

By: West, et al.

S.B. No. 71

A BILL TO BE ENTITLED

AN ACT

relating to the conduct of elections in this state.

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

ARTICLE 1. GENERAL PROVISIONS

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

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

SECTION 1.03. FINDINGS. The legislature finds that:

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

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

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

(4) additionally, preventing a valid vote from being cast or counted violates the basic constitutional rights guaranteed to each citizen by the United States Constitution and the law of the

1 land; and

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

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

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

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

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

17 ARTICLE 2. VOTER REGISTRATION

18 SECTION 2.01. Subchapter A, Chapter 13, Election Code, is
19 amended by adding Sections 13.009 and 13.010 to read as follows:

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

27 (b) An applicant for electronic voter registration who has a

1 driver's license or personal identification card issued in this
2 state, regardless of whether the license or card is unexpired,
3 must:

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

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

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

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

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

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

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

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

27 (2) information about how the applicant can obtain a

1 driver's license or personal identification card from the
2 Department of Public Safety.

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

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

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

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

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

20 Sec. 13.010. VOTER REGISTRATION THROUGH DEPARTMENT OF
21 PUBLIC SAFETY. (a) The voter registrar of each county shall
22 automatically register any county resident who is eligible to vote
23 as provided by Section 13.001 and:

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

26 (2) makes a change to a Texas driver's license or
27 personal identification card issued by the Department of Public

1 Safety.

2 (b) A driver's license or personal identification card
3 transaction with an indication provided by Section 20.062(b) or
4 20.063(c) that the transaction is not for voter registration
5 purposes is not subject to this section.

6 SECTION 2.02. Section 20.061, Election Code, is amended to
7 read as follows:

8 Sec. 20.061. APPLICABILITY OF OTHER PROVISIONS. The other
9 provisions of this chapter apply to the Department of Public Safety
10 except provisions that conflict with this subchapter or Section
11 13.010.

12 SECTION 2.03. Section 20.062(b), Election Code, is amended
13 to read as follows:

14 (b) The department shall prescribe and use a change of
15 address form and procedure that combines department and voter
16 registration functions. The form must allow a licensee or
17 cardholder to indicate that ~~[whether]~~ the change of address is not
18 ~~[also to be used]~~ for voter registration purposes.

19 SECTION 2.04. Section 20.063, Election Code, is amended to
20 read as follows:

21 Sec. 20.063. REGISTRATION PROCEDURES. (a) The Department
22 of Public Safety shall consider an application made in person, by
23 mail, or online at the department's Internet website ~~[provide to~~
24 ~~each person who applies in person at the department's offices]~~ for
25 an original or renewal of a driver's license, a personal
26 identification card, or a duplicate or corrected license or card by
27 a person who is eligible to vote as provided by Section 13.001 an

1 application for ~~[opportunity to complete a]~~ voter registration.
2 The date of application is considered to be the date of submission
3 to the voter registrar for the purpose of determining the effective
4 date of registration ~~[application form]~~.

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

10 ~~[(c) A change of address that relates to a license or card~~
11 ~~and that is submitted to the department]~~ in person, ~~[or]~~ by mail, or
12 online at the department's Internet website ~~[serves]~~ as a change in
13 ~~[of address for]~~ voter registration ~~[unless the licensee or~~
14 ~~cardholder indicates that the change is not for voter registration~~
15 ~~purposes]~~. The date of submission of a change of address to a
16 department employee is considered to be the date of submission to
17 the voter registrar for the purpose of determining the effective
18 date of registration ~~[only]~~.

19 (c) The registration of an eligible ~~[(d) If a completed]~~
20 voter as required by Subsections (a) and (b) is automatic unless the
21 person indicates that the transaction is not for voter
22 registration purposes ~~[application submitted to a department~~
23 ~~employee does not include the applicant's correct driver's license~~
24 ~~number or personal identification card number, a department~~
25 ~~employee shall enter the appropriate information on the~~
26 ~~application. If a completed application does not include the~~
27 ~~applicant's correct residence address or mailing address, a~~

1 ~~department employee shall obtain the appropriate information from~~
2 ~~the applicant and enter the information on the application].~~

3 SECTION 2.05. Section 20.065(b), Election Code, is amended
4 to read as follows:

5 (b) Each weekday the department is regularly open for
6 business, the department shall electronically transfer to the
7 secretary of state the name and information designated by the
8 secretary of state for ~~[of each person who completes a]~~ voter
9 registration for each individual who is eligible to vote as
10 provided by Section 13.001 and applies in person, by mail, or online
11 at the department's Internet website for an original or renewal of a
12 driver's license, a personal identification card, or a duplicate or
13 corrected license or card ~~[application submitted to the~~
14 ~~department]~~. The secretary shall prescribe procedures necessary to
15 implement this subsection.

