

By: Cain

H.B. No. 6

A BILL TO BE ENTITLED

AN ACT

1
2 relating to election integrity and preservation of the purity of
3 the ballot box through the prevention of fraud in the conduct of an
4 election; increasing criminal penalties; creating criminal
5 offenses.

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

7 ARTICLE 1. GENERAL PROVISIONS

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

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

14 SECTION 1.03. FINDINGS. The legislature finds that:

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

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

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

23 (4) Section 4, Article VI, Texas Constitution entrusts
24 the enactment of laws to combat fraud in the electoral process to

1 the sound discretion of the legislature; and

2 (5) the reforms to the election laws of this state made
3 by this Act are not intended to impair the right of free suffrage
4 guaranteed to the people of Texas by the United States and Texas
5 Constitution, but are enacted solely to prevent fraud in the
6 electoral process.

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

9 Sec. 1.0015. LEGISLATIVE INTENT. To reduce the likelihood
10 of fraud in the conduct of elections, it is the intent of the
11 legislature that the provisions of this code shall be applied
12 evenly, and the conduct of elections throughout this state shall be
13 uniform and consistent.

14 SECTION 1.05. Section 1.003, Election Code, is amended by
15 adding Subsection (c) to read as follows:

16 (c) The provisions of this code shall be strictly construed
17 by a public official to effect the intent of the legislature under
18 Section 1.0015.

19 SECTION 1.06. Section 1.005, Election Code, is amended by
20 adding Subdivision (15-a) to read as follows:

21 (15-a) "Public official" means a person elected,
22 selected, appointed, employed, or otherwise designated as an
23 officer, employee, or agent of this state, a government agency, a
24 political subdivision, or any other public body established by
25 state law.

26 ARTICLE 2. REGISTRATION AND CONDUCT OF ELECTIONS

27 SECTION 2.01. Sections 16.001(a) and (b), Election Code,

1 are amended to read as follows:

2 (a) Each month the local registrar of deaths shall prepare
3 an abstract of each death certificate issued in the month for a
4 decedent 18 years of age or older who was a resident of the state at
5 the time of death. The local registrar of deaths shall file each
6 abstract with the voter registrar of the decedent's county of
7 residence and the secretary of state as soon as possible, but not
8 later than one [~~the 10th~~] day after [~~of the month following the~~
9 ~~month in which~~] the abstract is prepared.

10 (b) Each month the clerk of each court having probate
11 jurisdiction shall prepare an abstract of each application for
12 probate of a will, administration of a decedent's estate, or
13 determination of heirship, and each affidavit under Chapter 205,
14 Estates Code, that is filed in the month with a court served by the
15 clerk. The clerk shall file each abstract with the voter registrar
16 and the secretary of state as soon as possible, but not later than
17 one [~~the 10th~~] day after [~~of the month following the month in which~~]
18 the abstract is prepared.

19 SECTION 2.02. Subchapter C, Chapter 125, Election Code, is
20 amended by adding Section 125.0621 to read as follows:

21 Sec. 125.0621. LOGS OF ISSUED AND SPOILED BALLOTS. If an
22 electronic voting system uses paper media for recording votes cast,
23 the election officer shall maintain a record of the serial numbers
24 of all ballots issued at that polling place and the serial numbers
25 of any spoiled ballots, if any. All logs maintained under this
26 section are election records subject to public inspection as
27 provided by Section 1.012.

ARTICLE 3. ELECTION OFFICERS AND OBSERVERS

SECTION 3.01. Section 32.075, Election Code, is amended by amending adding Subsection (g) to read as follows:

(g) A presiding judge may not:

(1) have a watcher appointed under Subchapter A, Chapter 33, removed from the polling place; or

(2) require a watcher appointed under Subchapter A, Chapter 33, to leave the polling place.

SECTION 3.02. Subchapter D, Chapter 32, Election Code, is amended by adding Section 32.077 to read as follows:

Sec. 32.077. REMOVAL OF A POLL WATCHER FROM POLLING PLACE.

