

By: West, et al.

S.B. No. 61

A BILL TO BE ENTITLED

AN ACT

1  
2  
3 Relating to the Barbara Jordan Fair Elections Act.

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

5 ARTICLE 1. GENERAL PROVISIONS

6 SECTION 1.01. SHORT TITLE. This Act may be cited as the  
7 Barbara Jordan Fair Elections Act.

8 SECTION 1.02. PURPOSE. The purpose of this Act is to  
9 exercise the legislature's constitutional authority under Section  
10 2, Article VI, Texas Constitution, to ensure that "The privilege of  
11 free suffrage shall be protected by laws regulating elections and  
12 prohibiting under adequate penalties all undue influence in  
13 elections from power, bribery, tumult, or other improper practice."

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) the privilege of free suffrage shall be protected  
18 by laws regulating elections;

19 (3) maximizing the potential for safe, secure, and  
20 accessible elections and enhancing the opportunities to vote  
21 strengthen our constitutional democracy and provide for wide-scale  
22 confidence in elections;

23 (4) additionally, preventing a valid vote from being  
24 cast or counted violates the basic constitutional rights guaranteed

1 to each citizen by the United States Constitution and the law of the  
2 land; and

3 (5) providing for voter access and increasing the  
4 stability of a constitutional democracy ensures public confidence  
5 in the legitimacy of public officers chosen by election.

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

8 Sec. 1.0015. LEGISLATIVE INTENT. It is the intent of the  
9 legislature that the application of this code and the conduct of  
10 elections shall be uniform and consistent throughout this state to  
11 promote voter access and ensure that all lawfully cast votes are  
12 counted.

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

15 (a-1) A public official shall construe the provisions of  
16 this code broadly to effect the intent of the legislature under  
17 Section 1.0015.

18 ARTICLE 2. VOTER REGISTRATION

19 SECTION 2.01. Subchapter A, Chapter 13, Election Code, is  
20 amended by adding Section 13.009 to read as follows:

21 Sec. 13.009. ELECTRONIC VOTER REGISTRATION. (a) The  
22 secretary of state shall implement a program to allow a person to  
23 complete a voter registration application over the Internet from  
24 the official website of this state. The websites of the secretary  
25 of state and the Department of Public Safety must also provide a  
26 link to the location of the application on the official website of  
27 this state.

1       (b) An applicant for electronic voter registration who has a  
2 driver's license or personal identification card issued in this  
3 state, regardless of whether the license or card is unexpired,  
4 must:

5           (1) attest to the truth of the information provided on  
6 the application by affirmatively accepting the information as true;  
7 and

8           (2) affirmatively consent to the use of the signature  
9 on the applicant's driver's license or personal identification card  
10 for voter registration purposes.

11       (c) An applicant for electronic voter registration who does  
12 not have a driver's license or personal identification card issued  
13 in this state must:

14           (1) attest to the truth of the information provided on  
15 the application by affirmatively accepting the information as true;  
16 and

17           (2) print a registration application from the website  
18 the applicant is using to register, sign the application, and mail  
19 it to the registrar.

20       (d) For each application submitted under Subsection (b),  
21 the program must require that a digital copy of the applicant's  
22 signature be obtained from the Department of Public Safety.

23       (e) For each application submitted under Subsection (c),  
24 the program must provide the applicant with:

25           (1) a registration application that the applicant can  
26 print from the registration website, sign, and mail to the  
27 registrar as required under Subsection (c)(2); and

1           (2) information about how the applicant can obtain a  
2 driver's license or personal identification card from the  
3 Department of Public Safety.

4           (f) An application submitted under this section is  
5 considered for all purposes an application submitted by mail under  
6 this title.

7           (g) The secretary of state shall adopt rules as necessary to  
8 implement this section, including rules to provide for additional  
9 security measures necessary to ensure the accuracy and integrity of  
10 applications submitted electronically.

11           (h) The rules adopted under Subsection (g) must require  
12 that:

13                 (1) the Internet website through which a person may  
14 complete a voter registration application include a description of  
15 the offense described by Section 13.007 in a conspicuous location  
16 on the website near the place where the person begins or submits the  
17 application; and

18                 (2) the state electronic Internet portal project be  
19 used to authenticate the identity of a person who submits an  
20 application electronically under this section.

21           SECTION 2.02. Sections 84.001(b) and (d), Election Code,  
22 are amended to read as follows:

23           (b) An application must be in writing and signed by the  
24 applicant. Except as provided by Section 84.0091, an [An]  
25 electronic signature is not permitted.