16 SECTION 2.06. Chapter 63, Election Code, is amended by
17 adding Section 63.010 to read as follows:

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

24 (1) submits a voter registration application that
25 complies with Section 13.002 to an election officer at the polling
26 place; and

27 (2) presents as proof of residence a form of photo

1 identification described by Section 63.0101(a) that states the
2 person's current address.

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

5 (c) A person voting under this section shall vote a
6 provisional ballot in the manner provided by Section 63.011 except
7 that the person is not required to submit the affidavit under
8 Section 63.011(a).

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

15 (e) An election officer serving at a polling place, whether
16 on election day or during the early voting period, is a deputy voter
17 registrar and has the same authority as a regular deputy registrar.

18 SECTION 2.07. Section 85.031(a), Election Code, is amended
19 to read as follows:

20 (a) For each person entitled to vote an early voting ballot
21 by personal appearance or entitled to register at a polling place,
22 the early voting clerk shall follow the procedure for accepting or
23 registering a regular voter on election day, with the modifications
24 necessary for the conduct of early voting.

25 ARTICLE 3. VOTE BY MAIL

26 SECTION 3.01. Section 13.002(e), Election Code, is amended
27 to read as follows:

1 (e) Notwithstanding Section 82.005, a [A] person who is
2 certified for participation in the address confidentiality program
3 administered by the attorney general under Subchapter B, Chapter
4 58, Code of Criminal Procedure, is not eligible for early voting by
5 mail [~~under Section 82.007~~] unless the person submits an
6 application under this section by personal delivery. The secretary
7 of state may adopt rules to implement this subsection.

8 SECTION 3.02. Section 82.005, Election Code, is amended to
9 read as follows:

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

13 SECTION 3.03. Section 82.007, Election Code, is amended to
14 read as follows:

15 Sec. 82.007. PARTICIPATION IN ADDRESS CONFIDENTIALITY
16 PROGRAM. Notwithstanding Section 82.005, a [A] qualified voter who,
17 [~~is eligible for early voting by mail if:~~

18 [~~(1) the voter submitted a registration application by~~
19 ~~personal delivery as required by Section 13.002(e), and~~

20 [~~(2)~~] at the time the voter's early voting ballot
21 application is submitted, [~~the voter~~] is certified for
22 participation in the address confidentiality program administered
23 by the attorney general under Subchapter B, Chapter 58, Code of
24 Criminal Procedure, is eligible for early voting by mail only if the
25 voter submitted a registration application by personal delivery as
26 required by Section 13.002(e).

27 SECTION 3.04. Sections 84.001(a), (b), and (d), Election

1 Code, are amended to read as follows:

2 (a) To be entitled to vote an early voting ballot by mail, a
3 person [~~who is eligible for early voting~~] must make an application
4 for an early voting ballot to be voted by mail as provided by this
5 title.

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

9 (d) An application must be submitted [~~by mail~~] to the early
10 voting clerk for the election who serves the election precinct of
11 the applicant's residence.

12 SECTION 3.05. Section 84.002(a), Election Code, as
13 effective September 1, 2021, is amended to read as follows:

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

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

17 (2) for an application for a ballot to be voted by mail
18 by an applicant who will be absent from the applicant's [~~on the~~
19 ~~ground of absence from the~~] county of residence on election day, the
20 address outside the applicant's county of residence to which the
21 ballot is to be mailed;

22 (3) for an application for a ballot to be voted by mail
23 by an applicant who is 65 years of age or older on election day or
24 has a sickness or physical condition that requires the applicant to
25 reside in a hospital or nursing home or other long-term care
26 facility, or with a relative [~~on the ground of age or disability~~],
27 the address of the hospital, nursing home or other long-term care

