

By: Hughes

S.B. No. 1

A BILL TO BE ENTITLED

AN ACT

1
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. REGISTRATION OF VOTERS

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

10 (c-1) The information required under Subsections (c)(3),
11 (4), (5), (6), and (8) must be supplied by the person desiring to
12 register to vote.

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

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

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

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

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

11 (d-2) A registrar who receives a voter's notice and
12 application from another registrar under Subsection (d-1) shall
13 treat it as an original application for registration under Section
14 13.002, and shall register the voter if the voter resides in the
15 county and is otherwise eligible under Section 13.001.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23 ARTICLE 2. CONDUCT AND SECURITY OF ELECTIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 amended by adding Section 66.004 to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15 (b) In an election in which a county clerk [~~or city~~
16 ~~secretary~~] is the early voting clerk under Section 83.002 [~~or~~
17 ~~83.005~~], only the early voting clerk may order voting on a Saturday
18 or Sunday. The clerk must do so by written order.

19 (e) In a primary election or the general election for state
20 and county officers in a county with a population of 30,000
21 [~~100,000~~] or more, the early voting clerk shall order voting by
22 personal appearance [~~voting~~] at the main early voting polling place
23 to be conducted on the last Saturday of the early voting period for
24 at least 12 hours, except that voting may not be conducted earlier
25 than 6 a.m. or later than 9 p.m., [~~on the last Saturday~~] and on the
26 last Sunday of the early voting period for at least six [~~five~~]
27 hours, except that voting may not be conducted earlier than 6 a.m.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 determine the location of temporary branch polling places.

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

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

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

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

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

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

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

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

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

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

8 ARTICLE 3. ELECTION OFFICERS AND OBSERVERS

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

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

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

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

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

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

1 in the discharge of my duties."

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3 (3) any other remedy available under law.

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

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

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

14 (1) mail;

15 (2) common or contract carrier; or

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

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

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

27 Sec. 121.004. COMMUNICATIONS WITH VOTING SYSTEMS VENDOR

1 PUBLIC INFORMATION. Except as provided by Sections 552.110 and
2 552.1101, Government Code, a written letter, e-mail, or other
3 communication, including a communication made confidential by
4 other law, between a public official and a voting systems vendor:

5 (1) is not confidential;

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

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

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

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

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

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

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

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

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

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

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

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

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

24 (b-2) If the test is being conducted for an election in
25 which a county election board has been established under Section
26 [51.002](#), the general custodian of election records shall notify each
27 member of the board of the test at least 48 hours before the date of

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

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

7 ARTICLE 4. VOTING BY MAIL

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

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

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

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

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

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

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

25 (1-a) the following information:

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

1 identification card issued by the Department of Public Safety;

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

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

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

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

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

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

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

1 early voting; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

27 (H) a statement informing the applicant of the

1 condition prescribed by Section 81.005; and

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

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

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

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

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

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

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

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

26 (2) executing an affidavit that the applicant:

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

1 mail; [~~or~~]

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21 SECTION 4.10. Section 86.011(c), Election Code, is amended
22 to read as follows:

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

1 SECTION 4.11. Section 87.027(i), Election Code, is amended
2 to read as follows:

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

20 SECTION 4.12. Subchapter B, Chapter 87, Election Code, is
21 amended by adding Section 87.0271 to read as follows:

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

25 (1) for which the voter did not sign the carrier
26 envelope certificate;

27 (2) for which it cannot immediately be determined

1 whether the signature on the carrier envelope certificate is that
2 of the voter;

3 (3) missing any required statement of residence; or

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

6 (b) Before deciding whether to accept or reject a timely
7 delivered ballot under Section 87.027, the signature verification
8 committee may:

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

13 (2) notify the voter of the defect by telephone or
14 e-mail and inform the voter that the voter may come to the early
15 voting clerk's office in person to:

16 (A) correct the defect; or

17 (B) request to have the voter's application to
18 vote by mail canceled under Section 84.032.

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

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

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

27 SECTION 4.13. Section 87.041, Election Code, is amended by

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

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

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

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

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

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

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

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

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

26 (8) the information required under Section 86.002(g)
27 provided by the voter identifies the same voter identified on the

1 voter's application for voter registration under Section
2 13.002(c)(8).