26           (d) An application must be submitted [~~by mail~~] to the early  
27 voting clerk for the election who serves the election precinct of

1 the applicant's residence.

2 SECTION 2.03. Subchapter A, Chapter 13, Election Code, is  
3 amended by adding Section 13.009 to read as follows:

4 Sec. 13.009. VOTER REGISTRATION THROUGH DEPARTMENT OF  
5 PUBLIC SAFETY. (a) The voter registrar of each county shall  
6 automatically register any county resident who is eligible to vote  
7 as provided by Section 13.001 and:

8 (1) is issued a Texas driver's license or a personal  
9 identification card by the Department of Public Safety; or

10 (2) makes a change to a Texas driver's license or  
11 personal identification card issued by the Department of Public  
12 Safety.

13 (b) A driver's license or personal identification card  
14 transaction with an indication provided by Section 20.062(b) or  
15 20.063(c) that the transaction is not for voter registration  
16 purposes is not subject to this section.

17 SECTION 2.04. Section 20.061, Election Code, is amended to  
18 read as follows:

19 Sec. 20.061. APPLICABILITY OF OTHER PROVISIONS. The other  
20 provisions of this chapter apply to the Department of Public Safety  
21 except provisions that conflict with this subchapter or Section  
22 13.009.

23 SECTION 2.05. Section 20.062(b), Election Code, is amended  
24 to read as follows:

25 (b) The department shall prescribe and use a change of  
26 address form and procedure that combines department and voter  
27 registration functions. The form must allow a licensee or

1 cardholder to indicate that ~~[whether]~~ the change of address is not  
2 ~~[also to be used]~~ for voter registration purposes.

3 SECTION 2.06. Section 20.063, Election Code, is amended to  
4 read as follows:

5 Sec. 20.063. REGISTRATION PROCEDURES. (a) The Department  
6 of Public Safety shall consider an application made in person, by  
7 mail, or online at the department's Internet website ~~[provide to~~  
8 ~~each person who applies in person at the department's offices]~~ for  
9 an original or renewal of a driver's license, a personal  
10 identification card, or a duplicate or corrected license or card by  
11 a person who is eligible to vote as provided by Section 13.001 an  
12 application for ~~[opportunity to complete a]~~ voter registration.  
13 The date of application is considered to be the date of submission  
14 to the voter registrar for the purpose of determining the effective  
15 date of registration ~~[application form]~~.

16 (b) The Department of Public Safety shall consider a change  
17 of address that relates to ~~[When the department processes]~~ a  
18 license or card and that is submitted to ~~[for renewal by mail,]~~ the  
19 department ~~[shall deliver to the applicant by mail a voter~~  
20 ~~registration application form.~~

21 ~~[(c) A change of address that relates to a license or card~~  
22 ~~and that is submitted to the department]~~ in person, ~~[or]~~ by mail, or  
23 online at the department's Internet website ~~[serves]~~ as a change in  
24 ~~[of address for]~~ voter registration ~~[unless the licensee or~~  
25 ~~cardholder indicates that the change is not for voter registration~~  
26 ~~purposes]~~. The date of submission of a change of address to a  
27 department employee is considered to be the date of submission to

1 the voter registrar for the purpose of determining the effective  
2 date of registration [~~only~~].

3 (c) The registration of an eligible [~~(d) If a completed~~]  
4 voter as required by Subsections (a) and (b) is automatic unless the  
5 person indicates that the transaction is not for voter  
6 registration purposes [~~application submitted to a department~~  
7 ~~employee does not include the applicant's correct driver's license~~  
8 ~~number or personal identification card number, a department~~  
9 ~~employee shall enter the appropriate information on the~~  
10 ~~application. If a completed application does not include the~~  
11 ~~applicant's correct residence address or mailing address, a~~  
12 ~~department employee shall obtain the appropriate information from~~  
13 ~~the applicant and enter the information on the application]~~.

14 SECTION 2.07. Section 20.065(b), Election Code, is amended  
15 to read as follows:

16 (b) Each weekday the department is regularly open for  
17 business, the department shall electronically transfer to the  
18 secretary of state the name and information designated by the  
19 secretary of state for [~~of each person who completes a~~] voter  
20 registration for each individual who is eligible to vote as  
21 provided by Section 13.001 and applies in person, by mail, or online  
22 at the department's Internet website for an original or renewal of a  
23 driver's license, a personal identification card, or a duplicate or  
24 corrected license or card [~~application submitted to the~~  
25 ~~department]~~. The secretary shall prescribe procedures necessary to  
26 implement this subsection.

