;

1           (3) Section 64.036;

2           (4) Section 84.003;

3           (5) Section 84.0041;

4           (6) Section 86.0051;

5           (7) Section 86.006;

6           (8) Section 86.010; or

7           (9) Section 276.013.

8           Sec. 232.062. EVIDENTIARY STANDARD. A contestant must  
9 prove an allegation described by Section 232.061 by a preponderance  
10 of the evidence.

11           Sec. 232.063. OVERTURNING ELECTION. If the number of votes  
12 illegally cast in the election is equal to or greater than the  
13 number of votes necessary to change the outcome of an election, the  
14 court may declare the election void without attempting to determine  
15 how individual voters voted.

16           Sec. 232.064. DAMAGES. (a) If a contestee, an agent of the  
17 contestee, or a person acting on behalf of the contestee with the  
18 contestee's knowledge committed one or more violations of a section  
19 described by Section 232.061, the contestee is liable to the  
20 contestant for damages in an amount of \$1,000 for each violation.

21           (b) Notwithstanding Section 41.004(a), Civil Practice and  
22 Remedies Code, a court shall award damages under Subsection (a) to  
23 the contestant irrespective of whether the contestant is awarded  
24 actual damages.

25           Sec. 232.065. ATTORNEY'S FEES. In an election contest to  
26 which this subchapter applies, the court may award reasonable  
27 attorney's fees to the prevailing party.

1 SECTION 8.06. Section 273.061, Election Code, is amended to  
2 read as follows:

3 Sec. 273.061. JURISDICTION. (a) The supreme court or a  
4 court of appeals may issue a writ of mandamus to compel the  
5 performance of any duty imposed by law in connection with the  
6 holding of an election or a political party convention, regardless  
7 of whether the person responsible for performing the duty is a  
8 public officer.

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

18 SECTION 8.07. Subchapter D, Chapter 22, Government Code, is  
19 amended by adding Sections 22.304 and 22.305 to read as follows:

20 Sec. 22.304. COURT SITTING IN PANELS FOR CERTAIN ELECTION  
21 PROCEEDINGS; CRIMINAL OFFENSE. (a) Notwithstanding any other law  
22 or rule, a court proceeding entitled to priority under Section  
23 22.305 and filed in the supreme court, the court of criminal  
24 appeals, or a court of appeals shall be docketed by the clerk of the  
25 court and assigned to a panel of three justices determined using an  
26 automated assignment system.

27 (b) A person, including a public official, commits an

1 offense if the person communicates with a court clerk with the  
2 intention of influencing or attempting to influence the composition  
3 of a three-justice panel assigned a specific proceeding under this  
4 section.

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

6 (d) If a court clerk does not comply with this section, a  
7 person may seek from the supreme court, the court of criminal  
8 appeals, or a court of appeals a writ of mandamus as provided by  
9 Section 273.061, Election Code, to compel compliance with this  
10 section.

11 Sec. 22.305. PRIORITY OF CERTAIN ELECTION PROCEEDINGS. (a)  
12 The supreme court, the court of criminal appeals, or a court of  
13 appeals shall prioritize over any other proceeding pending or filed  
14 in the court a proceeding for injunctive relief or for a writ of  
15 mandamus under Chapter 273, Election Code, pending or filed in the  
16 court on or after the 120th day before a general or special  
17 election.

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

20 SECTION 8.08. Section 23.101, Government Code, is amended  
21 by amending Subsection (a) and adding Subsections (b-1) and (b-2)  
22 to read as follows:

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

27 (1) temporary injunctions;



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

3           (A) criminal actions against defendants who are  
4 detained in jail pending trial;

5           (B) criminal actions involving a charge that a  
6 person committed an act of family violence, as defined by Section  
7 71.004, Family Code;

8           (C) an offense under:

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

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

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

14                (iv) Section 25.06, Penal Code;

15                (v) Section 43.25, Penal Code; or

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

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

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

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

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

27           (5) appeals of final rulings and decisions of the

1 division of workers' compensation of the Texas Department of  
2 Insurance regarding workers' compensation claims and claims under  
3 the Federal Employers' Liability Act and the Jones Act;

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

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

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

12 (b-1) Except for a criminal case in which the death penalty  
13 has been or may be assessed or when it would otherwise interfere  
14 with a constitutional right, the trial courts of this state shall  
15 prioritize over any other proceeding pending or filed in the court a  
16 proceeding for injunctive relief under Chapter 273, Election Code,  
17 pending or filed in the court on or after the 120th day before a  
18 general or special election.