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

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

15 SECTION 4.14. Subchapter C, Chapter 87, Election Code, is
16 amended by adding Section 87.0411 to read as follows:

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

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

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

25 (3) missing any required statement of residence; or

26 (4) containing incomplete information with respect to
27 a witness.

1 (b) Before deciding whether to accept or reject a timely
2 delivered ballot under Section 87.041, the early voting ballot
3 board may:

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

8 (2) notify the voter of the defect by telephone or
9 e-mail and inform the voter that the voter may come to the early
10 voting clerk's office in person to:

11 (A) correct the defect; or

12 (B) request to have the voter's application to
13 vote by mail canceled under Section 84.032.

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

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

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

22 SECTION 4.15. Section 87.0431(b), Election Code, is amended
23 to read as follows:

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

- 1 (1) the voter was deceased;
- 2 (2) the voter already voted in person in the same
3 election;
- 4 (3) the signatures on the carrier envelope and ballot
5 application were not executed by the same person;
- 6 (4) the carrier envelope certificate lacked a witness
7 signature; ~~or~~
- 8 (5) the carrier envelope certificate was improperly
9 executed by an assistant; or
- 10 (6) the early voting ballot board or the signature
11 verification committee determined that another violation of the
12 Election Code occurred.

13 SECTION 4.16. Sections 87.062(a) and (c), Election Code,
14 are amended to read as follows:

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

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

26 SECTION 4.17. Section 87.103, Election Code, is amended to
27 read as follows:

1 Sec. 87.103. COUNTING BALLOTS AND PREPARING RETURNS. (a)

2 The early voting electronic system ballots counted at a central
3 counting station, the ballots cast at precinct polling places, and
4 the ballots voted by mail shall be tabulated separately [~~from the~~
5 ~~ballots cast at precinct polling places~~] and shall be separately
6 reported on the returns.

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

11 SECTION 4.18. Section 87.126, Election Code, is amended by
12 adding Subsection (a-1) to read as follows:

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

17 SECTION 4.19. Subchapter G, Chapter 87, Election Code, is
18 amended by adding Section 87.128 to read as follows:

19 Sec. 87.128. NOTES. Each member of an early voting ballot
20 board and each member of a signature verification committee is
21 entitled to take and keep any notes reasonably necessary to perform
22 the member's duties under this chapter.

23 ARTICLE 5. ASSISTANCE OF VOTERS

24 SECTION 5.01. Section 64.009, Election Code, is amended by
25 amending Subsection (b) and adding Subsections (e), (f), (f-1),
26 (g), and (h) to read as follows:

27 (b) The regular voting procedures, except those in

1 Subchapter B, may be modified by the election officer to the extent
2 necessary to conduct voting under this section.

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

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

11 (f-1) Subsection (f) does not apply if the person is related
12 to each voter within the second degree by affinity or the third
13 degree by consanguinity, as determined under Subchapter B, Chapter
14 573, Government Code.

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

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

22 SECTION 5.02. Section 64.031, Election Code, is amended to
23 read as follows:

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

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

3 (2) an inability to read the language in which the
4 ballot is written.

5 SECTION 5.03. Subchapter B, Chapter 64, Election Code, is
6 amended by adding Section 64.0322 to read as follows:

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

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

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

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

18 (b) The secretary of state shall prescribe the form required
19 by this section. The form must be incorporated into the official
20 carrier envelope if the voter is voting an early voting ballot by
21 mail and receives assistance under Section 86.010, or must be
22 submitted to an election officer at the time the voter casts a
23 ballot if the voter is voting at a polling place or under Section
24 64.009.

25 SECTION 5.04. Section 64.034, Election Code, is amended to
26 read as follows:

27 Sec. 64.034. OATH. A person, other than an election

1 officer, selected to provide assistance to a voter must take the
2 following oath, administered by an election officer at the polling
3 place, before providing assistance:

4 "I swear (or affirm) under penalty of perjury that the voter I
5 am assisting represented to me they are eligible to receive
6 assistance; I will not suggest, by word, sign, or gesture, how the
7 voter should vote; [~~I will confine my assistance to answering the~~
8 ~~voter's questions, to stating propositions on the ballot, and to~~
9 ~~naming candidates and, if listed, their political parties;~~] I will
10 prepare the voter's ballot as the voter directs; I did not
11 encourage, pressure, or coerce the voter into choosing me to
12 provide assistance; [~~and~~] I am not the voter's employer, an agent of
13 the voter's employer, or an officer or agent of a labor union to
14 which the voter belongs; I will not communicate information about
15 how the voter has voted to another person; and I understand that if
16 assistance is provided to a voter who is not eligible for
17 assistance, the voter's ballot may not be counted."