1 facility, or retirement center, or of a person related to the
2 applicant within the second degree by affinity or the third degree
3 by consanguinity, as determined under Chapter 573, Government Code,
4 if the applicant is living at that address and that address is
5 different from the address at which the applicant is registered to
6 vote;

7 (4) for an application for a ballot to be voted by mail
8 by an applicant who is confined [~~on the ground of confinement~~] in
9 jail as described by Section 84.009(a), the address of the jail or
10 of a person related to the applicant within the degree described by
11 Subdivision (3);

12 (5) [~~for an application for a ballot to be voted by~~
13 ~~mail on any ground,~~] an indication of each election for which the
14 applicant is applying for a ballot; and

15 (6) [~~an indication of the ground of eligibility for~~
16 ~~early voting; and~~

17 [~~(7)~~] for an application for a ballot to be voted by
18 mail by an applicant who is civilly committed as a sexually violent
19 predator under Chapter 841, Health and Safety Code, and is ordered
20 as a condition of civil commitment to reside in a facility operated
21 by or under contract with the Texas Civil Commitment Office [~~on the~~
22 ~~ground of involuntary civil commitment~~], the address of the
23 facility operated by or under contract with the Texas Civil
24 Commitment Office or of a person related to the applicant within the
25 degree of consanguinity described by Subdivision (3).

26 SECTION 3.06. Section 84.007(a), Election Code, is amended
27 to read as follows:

1 (a) Except as provided by Sections 84.008, ~~[and]~~ 84.009, and
2 84.0091, an application for a ballot to be voted by mail must be
3 submitted as provided by this section.

4 SECTION 3.07. Section 84.009, Election Code, is amended by
5 amending Subsection (a) and adding Subsection (b) to read as
6 follows:

7 (a) This section applies only to an applicant who, at the
8 time the application for a ballot to be voted by mail is submitted,
9 is confined in jail:

10 (1) serving a misdemeanor sentence for a term that
11 ends on or after election day;

12 (2) pending trial after denial of bail;

13 (3) without bail pending an appeal of a felony
14 conviction; or

15 (4) pending trial or appeal on a bailable offense for
16 which release on bail before election day is unlikely.

17 (b) On request of the applicant, an application for a ballot
18 to be voted by mail ~~[on the ground of confinement in jail]~~ may be
19 submitted to the early voting clerk, at the discretion of the
20 authority in charge of the jail, by personal delivery by the jail
21 authority or by a designated subordinate of the authority.

22 SECTION 3.08. 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 Internet 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 3.09. Section 84.011(a), Election Code, as
10 effective September 1, 2021, is amended to read as follows:

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

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

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

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

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

24 (A) a space for an applicant [~~applying on the~~
25 ~~ground of absence from the county of residence~~] to indicate whether
26 the applicant will be absent from the applicant's county of
27 residence on election day and, if applicable, the date on or after

1 which the applicant can receive mail at the address outside the
2 county;

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

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

10 (D) a space or box for an applicant who is 65
11 years of age or older on election day or has a sickness or physical
12 condition that requires the applicant to reside in a hospital or
13 nursing home or other long-term care facility, or with a relative,
14 ~~[applying on the ground of age or disability]~~ to indicate that the
15 address to which the ballot is to be mailed is the address of a
16 facility or relative described by Section 84.002(a)(3), if
17 applicable;

18 (E) a space or box for an applicant who is
19 confined ~~[applying on the ground of confinement]~~ in jail as
20 described by Section 84.009(a) or who is civilly committed as a
21 sexually violent predator under Chapter 841, Health and Safety
22 Code, and ordered as a condition of civil commitment to reside in a
23 facility operated by or under contract with the Texas Civil
24 Commitment Office, ~~[involuntary civil commitment]~~ to indicate that
25 the address to which the ballot is to be mailed is the address of a
26 relative described by Section 84.002(a)(4) or (6) ~~[(-7)]~~, if
27 applicable;

1 (F) a space for an applicant [~~applying on the~~
2 ~~ground of age or disability~~] to indicate if the application is an
3 application under Section 86.0015;

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

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

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

10 SECTION 3.10. Sections 84.032(c) and (d), Election Code,
11 are amended to read as follows:

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

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

16 (2) executing an affidavit that the applicant:

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

19 (B) never requested a ballot to be voted by mail;
20 or

21 (C) received a notice of defect under Section
22 87.0411(b).