27 SECTION 2.08. Section 13.001, Election Code, is amended by

1 amending Subsections (a) and (b) and adding Subsections (d) and (e)  
2 to read as follows:

3 (a) To be eligible for registration as a voter in this  
4 state, a person must:

5 (1) except as provided by Subsection (d), be 18 years  
6 of age or older;

7 (2) be a United States citizen;

8 (3) not have been determined by a final judgment of a  
9 court exercising probate jurisdiction to be:

10 (A) totally mentally incapacitated; or

11 (B) partially mentally incapacitated without the  
12 right to vote;

13 (4) not have been finally convicted of a felony or, if  
14 so convicted, must have:

15 (A) fully discharged the person's sentence,  
16 including any term of incarceration, parole, or supervision, or  
17 completed a period of probation ordered by any court; or

18 (B) been pardoned or otherwise released from the  
19 resulting disability to vote; and

20 (5) be a resident of the county in which application  
21 for registration is made.

22 (b) Except as provided by Subsection (d), to [~~to~~] be  
23 eligible to apply for registration, a person must, on the date the  
24 registration application is submitted to the registrar, be at least  
25 17 years and 10 months of age and satisfy the requirements of  
26 Subsection (a) except for age.

27 (d) A person who will be 18 years of age or older on the date



1 of the next general election for state and county officers is  
2 eligible to register as a voter in this state for the purposes of  
3 voting in the primary election to determine a political party's  
4 nominees for the general election if the person satisfies the  
5 requirements of Subsection (a) except for age. The secretary of  
6 state shall prescribe procedures necessary to implement this  
7 subsection.

8 (e) The voter registrar may send a written notice to each  
9 person who registers to vote under Subsection (d) stating that the  
10 person is only eligible to vote in a primary election or runoff  
11 primary election and that the person is not eligible to vote in any  
12 other election until the person is 18 years of age. The notice may  
13 list the elections in which the person is not eligible to vote.

14 SECTION 2.09. Subchapter A, Chapter 172, Election Code, is  
15 amended by adding Section 172.005 to read as follows:

16 Sec. 172.005. VOTING BY PERSON UNDER AGE 18. (a)  
17 Notwithstanding Section 11.001, a person may vote in a primary  
18 election if the person:

19 (1) will be 18 years of age or older on the date of the  
20 subsequent general election for state and county officers; and

21 (2) satisfies the requirements for being a qualified  
22 voter except for age.

23 (b) The secretary of state, after consulting with the state  
24 chairman of each political party required to make nominations by  
25 primary election, shall prescribe the procedures necessary to  
26 implement this section.

27 SECTION 2.10 Chapter 521A, Texas Transportation Code is

1 amended as follows:

2 Sec. 521A.002. ELECTION IDENTIFICATION CERTIFICATE FOR  
3 HIGH SCHOOL STUDENTS. (a) The Department shall, at no cost to the  
4 student, issue an election identification certificate to any  
5 student who requests one and:

6 (1) is, on the date of the request, at least 17 years  
7 and five months of age; and

8 (2) provides proof of enrollment showing the student  
9 is currently enrolled in a Texas public high school, private  
10 school, public or private charter school, or accredited homeschool  
11 program.

12 SECTION 2.11. Chapter 63, Election Code, is amended by  
13 adding Section 63.010 to read as follows:

14 Sec. 63.010. REGISTRATION AT POLLING PLACE. (a) A person  
15 who would be eligible to vote in an election under Section 11.001,  
16 but for the requirement to be a registered voter, shall be accepted  
17 during voting by personal appearance for voting the ballot for the  
18 precinct of the person's residence as shown by the identification  
19 presented if, on the day the person offers to vote, the person:

20 (1) submits a voter registration application that  
21 complies with Section 13.002 to an election officer at the polling  
22 place; and

23 (2) presents as proof of residence a form of photo  
24 identification described by Section 63.0101(a) that states the  
25 person's current address.

26 (b) The election officer shall return the original proof of  
27 residence to the voter.

1 (c) A person voting under this section shall vote a  
2 provisional ballot in the manner provided by Section 63.011 except  
3 that the person is not required to submit the affidavit under  
4 Section 63.011(a).

5 (d) For each registration corresponding to a ballot cast  
6 under this section, the voter registrar shall review the  
7 application and determine whether the applicant is eligible for  
8 registration as provided by Subchapter C, Chapter 13. A  
9 registration approved under this subsection takes effect on the  
10 date the vote was cast.