18 SECTION 5.05. Sections 86.010(e), (h), and (i), Election
19 Code, are amended to read as follows:

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

23 (1) the person's signature, printed name, and
24 residence address;

25 (2) the relationship of the person providing the
26 assistance to the voter; and

27 (3) whether the person received or accepted any form

1 of compensation or other benefit from a candidate, campaign, or
2 political committee in exchange for providing assistance [~~on the~~
3 ~~official carrier envelope of the voter~~].

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

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

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

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

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

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

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

23 SECTION 5.06. Section 86.013(b), Election Code, is amended
24 to read as follows:

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

27 (1) indicating the identity and date of the election;

1 [~~and~~]

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

6 (3) indicating the relationship of that person to the
7 voter.

8 ARTICLE 6. FRAUD AND OTHER UNLAWFUL PRACTICES

9 SECTION 6.01. Chapter 63, Election Code, is amended by
10 adding Section 63.0111 to read as follows:

11 Sec. 63.0111. OFFENSES RELATED TO PROVISIONAL VOTING. (a)
12 An election judge commits an offense if the judge knowingly
13 provides a voter with a form for an affidavit required by Section
14 63.001 if the form contains information that the judge entered on
15 the form knowing it was false.

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

17 SECTION 6.02. Sections 276.004(a) and (b), Election Code,
18 are amended to read as follows:

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

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

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

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

6 SECTION 6.03. Chapter 276, Election Code, is amended by
7 adding Sections 276.015, 276.016, and 276.017 to read as follows:

8 Sec. 276.015. VOTE HARVESTING. (a) In this section and in
9 Section 276.016:

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

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

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

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

26 (d) A person commits an offense if the person knowingly
27 collects or possesses a mail ballot or official carrier envelope in

1 connection with vote harvesting services.

2 (e) This section does not apply to:

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

5 (2) interactions that do not directly involve an
6 official ballot, ballot by mail, or an application for ballot by
7 mail;

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

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

12 (f) In this section, compensation in exchange for vote
13 harvesting services is inferred if a person who performed vote
14 harvesting services for a candidate or campaign solicits, receives,
15 or is offered compensation from the candidate or campaign, directly
16 or through a third party, for services other than vote harvesting
17 services provided.

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

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

23 (i) Records necessary to investigate an offense under this
24 section or any other section of this code shall be provided by an
25 election officer in an unredacted form to a law enforcement officer
26 upon request. Records obtained under this subsection are not
27 subject to public disclosure.

1 Sec. 276.016. CIVIL LIABILITY FOR VOTE HARVESTING. (a) A
2 person who is shown by a preponderance of the evidence to have
3 violated Section 276.015 is civilly liable to any candidate or
4 political party who suffers harm from the vote harvesting services
5 for damages and penalties that may be awarded under Subsection (c).

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

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

9 (2) the liable party violated Section 276.015.

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

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

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

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

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

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

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

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

27 (d) A party who is a candidate for office who prevails in an

1 action under this section and shows that the number of voters
2 contacted by the vote harvesting activity exceeds the number of
3 votes by which the party lost the election shall recover damages in
4 an amount including any or all of:

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

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

9 (e) A person who commits an offense under Section 276.015
10 and is found civilly liable, including by vicarious liability,
11 under this chapter or other law for any amount of damages arising
12 from the vote harvesting services is jointly liable with any other
13 defendant for the entire amount of damages arising from the vote
14 harvesting services.

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

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

20 (h) The expedited actions process created by Rule 169, Texas
21 Rules of Civil Procedure, does not apply to an action under this
22 section.

23 (i) Chapter 27, Civil Practice and Remedies Code, does not
24 apply to a cause of action under this section.

25 (j) A cause of action under this section may be brought in
26 the county where any element of a violation under Section 276.015
27 occurred, or where any part of the vote harvesting services

1 occurred.