23 (d) An applicant may also submit a request by appearing in
24 person and returning the ballot to be voted by mail or presenting a
25 notice received under Section 86.006(h) or 87.0411(b) to:

26 (1) the early voting clerk or deputy early voting
27 clerk at any polling place that is open for early voting by personal

1 appearance; or

2 (2) the presiding election judge on election day at
3 the applicant's precinct polling place.

4 SECTION 3.11. Sections 86.001(b) and (c), Election Code,
5 are amended to read as follows:

6 (b) If the application complies with the applicable
7 requirements prescribed by this title [~~applicant is entitled to~~
8 ~~vote an early voting ballot by mail~~], the clerk shall provide an
9 official ballot to the applicant as provided by this chapter.

10 (c) Except as provided by Section 86.008, if the applicant
11 is not entitled to vote in the election [~~by mail~~], the clerk shall
12 reject the application, enter on the application "rejected" and the
13 reason for and date of rejection, and deliver written notice of the
14 reason for the rejection to the applicant at both the residence
15 address and mailing address on the application. A ballot may not be
16 provided to an applicant whose application is rejected.

17 SECTION 3.12. Section 86.0015(a), Election Code, is amended
18 to read as follows:

19 (a) This section applies only to an application for a ballot
20 to be voted by mail that [+

21 [~~(1) indicates the ground of eligibility is age or~~
22 ~~disability, and~~

23 [~~(2)~~] does not specify the election for which a ballot
24 is requested or has been marked by the applicant as an application
25 for more than one election.

26 SECTION 3.13. Section 86.003(c), Election Code, as
27 effective September 1, 2021, is amended to read as follows:

1 (c) The address to which the balloting materials must be
2 addressed is the address at which the voter is registered to vote,
3 or the registered mailing address if different, unless the
4 application to vote early by mail indicates that the voter [~~ground~~
5 ~~for voting by mail is~~]:

6 (1) will be absent from the voter's [~~absence from the~~
7 county of residence on election day, in which case the address must
8 be an address outside the voter's county of residence;

9 (2) is confined [~~confinement~~] in jail as described by
10 Section 84.009(a), in which case the address must be the address of
11 the jail or of a relative described by Section 84.002(a)(4);

12 (3) is 65 years of age or older on election day or has a
13 sickness or physical condition that requires the applicant to
14 reside in a hospital or nursing home or other long-term care
15 facility, or with a relative, [~~age or disability~~] and [~~the voter~~] is
16 living at a hospital, nursing home or other long-term care
17 facility, or retirement center, or with a relative described by
18 Section 84.002(a)(3), in which case the address must be the address
19 of that facility or relative; or

20 (4) is civilly committed as a sexually violent
21 predator under Chapter 841, Health and Safety Code, and ordered as a
22 condition of civil commitment to reside in a facility operated by or
23 under contract with the Texas Civil Commitment Office [~~involuntary~~
24 ~~civil commitment~~], in which case the address must be the address of
25 the facility or of a relative described by Section 84.002(a)(6)
26 [~~84.002(a)(7)~~].

27 SECTION 3.14. Section 86.004(b), Election Code, is amended

1 to read as follows:

2 (b) For an election to which Section 101.104 applies, the
3 balloting materials for a voter who indicates on the application
4 for a ballot to be voted by mail or the federal postcard application
5 that the voter seeks [~~is eligible~~] to vote early by mail as a
6 consequence of the voter's being outside the United States shall be
7 mailed on or before the later of the 45th day before election day or
8 the seventh calendar day after the date the clerk receives the
9 application. However, if it is not possible to mail the ballots by
10 the deadline of the 45th day before election day, the clerk shall
11 notify the secretary of state within 24 hours of knowing that the
12 deadline will not be met. The secretary of state shall monitor the
13 situation and advise the clerk, who shall mail the ballots as soon
14 as possible in accordance with the secretary of state's guidelines.