19 (b-2) A hearing in a proceeding described by Subsection  
20 (b-1) may be held in person or through electronic means.

21 SECTION 8.09. Chapter 23, Government Code, is amended by  
22 adding Subchapter D to read as follows:

23 SUBCHAPTER D. GENERAL PROVISIONS

24 Sec. 23.301. ASSIGNMENT OF CERTAIN ELECTION PROCEEDINGS;  
25 CRIMINAL OFFENSE. (a) Notwithstanding any other law or rule, the  
26 clerk of a district court in which a proceeding entitled to priority  
27 under Section 23.101(b-1) is filed shall docket the proceeding and,

1 if more than one district court in the county has jurisdiction over  
2 the proceeding, randomly assign the proceeding to a district court  
3 using an automated assignment system.

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

10 (c) Notwithstanding any other law or rule, a proceeding  
11 entitled to priority under Section 23.101(b-1) relating to a  
12 temporary injunction shall have a court assigned under Subsection  
13 (b) not later than 24 hours after the proceeding is filed and, if a  
14 temporary injunction is granted, the injunction may not remain in  
15 effect for longer than four days.

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

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

24 (f) If a district or county clerk does not comply with this  
25 section, a person may seek from the supreme court, the court of  
26 criminal appeals, or a court of appeals a writ of mandamus as  
27 provided by Section 273.061, Election Code, to compel compliance

1 with this section.

2 Sec. 23.302. DEADLINES IN CERTAIN ELECTION PROCEEDINGS.

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

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

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

10 (3) set a scheduling order that provides:

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

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

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

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

24 (d) If a district judge does not comply with this section, a  
25 person may seek from the supreme court, the court of criminal  
26 appeals, or a court of appeals a writ of mandamus as provided by  
27 Section 273.061, Election Code, to compel compliance with this

1 section.

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

6 ARTICLE 9. INELIGIBLE VOTERS AND RELATED REFORMS

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

9 Art. 42.0194. FINDING REGARDING FELONY CONVICTION. In the  
10 trial of a felony offense, if the defendant is 18 years of age or  
11 older and is adjudged guilty of the offense, the court shall:

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

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

17 SECTION 9.02. Article 42.01, Code of Criminal Procedure, is  
18 amended by amending Section 4 and adding Section 16 to read as  
19 follows:

20 Sec. 4. The Court of Criminal Appeals [~~Office of Court~~  
21 ~~Administration of the Texas Judicial System~~] shall promulgate a  
22 standardized felony judgment form that conforms to the requirements  
23 of Section 1 of this article. A court entering a felony judgment  
24 [~~judgement~~] shall use the form promulgated under this section.

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

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

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

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

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

9 (3) knowingly votes or attempts to vote a ballot  
10 belonging to another person, or by impersonating another person;  
11 ~~or~~

12 (4) knowingly marks or attempts to mark any portion of  
13 another person's ballot without the consent of that person, or  
14 without specific direction from that person how to mark the ballot;  
15 or

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

20 (c) A person may not be convicted solely upon the fact that  
21 the person signed a provisional ballot affidavit under Section  
22 63.011 unless corroborated by other evidence that the person  
23 knowingly committed the offense.

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

27 SECTION 9.04. The change in law made by this article in

1 adding Section 64.012(c), Election Code, applies to an offense  
2 committed before, on, or after the effective date of this Act,  
3 except that a final conviction for an offense under that section  
4 that exists on the effective date of this Act remains unaffected by  
5 this article.

6 ARTICLE 10. INTERNET POSTING AND DATABASE

7 SECTION 10.01. Chapter 4, Election Code, is amended by  
8 adding Section 4.009 to read as follows:

9 Sec. 4.009. INTERNET POSTING. (a) Not later than the 21st  
10 day before election day, a county that holds or provides election  
11 services for an election and maintains an Internet website shall  
12 post on its public Internet website for an election administered by  
13 the county:

- 14 (1) the date of the election;  
15 (2) the location of each polling place;  
16 (3) each candidate for an elected office on the  
17 ballot; and  
18 (4) each measure on the ballot.

19 (b) Not later than the 21st day before election day, a city  
20 or independent school district that holds an election and maintains  
21 an Internet website shall post on the public Internet website for  
22 the city or independent school district, as applicable:

- 23 (1) the date of the next election;  
24 (2) the location of each polling place;  
25 (3) each candidate for an elected office on the  
26 ballot; and  
27 (4) each measure on the ballot.