11 ARTICLE 3. VOTE BY MAIL

12 SECTION 3.01. Section 82.005, Election Code, is amended to  
13 read as follows:

14 Sec. 82.005. ELIGIBILITY FOR EARLY VOTING [~~BY PERSONAL~~  
15 ~~APPEARANCE~~]. Any qualified voter is eligible for early voting by  
16 mail or personal appearance.

17 SECTION 3.02. Section 84.007(a), Election Code, is amended  
18 to read as follows:

19 (a) Except as provided by Sections 84.008, [~~and~~] 84.009, and  
20 84.0091, an application for a ballot to be voted by mail must be  
21 submitted as provided by this section.

22 SECTION 3.03. Subchapter A, Chapter 84, Election Code, is  
23 amended by adding Section 84.0091 to read as follows:

24 Sec. 84.0091. SUBMITTING APPLICATION FOR BALLOT VOTED BY  
25 MAIL: ELECTRONIC SUBMISSION. The secretary of state shall  
26 implement a program to allow a person to complete an application for  
27 an early voting ballot by mail over the Internet from the official

1 website of this state. The program must:

2 (1) permit an applicant to electronically sign the  
3 application;

4 (2) deliver a completed application to the early  
5 voting clerk for the election who serves the election precinct of  
6 the applicant's residence; and

7 (3) permit an applicant to check the status of the  
8 applicant's application.

9 SECTION 3.04. Subchapter C, Chapter 87, Election Code, is  
10 amended by adding Section 87.0411 to read as follows:

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

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

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

19 (3) that does not contain a statement of residence  
20 form if required under Section 86.002(a).

21 (b) Before deciding whether to accept or reject a ballot  
22 under Section 87.041, the early voting ballot board shall notify a  
23 voter within one business day of the discovery of a defect under  
24 Subsection (a) to advise the voter of the defect and provide the  
25 voter an opportunity to correct the defect by providing:

26 (1) if the defect involves the voter's signature:

27 (A) the following identification:

1                   (i) the identification number from an  
2 unexpired driver's license, election identification certificate,  
3 or personal identification card issued to the voter by the  
4 Department of Public Safety;

5                   (ii) the last four digits of the voter's  
6 social security number; or

7                   (iii) if the voter does not possess any  
8 identification described by Subparagraph (i) or (ii), a form of  
9 identification described by Section 63.0101; and

10                   (B) a signed cure attestation in a form  
11 prescribed by the secretary of state stating that the ballot at  
12 issue is that of the voter; or

13                   (2) if the defect involves a required statement of  
14 residence form, a signed and completed statement of residence form.

15                   (c) Subsection (b) does not apply if the early voting ballot  
16 board determines that it would be impossible to correct the defect  
17 before the ninth day after the date of the election.

18                   (d) A voter may submit materials listed under Subsection (b)  
19 to the early voting clerk by:

20                   (1) personal delivery;

21                   (2) mail;

22                   (3) e-mail; or

23                   (4) telephonic facsimile machine, if a machine is  
24 available in the clerk's office.

25                   (e) The notice under Subsection (b) must:

26                   (1) inform the voter that the voter's vote will not be  
27 counted unless the voter submits the materials listed under

1 Subsection (b) not later than the ninth day after the date of the  
2 election;

3 (2) instruct the voter on the methods of returning the  
4 materials listed under Subsection (b);

5 (3) include a copy of the cure attestation or  
6 statement of residence in the form prescribed by the secretary of  
7 state; and

8 (4) direct the voter to the location of the cure  
9 attestation or statement of residence form on the secretary of  
10 state's Internet website.

11 (f) The early voting ballot board shall provide notice to  
12 the voter under Subsection (b) by mail and any other method  
13 reasonably calculated to provide sufficient time for the voter to  
14 submit the required materials before the deadline prescribed by  
15 this section.

16 (g) The early voting ballot board is not required to provide  
17 notice under Subsection (b) if the board makes a determination  
18 under Section [87.027\(j\)](#) that the signature on the carrier envelope  
19 certificate and ballot application are those of the voter.

20 (h) If the early voting ballot board does not provide notice  
21 to the voter under Subsection (b) and the ballot meets the  
22 requirements of Sections [87.041\(b\)\(1\)](#), (3), (4), (5), (6), and (7),  
23 the board shall accept the ballot in the manner provided by Section  
24 [87.042](#).