15 SECTION 3.15. Section 87.027(i), Election Code, is amended
16 to read as follows:

17 (i) The signature verification committee shall compare the
18 signature on each carrier envelope certificate, except those signed
19 for a voter by a witness, with the signature on the voter's ballot
20 application to determine whether the signatures are those of the
21 voter. The committee may also compare the signatures with any two or
22 more signatures of the voter made within the preceding six years and
23 on file with the county clerk or voter registrar to determine
24 whether the signatures are those of the voter. Except as provided by
25 Subsection (l), a determination under this subsection that the
26 signatures are not those of the voter must be made by a majority
27 vote of the committee's membership. The committee shall place the

1 jacket envelopes, carrier envelopes, and applications of voters
2 whose signatures are not those of the voter in separate containers
3 from those of voters whose signatures are those of the voter. As
4 soon as practicable, but in no event more than one business day,
5 after the committee discovers that a voter did not sign the carrier
6 envelope certificate or determines that the signature on the
7 voter's ballot application or certificate is not that of the voter,
8 the committee chair shall deliver the jacket envelope, carrier
9 envelope, and application of the voter to the early voting ballot
10 board. The committee chair shall deliver the jacket envelopes,
11 carrier envelopes, and applications of voters whose signatures are
12 those of the voter [~~sorted materials~~] to the early voting ballot
13 board at the time specified by the board's presiding judge.

14 SECTION 3.16. Sections 87.041(b) and (d), Election Code,
15 are amended to read as follows:

16 (b) Except as provided by Section 87.0411(h), a [A] ballot
17 may be accepted only if:

18 (1) the carrier envelope certificate is properly
19 executed;

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

24 (3) [~~the voter's ballot application states a legal~~
25 ~~ground for early voting by mail,~~

26 [~~4~~] the voter is registered to vote, if registration
27 is required by law;

1 (4) [~~(5)~~ the address to which the ballot was mailed to
2 the voter, as indicated by the application, was outside the voter's
3 county of residence, if the ground for early voting is absence from
4 the county of residence,

5 [~~(6)~~] for a voter to whom a statement of residence form
6 was required to be sent under Section 86.002(a), the statement of
7 residence is returned in the carrier envelope and indicates that
8 the voter satisfies the residence requirements prescribed by
9 Section 63.0011; and

10 (5) [~~(7)~~] the address to which the ballot was mailed
11 to the voter is an address [~~that is otherwise~~] required by Sections
12 84.002 and 86.003.

13 (d) Except as provided by Section 87.0411(h), a [A] ballot
14 shall be rejected if any requirement prescribed by Subsection (b)
15 is not satisfied. In that case, the board shall indicate the
16 rejection by entering "rejected" on the carrier envelope and on the
17 corresponding jacket envelope.

18 SECTION 3.17. Subchapter C, Chapter 87, Election Code, is
19 amended by adding Section 87.0411 to read as follows:

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

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

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

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

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

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

9 (A) the following identification:

10 (i) the identification number from an
11 unexpired driver's license, election identification certificate,
12 or personal identification card issued to the voter by the
13 Department of Public Safety;

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

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

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

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

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

27 (d) A voter may submit materials listed under Subsection (b)

1 to the early voting clerk by:

2 (1) personal delivery;

3 (2) mail;

4 (3) e-mail; or

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

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

8 (1) inform the voter that the voter's vote will not be
9 counted unless the voter submits the materials listed under
10 Subsection (b) not later than the ninth day after the date of the
11 election;

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

14 (3) include a copy of the cure attestation or
15 statement of residence in the form prescribed by the secretary of
16 state; and

17 (4) direct the voter to the location of the cure
18 attestation or statement of residence form on the secretary of
19 state's Internet website.

20 (f) The early voting ballot board shall provide notice to
21 the voter under Subsection (b) by mail and any other method
22 reasonably calculated to provide sufficient time for the voter to
23 submit the required materials before the deadline prescribed by
24 this section.

25 (g) The early voting ballot board is not required to provide
26 notice under Subsection (b) if the board makes a determination
27 under Section 87.027(j) that the signature on the carrier envelope

1 certificate and ballot application are those of the voter.

2 (h) If the early voting ballot board does not provide notice
3 to the voter under Subsection (b) and the ballot meets the
4 requirements of Sections 87.041(b)(1), (3), (4), and (5), the board
5 shall accept the ballot in the manner provided by Section 87.042.

6 (i) The secretary of state shall:

7 (1) prominently display and maintain on the main page
8 of the secretary's Internet website a link to blank versions of the
9 statement of residence form and the cure attestation described by
10 Subsection (b); and

11 (2) adopt rules and prescribe forms as necessary to
12 implement this section.