A poll watcher may be removed from a polling place only if the poll watcher engages in activity that would constitute an offense related to election fraud, including an offense under Chapter 276.

SECTION 3.03. Chapter 33, Election Code, is amended by adding Section 33.0015 to read as follows:

Sec. 33.0015. PURPOSE. The purpose of this chapter is to preserve the purity of the ballot box in accordance with Section 4, Article VI, Texas Constitution, by providing for the appointment of watchers to observe the conduct of an election and call to the attention of an election officer potential irregularities or violations of law in the conduct of the election.

SECTION 3.04. Section 33.051, Election Code, is amended by adding Subsections (g) and (h) to read as follows:

(g) An election officer commits an offense if the officer intentionally or knowingly refuses to accept a watcher for service when acceptance of the watcher is required by this section.

1 (h) An offense under Subsection (g) is a Class B
2 misdemeanor.

3 SECTION 3.05. Subchapter C, Chapter 33, Election Code, is
4 amended by adding Section 33.0605 to read as follows:

5 Sec. 33.0605. OBSERVING DATA STORAGE SEALING AND TRANSFER.
6 A watcher appointed to serve at a polling place in an election may
7 observe the sealing and transfer of a memory card, flash drive, hard
8 drive, data storage device, or other medium now existing or later
9 developed used by the voting system equipment.

10 SECTION 3.06. The heading to Section 33.061, Election Code,
11 is amended to read as follows:

12 Sec. 33.061. UNLAWFULLY OBSTRUCTING OR REMOVING WATCHER.

13 SECTION 3.07. Section 33.061(a), Election Code, is amended
14 to read as follows:

15 (a) A person commits an offense if the person serves in an
16 official capacity at a location at which the presence of watchers is
17 authorized and knowingly prevents a watcher from observing an
18 activity the watcher is entitled to observe, including by having a
19 watcher removed from the polling place or requiring a watcher to
20 leave the polling place, unless the watcher engages in activity
21 that would constitute an offense related to election fraud,
22 including an offense under Chapter 276.

23 SECTION 3.08. Section 61.001, Election Code, is amended by
24 amending Subsection (a) and adding Subsection (a-1) to read as
25 follows:

26 (a) Except as permitted by this code and as described by
27 Subsection (a-1), a person may not be in the polling place from the

1 time the presiding judge arrives there on election day to make the
2 preliminary arrangements until the precinct returns have been
3 certified and the election records have been assembled for
4 distribution following the election.

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

8 (1) an election judge or clerk;

9 (2) a watcher;

10 (3) the secretary of state;

11 (4) a staff member of the elections division of the
12 secretary of state's office when performing an official duty
13 authorized under this code;

14 (5) a staff member of an election official or sheriff,
15 only when delivering election supplies;

16 (6) a state inspector;

17 (7) a person admitted to vote;

18 (8) a child under 18 years of age who is accompanying a
19 parent who has been admitted to vote;

20 (9) a person providing assistance to a voter under
21 Section 61.032 or 64.032;

22 (10) a person accompanying a disabled voter;

23 (11) a special peace officer appointed by the
24 presiding judge under Section 32.075;

25 (12) the county chair of a political party conducting
26 a primary election, as authorized by Section 172.1113;

27 (13) a voting system technician, as authorized by

1 Section 125.010;

2 (14) the county elections administrator only when
3 performing an official duty authorized by this code;

4 (15) a person whose presence has been authorized by
5 the presiding judge and the alternate presiding judge in accordance
6 with this code.

7 SECTION 3.09. Section 86.006, Election Code, is amended by
8 amending Subsection (a-1) to read as follows:

9 (a-1) The voter may deliver a marked ballot in person to the
10 early voting clerk's office only while the polls are open on
11 election day. A voter who delivers a marked ballot in person must
12 present an acceptable form of identification described by Section
13 63.0101. A poll watcher is entitled to observe the delivery of
14 ballots under this subsection. The poll watcher must be able to
15 determine how the ballots are being delivered and how election
16 officials are making decisions about the delivery of ballots, if
17 applicable. The poll watcher may not disrupt the process of
18 delivering ballots.