25 (i) The secretary of state shall:

26 (1) prominently display and maintain on the main page  
27 of the secretary's Internet website a link to blank versions of the

1 statement of residence form and the cure attestation described by  
2 Subsection(b); and

3 (2) adopt rules and prescribe forms as necessary to  
4 implement this section.

5 (j) A statement of residence form or a cure attestation  
6 prescribed under this section must include clear instructions for  
7 completion and notice of the penalties associated with election  
8 fraud and voting more than once in an election. The cure attestation  
9 and statement of residence may not require the voter to have the  
10 form notarized or signed by a witness.

11 (k) The signature provided by the voter on a cure  
12 attestation or a statement of residence form shall be placed on file  
13 with the county clerk or voter registrar to allow its use for future  
14 signature comparison as provided by Sections [87.027\(i\)](#) and  
15 [87.041\(e\)](#).

16 ARTICLE 4. POLLING PLACES

17 SECTION 4.01. Subchapter [A](#), Chapter [43](#), Election Code, is  
18 amended by adding Section 43.008 to read as follows:

19 Sec. 43.008. CAMPUS POLLING PLACES. (a) In this section,  
20 "institution of higher education" has the meaning assigned by  
21 Section [61.003](#), Education Code.

22 (b) The commissioners court of a county shall designate as a  
23 polling place a number of locations on the main campus of an  
24 institution of higher education located in the county as follows:

25 (1) if at least 5,000 but fewer than 10,000 students  
26 are enrolled at the institution, one location; or

27 (2) if at least 10,000 students are enrolled at the

1 institution, two locations and one additional location for every  
2 10,000 students enrolled at the institution over 10,000 students.

3 SECTION 4.02. Section 85.005(c), Election Code, is amended  
4 as follows:

5 (c) In a county with a population of 30,000 [~~100,000~~] or  
6 more, the voting in a primary election or the general election for  
7 state and county officers shall be conducted at the main early  
8 voting polling place for at least 12 hours on each weekday of the  
9 last week of the early voting period, and the voting in a special  
10 election ordered by the governor shall be conducted at the main  
11 early voting polling place for at least 12 hours on each of the last  
12 two days of the early voting period. Voting shall be conducted in  
13 accordance with this subsection in those elections in a county with  
14 a population under 30,000 [~~100,000~~] on receipt by the early voting  
15 clerk of a written request for the extended hours submitted by at  
16 least 15 registered voters of the county. The request must be  
17 submitted in time to enable compliance with Section 85.067.

18 SECTION 4.03. Section 43.007(i), Election Code, is  
19 repealed.

20 SECTION 4.04. Sections 43.007(c) and (d), Election Code,  
21 are amended to read as follows:

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

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



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

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

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

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

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

16 ARTICLE 5. VOTING BY PERSONAL APPEARANCE

17 SECTION 5.01. Section 85.001(a), Election Code, is amended  
18 to read as follows:

19 (a) The period for early voting by personal appearance  
20 begins on the 21st [~~17th~~] day before election day and continues  
21 through the fourth day before election day, except as otherwise  
22 provided by this section.

23 SECTION 5.02. Section 13.002(i), Election Code, as  
24 effective September 1, 2021, is amended to read as follows:

25 (i) An applicant who wishes to receive an exemption from the  
26 requirements of Section 63.001(b) on the basis of disability must  
27 submit:

1 (1) written documentation:

2 (A) from the United States Social Security  
3 Administration evidencing the applicant has been determined to have  
4 a disability; or

5 (B) from the United States Department of Veterans  
6 Affairs evidencing the applicant has a disability rating of at  
7 least 50 percent; and

8 (2) a statement in a form prescribed by the secretary  
9 of state that the applicant does not have ~~[a form of]~~ identification  
10 required by Section 63.001(b) in a form described by [acceptable  
11 under] Section 63.0101.

12 SECTION 5.03. Sections 63.001(b) and (i), Election Code,  
13 are amended to read as follows:

14 (b) Except as provided by Subsection (h), on offering to  
15 vote, a voter must present to an election officer at the polling  
16 place:

17 (1) one form of photo identification listed in Section  
18 63.0101(a); ~~[or]~~

19 (2) one form of identification listed in Section  
20 63.0101(b) (1), (2), or (3) accompanied by the declaration described  
21 by Subsection (i);

22 (3) two forms of identification listed under Section  
23 63.0101(b), including one form that contains the voter's current  
24 address; or

25 (4) two forms of identification listed under Section  
26 63.0101(b)(4) accompanied by the declaration described by  
27 Subsection (i).