1 SECTION 10.02. Subchapter A, Chapter 31, Election Code, is  
2 amended by adding Sections 31.017 and 31.018 to read as follows:

3 Sec. 31.017. INTERNET DATABASE OF ELECTION INFORMATION.

4 (a) The secretary of state shall post on the secretary of state's  
5 public Internet website a database containing information provided  
6 by each authority responsible for giving notice of an election in  
7 this state. The database must include the following information:

8 (1) the name of the authority;

9 (2) each office to be filled at the election;

10 (3) whether the office is elected at large or by  
11 district; and

12 (4) the dates of the preceding and next election for  
13 the office.

14 (b) The secretary of state shall adopt rules as necessary to  
15 implement this section.

16 Sec. 31.018. INTERNET DATABASE FOR INCUMBENTS AND  
17 CANDIDATES. (a) The secretary of state shall post on the secretary  
18 of state's Internet website a database containing information about  
19 each holder of and candidate for any elected office in this state.

20 (b) The database must include the following information  
21 about a holder of an elected office:

22 (1) name;

23 (2) office title, including any district, place, or  
24 position;

25 (3) if the office is elected at large or by district;

26 (4) date of the previous and next election for the  
27 office; and



1           (5) public mailing address.

2           (c) The database must include the following information  
3 about a candidate for an elected office:

4           (1) name;

5           (2) office sought, including any district, place, or  
6 position;

7           (3) if the office is elected at large or by district;

8           (4) date of the election;

9           (5) public mailing address;

10          (6) public telephone number, if available;

11          (7) name of the incumbent; and

12          (8) if the candidate has filed as a write-in  
13 candidate.

14          (d) The authority with whom a declaration of candidacy is  
15 filed, a state chair of a political party, or the presiding officer  
16 of a political party's convention shall provide information about a  
17 candidate or officeholder to the secretary of state.

18          (e) The secretary of state shall adopt rules as necessary to  
19 implement this section.

20          SECTION 10.03. Section 141.032, Election Code, is amended  
21 by adding Subsection (h) to read as follows:

22          (h) The authority with whom the application is filed shall  
23 provide the secretary of state with the candidate's information  
24 required for the secretary of state's Internet website under  
25 Section 31.018. The secretary of state shall adopt rules as  
26 necessary to implement this subsection.

1 ARTICLE 11. REPEALER; SEVERABILITY; TRANSITION; EFFECTIVE DATE

2 SECTION 11.01. The following provisions of the Election  
3 Code are repealed:

- 4 (1) Section 85.062(e);
- 5 (2) Section 86.0052(b);
- 6 (3) Section 86.0105(b); and
- 7 (4) Section 127.201(f).

8 SECTION 11.02. If any provision of this Act or its  
9 application to any person or circumstance is held invalid, the  
10 invalidity does not affect other provisions or applications of this  
11 Act that can be given effect without the invalid provision or  
12 application, and to this end the provisions of this Act are declared  
13 to be severable.

14 SECTION 11.03. (a) Except as otherwise provided by this  
15 Act, the changes in law made by this Act apply only to an offense  
16 committed on or after the effective date of this Act. An offense  
17 committed before the effective date of this Act is governed by the  
18 law in effect when the offense was committed, and the former law is  
19 continued in effect for that purpose. For purposes of this section,  
20 an offense was committed before the effective date of this Act if  
21 any element of the offense occurred before that date.

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

27 (c) The changes in law made by this Act apply only to an

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

3 (d) The changes in law made by this Act apply only to an  
4 application to vote an early voting ballot by mail submitted on or  
5 after the effective date of this Act. An application to vote an  
6 early voting ballot by mail submitted before the effective date of  
7 this Act is governed by the law in effect when the application was  
8 submitted, and the former law is continued in effect for that  
9 purpose.

10 (e) The changes in law made by this Act apply only to an  
11 application for voter registration submitted on or after the  
12 effective date of this Act.

13 SECTION 11.04. Not later than January 1, 2022, the  
14 secretary of state shall develop the training course required by  
15 Section 31.019, Election Code, as added by this Act.

16 SECTION 11.05. To the extent of any conflict, this Act  
17 prevails over another Act of the 87th Legislature, Regular Session,  
18 2021, relating to nonsubstantive additions to and corrections in  
19 enacted codes.

20 SECTION 11.06. This Act takes effect immediately if it  
21 receives a vote of two-thirds of all the members elected to each  
22 house, as provided by Section 39, Article III, Texas Constitution.  
23 If this Act does not receive the vote necessary for immediate  
24 effect, this Act takes effect September 1, 2021.