19 SECTION 3.10. Section 87.026, Election Code, is amended to
20 read as follows:

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

25 (b) Under this code, a person may be lawfully present in the
26 meeting place of an early voting ballot board during the time of the
27 board's operations if the person is:

- 1 (1) a presiding judge or member of the board;
- 2 (2) a watcher;
- 3 (3) a voting system technician, as authorized by
4 Section 125.010;
- 5 (4) a county elections administrator only when
6 performing an official duty authorized by this code; or
- 7 (5) a person whose presence has been authorized by the
8 presiding judge and the alternate presiding judge in accordance
9 with this code.

10 SECTION 3.11. Subchapter A, Chapter 127, Election Code, is
11 amended by adding Section 127.008 to read as follows:

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

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

- 19 (1) a counting station manager, tabulation
20 supervisor, assistant to the tabulation supervisor, presiding
21 judge, or clerk;
- 22 (2) a watcher;
- 23 (3) a voting system technician, as authorized by
24 Section 125.010;
- 25 (4) a county elections administrator only when
26 performing an official duty authorized by this code; or
- 27 (5) a person whose presence has been authorized by the

1 counting station manager in accordance with this code.

2 ARTICLE 4. ASSISTANCE OF VOTERS

3 SECTION 4.01. Subchapter B, Chapter 64, Election Code, is
4 amended by adding Section 64.0322 to read as follows:

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

9 (1) the name and address of the person assisting the
10 voter;

11 (2) the manner in which the person is assisting the
12 voter;

13 (3) the reason the assistance is necessary; and

14 (4) the relationship of the assistant to the voter.

15 (b) When submitting the form required by this section, a
16 person must present an acceptable form of identification described
17 by Section 63.0101.

18 (c) 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 4.02. Section 64.034, Election Code, is amended to
26 read as follows:

27 Sec. 64.034. OATH. A person selected to provide assistance

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

3 "I swear (or affirm) that I will not suggest, by word, sign,
4 or gesture, how the voter should vote; I will confine my assistance
5 to answering the voter's questions, to stating propositions on the
6 ballot, and to naming candidates and, if listed, their political
7 parties; I will prepare the voter's ballot as the voter directs; I
8 did not pressure or intimidate the voter into choosing me to provide
9 assistance; and I am not the voter's employer, an agent of the
10 voter's employer, or an officer or agent of a labor union to which
11 the voter belongs."

12 SECTION 4.03. Section 86.0052, Election Code, is amended to
13 read as follows:

14 Sec. 86.0052. COMPENSATION FOR CARRIER ENVELOPE ACTION
15 PROHIBITED. (a) A person commits an offense if the person:

16 (1) compensates or offers to compensate another person
17 for depositing the carrier envelope in the mail or with a common or
18 contract carrier as provided by Section 86.0051(b) [~~, as part of any~~
19 ~~performance-based compensation scheme based on the number of~~
20 ~~ballots deposited or in which another person is presented with a~~
21 ~~quota of ballots to deposit as provided by Section 86.0051(b)]; or~~

22 (2) [~~engages in another practice that causes another~~
23 ~~person's compensation from or employment status with the person to~~
24 ~~be dependent on the number of ballots deposited as provided by~~
25 ~~Section 86.0051(b); or~~

26 [~~(3) [with knowledge that accepting compensation for~~
27 ~~such activity is illegal,]~~ solicits, receives, or accepts

1 compensation for an activity described by Subdivision (1) [~~or (2)~~].

2 (b) [~~Except as provided by Subsection (c), an offense under~~
3 ~~this section is a misdemeanor punishable by:~~

4 (1) ~~confinement in jail for a term of not more than one~~
5 ~~year or less than 30 days, or~~

6 (2) ~~confinement described by Subdivision (1) and a~~
7 ~~fine not to exceed \$4,000.~~

8 (c)] An offense under this section is a state jail felony if
9 it is shown on the trial of an offense under this section that the
10 defendant was previously convicted two or more times under this
11 section.