1           (i) If the requirement for identification prescribed by  
2 Subsection (b)(1) or (3) is not met, an election officer shall  
3 notify the voter that the voter may be accepted for voting if the  
4 voter meets the requirement for identification prescribed by  
5 Subsection (b)(2) or (4) and executes a declaration declaring the  
6 voter has a reasonable impediment to meeting the requirement for  
7 identification prescribed by Subsection (b)(1) or (3). A person is  
8 subject to prosecution for perjury under Chapter 37, Penal Code, or  
9 Section 63.0013 for a false statement or false information on the  
10 declaration. The secretary of state shall prescribe the form of the  
11 declaration. The form shall include:

12                   (1) a notice that a person is subject to prosecution  
13 for perjury under Chapter 37, Penal Code, or Section 63.0013 for a  
14 false statement or false information on the declaration;

15                   (2) a statement that the voter swears or affirms that  
16 the information contained in the declaration is true, that the  
17 person described in the declaration is the same person appearing at  
18 the polling place to sign the declaration, and that the voter faces  
19 a reasonable impediment to procuring the identification prescribed  
20 by Subsection (b)(1) or (3);

21                   (3) a place for the voter to indicate one of the  
22 following impediments:

23                           (A) lack of transportation;

24                           (B) lack of birth certificate or other documents  
25 needed to obtain the identification prescribed by Subsection  
26 (b)(1);

27                           (C) work schedule;

- 1 (D) lost or stolen identification;
- 2 (E) disability or illness;
- 3 (F) family responsibilities; and
- 4 (G) the identification prescribed by Subsection
- 5 (b)(1) or (3) has been applied for but not received;
- 6 (4) a place for the voter to sign and date the
- 7 declaration;
- 8 (5) a place for the election judge to sign and date the
- 9 declaration;
- 10 (6) a place to note the polling place at which the
- 11 declaration is signed; and
- 12 (7) a place for the election judge to note which form
- 13 of identification prescribed by Subsection (b)(2) or (4) the voter
- 14 presented.

15 SECTION 5.04. Sections 63.0101(a) and (b), Election Code,

16 are amended to read as follows:

17 (a) The following documentation is an acceptable form of

18 photo identification under this chapter:

19 (1) a driver's license, election identification

20 certificate, or personal identification card issued to the voter

21 [~~person~~] by the Department of Public Safety that has not expired or

22 that expired no earlier than four years before the date of

23 presentation;

24 (2) a United States military identification card that

25 contains the voter's [~~person's~~] photograph that has not expired or

26 that expired no earlier than four years before the date of

27 presentation;

1 (3) a United States citizenship certificate issued to  
2 the voter [~~person~~] that contains the voter's [~~person's~~] photograph;

3 (4) a United States passport book or card issued to the  
4 voter [~~person~~] that has not expired or that expired no earlier than  
5 four years before the date of presentation; [~~or~~]

6 (5) a license to carry a handgun issued to the voter  
7 [~~person~~] by the Department of Public Safety that has not expired or  
8 that expired no earlier than four years before the date of  
9 presentation;

10 (6) an official Native American tribal document that:

11 (A) contains the voter's photograph and address;

12 and

13 (B) is issued by a tribe that is federally  
14 recognized and located in this state; or

15 (7) any other official government document issued to  
16 the voter and containing the voter's name, address, and photograph.

17 (b) The following documentation is acceptable as proof of  
18 identification under this chapter:

19 (1) a government document that shows the name and  
20 address of the voter, including the voter's voter registration  
21 certificate;

22 (2) one of the following documents that shows the name  
23 and address of the voter:

24 (A) a copy of a current utility bill;

25 (B) a bank or credit union statement;

26 (C) a government check; or

27 (D) a paycheck or pension plan statement; [~~or~~]

1 (3) a certified copy of a domestic birth certificate  
2 or other document confirming birth that is admissible in a court of  
3 law and establishes the voter's [~~person's~~] identity; or

4 (4) two of the following documents issued or delivered  
5 to the voter, one of which must contain the name and address of the  
6 voter:

7 (A) a Medicare, Medicaid, or Department of  
8 Veterans Affairs identification card or other health insurance  
9 identification card;

10 (B) a Department of Defense identification card;

11 (C) a social security identification card;

12 (D) a credit or debit card;

13 (E) a student identification card issued by a  
14 public or private high school or institution of higher education;

15 (F) a Texas Department of Criminal Justice  
16 document indicating release or parole;

17 (G) a fishing or hunting license;

18 (H) a lease or mortgage for real property;

19 (I) a motor vehicle title;

20 (J) an insurance certificate, policy  
21 declaration, or other document demonstrating proof of insurance;

22 (K) an official Native American tribal document  
23 that is issued by a tribe that is federally recognized and located  
24 in this state;

25 (L) a property tax assessment;

26 (M) a letter of confirmation of residence, letter  
27 of stay, admission form, or statement of benefits from:

1                   (i) a student residence at a public or  
2 private institution of higher education;

3                   (ii) a nursing home or other long-term care  
4 facility or a retirement center; or

5                   (iii) a shelter.