2 (k) This section shall be liberally construed and applied to
3 promote its underlying purpose to protect candidates and the voting
4 public from unlawful vote harvesting and provide an efficient and
5 economical remedy to secure that protection.

6 Sec. 276.017. UNLAWFUL ALTERING OF ELECTION PROCEDURES. A
7 public official may not create, alter, modify, waive, or suspend
8 any election standard, practice, or procedure mandated by law or
9 rule in a manner not expressly authorized by this code.

10 ARTICLE 7. ENFORCEMENT

11 SECTION 7.01. Section 18.065, Election Code, is amended by
12 amending Subsection (a) and adding Subsections (e), (f), and (g) to
13 read as follows:

14 (a) The secretary of state shall monitor each registrar for
15 substantial compliance with Sections 15.083, 16.032, 16.0332, and
16 18.061 and with rules implementing the statewide computerized voter
17 registration list.

18 (e) A registrar shall correct a violation within 30 days of
19 a notice under Subsection (b). If a registrar fails to correct the
20 violation within 30 days of a notice under Subsection (b), the
21 secretary of state shall:

22 (1) correct the violation on behalf of the registrar;
23 and

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

26 (f) A county served by a registrar who fails to correct a
27 violation under Subsection (e) is liable to this state for a civil

1 penalty of \$1,000 for each violation corrected by the secretary of
2 state under that subsection. The attorney general may bring an
3 action to recover a civil penalty imposed under this section.

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

7 SECTION 7.02. Subchapter E, Chapter 31, Election Code, is
8 amended by adding Sections 31.128 and 31.129 to read as follows:

9 Sec. 31.128. RESTRICTION ON ELIGIBILITY. (a) In this
10 section, "election official" means:

- 11 (1) a county clerk;
- 12 (2) a permanent or temporary deputy county clerk;
- 13 (3) an elections administrator;
- 14 (4) a permanent or temporary employee of an elections
15 administrator;
- 16 (5) an election judge;
- 17 (6) an alternate election judge;
- 18 (7) an early voting clerk;
- 19 (8) a deputy early voting clerk;
- 20 (9) an election clerk;
- 21 (10) the presiding judge of an early voting ballot
22 board;
- 23 (11) the alternate presiding judge of an early voting
24 ballot board;
- 25 (12) a member of an early voting ballot board;
- 26 (13) the chair of a signature verification committee;
- 27 (14) the vice chair of a signature verification

1 committee;

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

3 (16) the presiding judge of a central counting
4 station;

5 (17) the alternate presiding judge of a central
6 counting station;

7 (18) a central counting station manager;

8 (19) a central counting station clerk;

9 (20) a tabulation supervisor; and

10 (21) an assistant to a tabulation supervisor.

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

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

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

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

19 (2) violates a provision of this code.

20 (c) A civil penalty imposed under this section may include
21 termination of the person's employment and loss of the person's
22 employment benefits.

23 SECTION 7.03. Section 232.006(a), Election Code, is amended
24 to read as follows:

25 (a) The venue of an election contest for a statewide office
26 is in Travis County or any county where a contestee resided at the
27 time of the election. For purposes of this section, a contestee's

1 residence is determined under Section 411.0257, Government Code.

2 SECTION 7.04. Sections 232.008(b), (c), and (d), Election
3 Code, are amended to read as follows:

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

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

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

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

20 SECTION 7.05. Chapter 232, Election Code, is amended by
21 adding Subchapter C to read as follows:

22 SUBCHAPTER C. CONTEST INVOLVING ALLEGED FRAUD

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

1 sections of this code:

2 (1) Section 13.007;

3 (2) Section 64.012;

4 (3) Section 64.036;

5 (4) Section 84.003;

6 (5) Section 84.0041;

7 (6) Section 86.0051;

8 (7) Section 86.006;

9 (8) Section 86.010; or

10 (9) Section 276.013.

11 Sec. 232.062. DAMAGES. (a) If it is shown by a
12 preponderance of the evidence that a contestee, an agent of the
13 contestee, or a person acting on behalf of the contestee with the
14 contestee's knowledge committed one or more violations of a section
15 described by Section 232.061, the contestee is liable to the
16 contestant for damages in an amount of \$1,000 for each violation.