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

19 (k) The signature provided by the voter on a cure
20 attestation or a statement of residence form shall be placed on file
21 with the county clerk or voter registrar to allow its use for future
22 signature comparison as provided by Sections 87.027(i) and
23 87.041(e).

24 SECTION 3.18. Section 102.001(a), Election Code, is amended
25 to read as follows:

26 (a) A qualified voter is eligible to vote a late ballot as
27 provided by this chapter if the voter has a sickness or physical

1 condition [~~described by Section 82.002~~] that prevents the voter
2 from appearing at the polling place on election day without a
3 likelihood of needing personal assistance or of injuring the
4 voter's health and originates on or after the day before the last
5 day for submitting an application for a ballot to be voted by mail.

6 ARTICLE 4. POLLING PLACES

7 SECTION 4.01. Sections 43.007(c) and (d), Election Code,
8 are amended to read as follows:

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

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

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

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

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

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

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

3 SECTION 4.02. Subchapter A, Chapter 43, Election Code, is
4 amended by adding Section 43.008 to read as follows:

5 Sec. 43.008. CAMPUS POLLING PLACES. (a) In this section,
6 "institution of higher education" has the meaning assigned by
7 Section 61.003, Education Code.

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

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

13 (2) if at least 10,000 students are enrolled at the
14 institution, two locations and one additional location for every
15 10,000 students enrolled at the institution over 10,000 students.

16 SECTION 4.03. Section 85.005(c), Election Code, is amended
17 to read as follows:

18 (c) In a county with a population of 30,000 [~~100,000~~] or
19 more, the voting in a primary election or the general election for
20 state and county officers shall be conducted at the main early
21 voting polling place for at least 12 hours on each weekday of the
22 last week of the early voting period, and the voting in a special
23 election ordered by the governor shall be conducted at the main
24 early voting polling place for at least 12 hours on each of the last
25 two days of the early voting period. Voting shall be conducted in
26 accordance with this subsection in those elections in a county with
27 a population under 30,000 [~~100,000~~] on receipt by the early voting

1 clerk of a written request for the extended hours submitted by at
2 least 15 registered voters of the county. The request must be
3 submitted in time to enable compliance with Section 85.067.

4 SECTION 4.04. Section 85.006(e), Election Code, is amended
5 to read as follows:

6 (e) In a primary election or the general election for state
7 and county officers in a county with a population of 30,000
8 [~~100,000~~] or more, the early voting clerk shall order personal
9 appearance voting at the main early voting polling place to be
10 conducted for at least 12 hours on the last Saturday and for at
11 least five hours on the last Sunday of the early voting period. The
12 early voting clerk shall order voting to be conducted at those times
13 in those elections in a county with a population under 30,000
14 [~~100,000~~] on receipt of a written request for those hours submitted
15 by at least 15 registered voters of the county. The request must be
16 submitted in time to enable compliance with Section 85.007. This
17 subsection supersedes any provision of this subchapter to the
18 extent of any conflict.

19 ARTICLE 5. VOTING BY PERSONAL APPEARANCE

20 SECTION 5.01. Section 13.002(i), Election Code, as
21 effective September 1, 2021, is amended to read as follows:

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

25 (1) written documentation:

26 (A) from the United States Social Security
27 Administration evidencing the applicant has been determined to have

1 a disability; or

2 (B) from the United States Department of Veterans
3 Affairs evidencing the applicant has a disability rating of at
4 least 50 percent; and

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

9 SECTION 5.02. Sections 63.001(b) and (i), Election Code,
10 are amended to read as follows:

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

14 (1) one form of photo identification listed in Section
15 63.0101(a); [~~or~~]

16 (2) one form of identification listed in Section
17 63.0101(b)(1), (2), or (3) [~~63.0101(b)~~] accompanied by the
18 declaration described by Subsection (i);

19 (3) two forms of identification listed under Section
20 63.0101(b), including one form that contains the voter's current
21 address; or

22 (4) two forms of identification listed under Section
23 63.0101(b)(4) accompanied by the declaration described by
24 Subsection (i).