6                   (N) a document listed in Subdivision (1), (2), or  
7 (3); or

8                   (O) another government document containing the  
9 voter's name.

10           SECTION 5.05. Section 63.011(b), Election Code, is amended  
11 to read as follows:

12           (b) A form for an affidavit required by this section must be  
13 printed on an envelope in which the provisional ballot voted by the  
14 person may be placed and must include:

15                   (1) a space for entering the identification number of  
16 the provisional ballot voted by the person; and

17                   (2) a space for an election officer to indicate  
18 whether the person presented [~~a form of~~] identification required by  
19 Section 63.001(b) in a form described by Section 63.0101.

20           SECTION 5.06. Section 65.0541(a), Election Code, is amended  
21 to read as follows:

22           (a) A voter who is accepted for provisional voting under  
23 Section 63.011 because the voter does not meet the identification  
24 requirements of Section 63.001(b) may, not later than the sixth day  
25 after the date of the election:

26                   (1) present [~~a form of~~] identification required by  
27 Section 63.001(b) in a form described by Section 63.0101 to the

1 voter registrar for examination; or

2 (2) execute an affidavit described by Section  
3 65.054(b)(2)(B) or (C) in the presence of the voter registrar.

4 SECTION 5.07. Section 86.006(a-1), Election Code, is  
5 amended to read as follows:

6 (a-1) The voter may deliver a marked ballot in person to the  
7 early voting clerk's office only while the polls are open on  
8 election day. A voter who delivers a marked ballot in person must  
9 present identification required by Section 63.001(b) in a [an  
10 acceptable] form [of identification] described by Section 63.0101.

11 SECTION 5.08. Section 64.012, Election Code, is amended by  
12 adding Subsection (c) to read as follows:

13 (c) It is an exception to the application of Subsection  
14 (a)(1) that the person:

15 (1) voted or attempted to vote a provisional ballot in  
16 accordance with Section 63.011; and

17 (2) did not know:

18 (A) of the particular circumstances that made the  
19 person not eligible to vote in the election; or

20 (B) that those circumstances made the person not  
21 eligible to vote in the election.

22 SECTION 5.09. The change in law made by this Act applies  
23 only to an offense committed on or after the effective date of this  
24 Act. An offense committed before the effective date of this Act is  
25 governed by the law in effect on the date the offense was committed,  
26 and the former law is continued in effect for that purpose. For  
27 purposes of this section, an offense was committed before the



1 effective date of this Act if any element of the offense occurred  
2 before that date.

3 SECTION 5.10. Section 662.003(b), Government Code, is  
4 amended to read as follows:

5 (b) A state holiday includes only the following days:

6 (1) the 19th day of January, "Confederate Heroes Day,"  
7 in honor of Jefferson Davis, Robert E. Lee, and other Confederate  
8 heroes;

9 (2) the second day of March, "Texas Independence Day";

10 (3) the 21st day of April, "San Jacinto Day";

11 (4) the 19th day of June, "Emancipation Day in Texas,"  
12 in honor of the emancipation of the slaves in Texas in 1865;

13 (5) the 27th day of August, "Lyndon Baines Johnson  
14 Day," in observance of the birthday of Lyndon Baines Johnson;

15 (6) the Friday after Thanksgiving Day;

16 (7) the 24th day of December; ~~and~~

17 (8) the 26th day of December; and

18 (9) the first Tuesday after the first Monday in  
19 November of an even-numbered year.

20 SECTION 5.11. Section 662.021, Government Code, is amended  
21 to read as follows:

22 Sec. 662.021. DATES OF HOLIDAYS. A legal holiday includes  
23 only the following days:

24 (1) a national holiday under Section 662.003(a); and

25 (2) a state holiday under Sections 662.003(b)(1)  
26 through (6) and Section 662.003(b)(9).

27 SECTION 3. This Act takes effect on the 91st day after the

1 last day of the legislative session.