17 (b) Notwithstanding Section 41.004(a), Civil Practice and
18 Remedies Code, a court shall award damages under Subsection (a) to
19 the contestant irrespective of whether the contestant is awarded
20 actual damages.

21 Sec. 232.063. ATTORNEY'S FEES. In an election contest to
22 which this subchapter applies, the court may award reasonable
23 attorney's fees to the prevailing party.

24 SECTION 7.06. Section 273.061, Election Code, is amended to
25 read as follows:

26 Sec. 273.061. JURISDICTION. (a) The supreme court or a
27 court of appeals may issue a writ of mandamus to compel the

1 performance of any duty imposed by law in connection with the
2 holding of an election or a political party convention, regardless
3 of whether the person responsible for performing the duty is a
4 public officer.

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

14 SECTION 7.07. Subchapter D, Chapter 22, Government Code, is
15 amended by adding Section 22.304 to read as follows:

16 Sec. 22.304. PRIORITY OF CERTAIN ELECTION PROCEEDINGS. (a)
17 The supreme court, the court of criminal appeals, or a court of
18 appeals shall prioritize over any other proceeding pending or filed
19 in the court a proceeding for injunctive relief or for a writ of
20 mandamus under Chapter 273, Election Code, pending or filed in the
21 court on or after the 120th day before a general or special
22 election.

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

25 SECTION 7.08. Section 23.101, Government Code, is amended
26 by amending Subsection (a) and adding Subsection (b-1) to read as
27 follows:

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

5 (1) temporary injunctions;

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

8 (A) criminal actions against defendants who are
9 detained in jail pending trial;

10 (B) criminal actions involving a charge that a
11 person committed an act of family violence, as defined by Section
12 [71.004](#), Family Code;

13 (C) an offense under:

14 (i) Section [21.02](#) or [21.11](#), Penal Code;

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

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

19 (iv) Section [25.06](#), Penal Code;

20 (v) Section [43.25](#), Penal Code; or

21 (vi) Section [20A.02](#)(a)(7), [20A.02](#)(a)(8),
22 or [20A.03](#), Penal Code;

23 (D) an offense described by Article [62.001](#)(6)(C)
24 or (D), Code of Criminal Procedure; and

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

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

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

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

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

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

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

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

24 ARTICLE 8. INELIGIBLE VOTERS AND RELATED REFORMS

25 SECTION 8.01. Chapter 42, Code of Criminal Procedure, is
26 amended by adding Article 42.0194 to read as follows:

27 Art. 42.0194. FINDING REGARDING FELONY CONVICTION. In the

1 trial of a felony offense, if the defendant is 18 years of age or
2 older and is adjudged guilty of the offense, the court shall:

3 (1) make an affirmative finding that the person has
4 been found guilty of a felony and enter the affirmative finding in
5 the judgment of the case; and

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

8 SECTION 8.02. Article 42.01, Code of Criminal Procedure, as
9 effective September 1, 2021, is amended by adding Section 16 to read
10 as follows:

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

14 ARTICLE 9. REPEALER; SEVERABILITY; TRANSITION; EFFECTIVE DATE

15 SECTION 9.01. The following provisions of the Election Code
16 are repealed:

17 (1) Section 85.062(e); and

18 (2) Section 127.201(f).

19 SECTION 9.02. If any provision of this Act or its
20 application to any person or circumstance is held invalid, the
21 invalidity does not affect other provisions or applications of this
22 Act that can be given effect without the invalid provision or
23 application, and to this end the provisions of this Act are declared
24 to be severable.

25 SECTION 9.03. (a) Except as otherwise provided by this Act,
26 the changes in law made by this Act apply only to an offense
27 committed on or after the effective date of this Act. An offense

1 committed before the effective date of this Act is governed by the
2 law in effect when the offense was committed, and the former law is
3 continued in effect for that purpose. For purposes of this section,
4 an offense was committed before the effective date of this Act if
5 any element of the offense occurred before that date.

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

11 (c) The changes in law made by this Act apply only to an
12 election contest for which the associated election occurred after
13 the effective date of this Act.

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

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

24 SECTION 9.04. This Act takes effect on the 91st day after
25 the last day of the legislative session.