25 (i) If the requirement for identification prescribed by
26 Subsection (b)(1) or (3) is not met, an election officer shall
27 notify the voter that the voter may be accepted for voting if the

1 voter meets the requirement for identification prescribed by
2 Subsection (b)(2) or (4) and executes a declaration declaring the
3 voter has a reasonable impediment to meeting the requirement for
4 identification prescribed by Subsection (b)(1) or (3). A person is
5 subject to prosecution for perjury under Chapter 37, Penal Code, or
6 Section 63.0013 for a false statement or false information on the
7 declaration. The secretary of state shall prescribe the form of the
8 declaration. The form shall include:

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

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

18 (3) a place for the voter to indicate one of the
19 following impediments:

20 (A) lack of transportation;

21 (B) lack of birth certificate or other documents
22 needed to obtain the identification prescribed by Subsection
23 (b)(1);

24 (C) work schedule;

25 (D) lost or stolen identification;

26 (E) disability or illness;

27 (F) family responsibilities; and

1 (G) the identification prescribed by Subsection
2 (b)(1) or (3) has been applied for but not received;

3 (4) a place for the voter to sign and date the
4 declaration;

5 (5) a place for the election judge to sign and date the
6 declaration;

7 (6) a place to note the polling place at which the
8 declaration is signed; and

9 (7) a place for the election judge to note which form
10 of identification prescribed by Subsection (b)(2) or (4) the voter
11 presented.

12 SECTION 5.03. Sections 63.0101(a) and (b), Election Code,
13 are amended to read as follows:

14 (a) The following documentation is an acceptable form of
15 photo identification under this chapter:

16 (1) a driver's license, election identification
17 certificate, or personal identification card issued to the voter
18 [~~person~~] by the Department of Public Safety that has not expired or
19 that expired no earlier than four years before the date of
20 presentation;

21 (2) a United States military identification card that
22 contains the voter's [~~person's~~] photograph that has not expired or
23 that expired no earlier than four years before the date of
24 presentation;

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

27 (4) a United States passport book or card issued to the

1 voter [~~person~~] that has not expired or that expired no earlier than
2 four years before the date of presentation; [~~or~~]

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

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

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

9 and

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

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

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

16 (1) a government document that shows the name and
17 address of the voter, including the voter's voter registration
18 certificate;

19 (2) one of the following documents that shows the name
20 and address of the voter:

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

22 (B) a bank or credit union statement;

23 (C) a government check; or

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

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

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

4 (A) a Medicare, Medicaid, or Department of
5 Veterans Affairs identification card or other health insurance
6 identification card;

7 (B) a Department of Defense identification card;

8 (C) a social security identification card;

9 (D) a credit or debit card;

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

12 (F) a Texas Department of Criminal Justice
13 document indicating release or parole;

14 (G) a fishing or hunting license;

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

16 (I) a motor vehicle title;

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

19 (K) an official Native American tribal document
20 that is issued by a tribe that is federally recognized and located
21 in this state;

22 (L) a property tax assessment;

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

25 (i) a student residence at a public or
26 private institution of higher education;

27 (ii) a nursing home or other long-term care

1 facility or a retirement center; or

2 (iii) a shelter.

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

5 (O) another government document containing the
6 voter's name.

7 SECTION 5.04. Section 63.011(b), Election Code, is amended
8 to read as follows:

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

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

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

17 SECTION 5.05. Section 64.012, Election Code, is amended by
18 adding Subsection (c) to read as follows:

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

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

23 (2) did not know:

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

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

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

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

7 (1) present ~~[a form of]~~ identification required by
8 Section 63.001(b) in a form described by Section 63.0101 to the
9 voter registrar for examination; or

10 (2) execute an affidavit described by Section
11 65.054(b)(2)(B) or (C) in the presence of the voter registrar.

12 SECTION 5.07. Section 85.001(a), Election Code, is amended
13 to read as follows:

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

18 SECTION 5.08. Section 86.006(a-1), Election Code, is
19 amended to read as follows:

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

25 SECTION 5.09. Section 662.003(b), Government Code, is
26 amended to read as follows:

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

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

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

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

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

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

10 (6) the Friday after Thanksgiving Day;

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

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

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

15 SECTION 5.10. Section 662.021, Government Code, is amended
16 to read as follows:

17 Sec. 662.021. DATES OF HOLIDAYS. A legal holiday includes
18 only the following days:

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

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

22 ARTICLE 6. VOLUNTEER DEPUTY REGISTRARS

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

25 (f) A volunteer deputy registrar appointed under this
26 section may serve as a volunteer deputy registrar throughout the
27 state regardless of which county appointed the deputy registrar.