2 ARTICLE 6. VOLUNTEER DEPUTY REGISTRARS

3 SECTION 6.01. Section 13.031, Election Code, is amended by  
4 adding Subsection (f) to read as follows:

5 (f) A volunteer deputy registrar appointed under this  
6 section may serve as a volunteer deputy registrar throughout the  
7 state regardless of which county appointed the deputy registrar.  
8 The secretary of state shall prescribe procedures to implement this  
9 subsection.

10 SECTION 6.02. Section 13.033(b), Election Code, is amended  
11 to read as follows:

12 (b) If a person is to be appointed, the registrar shall  
13 prepare a certificate of appointment in duplicate containing:

- 14 (1) the date of appointment;
- 15 (2) the statement: "I, \_\_\_\_\_, Voter Registrar  
16 for \_\_\_\_\_ County, do hereby appoint \_\_\_\_\_ as a  
17 volunteer deputy registrar [~~for \_\_\_\_\_ County~~].";
- 18 (3) the person's residence address;
- 19 (4) the person's voter registration number, if any;
- 20 (5) a statement that the term of the appointment  
21 expires December 31 of an even-numbered year; and
- 22 (6) a statement that the appointment terminates on the  
23 person's final conviction for an offense for failure to deliver a  
24 registration application and may terminate on the registrar's  
25 determination that the person failed to adequately review a  
26 registration application, intentionally destroyed or physically  
27 altered a registration application, or engaged in any other

1 activity that conflicts with the responsibilities of a volunteer  
2 deputy registrar under this chapter.

3 SECTION 6.03. Section 13.037(a), Election Code, is amended  
4 to read as follows:

5 (a) A person may not receive compensation from any ~~[the]~~  
6 county for service as a volunteer deputy registrar unless  
7 compensation is authorized by the commissioners court of that  
8 county.

9 SECTION 6.04. Section 13.038, Election Code, is amended to  
10 read as follows:

11 Sec. 13.038. POWERS GENERALLY. (a) A volunteer deputy  
12 registrar may distribute voter registration application forms  
13 throughout the county and receive registration applications  
14 submitted to the deputy in person.

15 (b) A volunteer deputy registrar may distribute a voter  
16 registration application in the form prescribed by the secretary of  
17 state under Section 31.002 throughout the state and receive an  
18 application in that form submitted to the deputy in person,  
19 regardless of the county in which the application was printed.

20 (c) The secretary of state shall prescribe procedures to  
21 implement this section.

22 ARTICLE 7. UNOPPOSED CANDIDATES

23 SECTION 7.01. Section 2.053(a), Election Code, is amended  
24 to read as follows:

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

1 be held on election day by the political subdivision, a copy of the  
2 order or ordinance shall be posted on election day at each polling  
3 place used or that would have been used in the election.

4 SECTION 7.02. Section 2.056(c), Election Code, is amended  
5 to read as follows:

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

10 SECTION 7.03. Section 52.092(a), Election Code, is amended  
11 to read as follows:

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

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

23 ARTICLE 8. ELECTION OFFICIALS, VOLUNTEERS, AND POLL WATCHERS

24 SECTION 8.01. Subchapter B, Chapter 33, Election Code, is  
25 amended by adding Section 33.036 to read as follows:

26 Sec. 33.036. TRAINING. (a) To be eligible to serve as a  
27 watcher, a person must complete the training required of election

1 judges under Subchapter F, Chapter 32.

2 (b) The secretary of state shall adopt rules to implement  
3 this section.

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

9 SECTION 8.02. Chapter 32, Texas Election Code, is amended  
10 to read as follows:

11 Sec. 32.013. INDEMNIFICATION OF ELECTION JUDGES, CLERKS,  
12 AND WORKERS. (a) in the event an election judge, election clerk, or  
13 election worker is subject to a lawsuit suit or court action,  
14 including a writ of mandamus, while exercising their official  
15 duties, or relating to the exercise of their official duty; (b) it  
16 shall be the responsibility of the government body which appointed  
17 the election judges, election clerks, or election workers to:

18 (b) completely indemnify the election judge, election  
19 clerk, or election worker against any damages, legal fees,  
20 attorneys fees, or any costs and fees associated with litigation  
21 arising out of their work in an official capacity as an election  
22 judge or clerk.

23 ARTICLE 9. EFFECTIVE DATE

24 SECTION 9.01. This Act takes effect immediately if it  
25 receives a vote of two-thirds of all the members elected to each  
26 house, as provided by Section 39, Article III, Texas Constitution.  
27 If this Act does not receive the vote necessary for immediate

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1 effect, this Act takes effect October 1, 2021.