1 The secretary of state shall prescribe procedures to implement this
2 subsection.

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

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

7 (1) the date of appointment;

8 (2) the statement: "I, _____, Voter Registrar
9 for _____ County, do hereby appoint _____ as a
10 volunteer deputy registrar [~~for _____ County~~].";

11 (3) the person's residence address;

12 (4) the person's voter registration number, if any;

13 (5) a statement that the term of the appointment
14 expires December 31 of an even-numbered year; and

15 (6) a statement that the appointment terminates on the
16 person's final conviction for an offense for failure to deliver a
17 registration application and may terminate on the registrar's
18 determination that the person failed to adequately review a
19 registration application, intentionally destroyed or physically
20 altered a registration application, or engaged in any other
21 activity that conflicts with the responsibilities of a volunteer
22 deputy registrar under this chapter.

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

25 (a) A person may not receive compensation from any [~~the~~]
26 county for service as a volunteer deputy registrar unless
27 compensation is authorized by the commissioners court of that

1 county.

2 SECTION 6.04. Section 13.038, Election Code, is amended to
3 read as follows:

4 Sec. 13.038. POWERS GENERALLY. (a) A volunteer deputy
5 registrar may distribute voter registration application forms
6 throughout the county and receive registration applications
7 submitted to the deputy in person.

8 (b) A volunteer deputy registrar may distribute a voter
9 registration application in the form prescribed by the secretary of
10 state under Section 31.002 throughout the state and receive an
11 application in that form submitted to the deputy in person,
12 regardless of the county in which the application was printed.

13 (c) The secretary of state shall prescribe procedures to
14 implement this section.

15 ARTICLE 7. UNOPPOSED CANDIDATES

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

18 (a) On receipt of the certification, the governing body of
19 the political subdivision by order or ordinance shall [~~may~~] declare
20 each unopposed candidate elected to the office. If no election is to
21 be held on election day by the political subdivision, a copy of the
22 order or ordinance shall be posted on election day at each polling
23 place used or that would have been used in the election.

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

26 (c) A certifying authority shall [~~may~~] declare a candidate
27 elected to an office of the state or county government if, were the

1 election held, only the votes cast for that candidate in the
2 election for that office may be counted.

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

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

- 9 (1) offices of the federal government;
- 10 (2) offices of the state government:
 - 11 (A) statewide offices;
 - 12 (B) district offices;
- 13 (3) offices of the county government:
 - 14 (A) county offices;
 - 15 (B) precinct offices.

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

17 SECTION 8.01. Subchapter D, Chapter 32, Election Code, is
18 amended by adding Section 32.077 to read as follows:

19 Sec. 32.077. SUITS AGAINST ELECTION OFFICERS. A person may
20 only bring a legal action, including a petition for a writ of
21 mandamus, against an election officer in that officer's official
22 capacity if the act that is the subject of the legal action is
23 related to the exercise of an official duty of the election officer.

24 SECTION 8.02. 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 SECTION 8.03. Section 33.051, Election Code, is amended by
5 adding Subsection (g) to read as follows:

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

11 ARTICLE 9. REPEALERS

12 SECTION 9.01. The following provisions of the Election Code
13 are repealed:

- 14 (1) Section 43.007(i);
- 15 (2) Section 82.001;
- 16 (3) Section 82.002;
- 17 (4) Section 82.003;
- 18 (5) Section 82.004;
- 19 (6) Section 82.008, as effective September 1, 2021;
- 20 (7) Section 84.002(b);
- 21 (8) Section 84.002(c), as effective September 1, 2021;

22 and

- 23 (9) Section 112.002(b).

24 ARTICLE 10. TRANSITION AND EFFECTIVE DATE

25 SECTION 10.01. (a) The changes in law made by this Act apply
26 only to an offense committed on or after the effective date of this
27 Act. An offense committed before the effective date of this Act is

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

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

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

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

20 SECTION 10.02. This Act takes effect on the 91st day after
21 the last day of the legislative session.