12 (c) [~~(d)~~] An officer, director, or other agent of an entity
13 that commits an offense under this section is punishable for the
14 offense.

15 (d) [~~(e)~~] For purposes of this section, compensation means
16 any form of monetary payment, goods, services, benefits, or
17 promises or offers of employment, political favor, official act of
18 discretion, or any other form of consideration offered to another
19 person in exchange for depositing ballots.

20 SECTION 4.04. Section 86.010, Election Code, is amended by
21 amending Subsections (e), (h), and (i) and adding Subsection (i-1)
22 to read as follows:

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

26 (1) the person's signature, printed name, and
27 residence address;

1 (2) the manner of any assistance provided to the voter
2 by the person; and

3 (3) the relationship of the person providing the
4 assistance to the voter [~~on the official carrier envelope of the~~
5 ~~voter~~].

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

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

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

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

19 (1) the defendant was previously convicted of an
20 offense under this code;

21 (2) the offense involved a voter 65 years of age or
22 older; or

23 (3) the defendant committed another offense under this
24 section in the same election.

25 (i-1) An offense under this section for a violation of
26 Subsection (e) is a felony of the third degree if it is shown on the
27 trial of the offense that the person committed an offense under

1 Section 64.036 for providing unlawful assistance to the same voter
2 in connection with the same ballot.

3 SECTION 4.05. Section 86.0105, Election Code, is amended to
4 read as follows:

5 Sec. 86.0105. COMPENSATION FOR ASSISTING VOTERS
6 PROHIBITED. (a) A person commits an offense if the person:

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

12 (2) [~~engages in another practice that causes another~~
13 ~~person's compensation from or employment status with the person to~~
14 ~~be dependent on the number of voters assisted as provided by Section~~
15 ~~86.010, or~~

16 [(3)] [~~with knowledge that accepting compensation for such~~
17 ~~activity is illegal,~~] solicits, receives, or accepts compensation
18 for an activity described by Subdivision (1) [~~or (2)~~].

19 (b) [~~Except as provided by Subsection (c), an offense under~~
20 ~~this section is a misdemeanor punishable by:~~

21 (1) ~~confinement in jail for a term of not more than one~~
22 ~~year or less than 30 days, or~~

23 (2) ~~confinement described by Subdivision (1) and a~~
24 ~~fine not to exceed \$4,000.~~

25 (c)] An offense under this section is a state jail felony
26 [~~if it is shown on the trial of an offense under this section that~~
27 ~~the defendant was previously convicted two or more times under this~~

1 ~~section]~~.

2 (c) [~~(d)~~] An officer, director, or other agent of an entity
3 that commits an offense under this section is punishable for the
4 offense.

5 (d) [~~(e)~~] For purposes of this section, compensation means
6 any form of monetary payment, goods, services, benefits, or
7 promises or offers of employment, political favor, official act of
8 discretion, or any other form of consideration offered to another
9 person in exchange for assisting voters.

10 SECTION 4.06. Section 86.013, Election Code, is amended by
11 amending Subsection (b) to read as follows:

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

14 (1) indicating the identity and date of the election;
15 ~~and~~

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

20 (3) indicating the manner of any assistance provided
21 by a person assisting the voter, and the relationship of that person
22 to the voter.

23 ARTICLE 5. FRAUD AND UNLAWFUL PRACTICES

24 SECTION 5.01. Chapter 63, Election Code, is amended by
25 adding Section 63.0111 to read as follows:

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

1 provides a voter with a form for an affidavit required by Section
2 63.001 if the form contains false information entered thereon by
3 the judge.

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

5 SECTION 5.02. Section 64.012(a), Election Code, is amended
6 to read as follows:

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

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

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

12 (3) knowingly votes or attempts to vote a ballot
13 belonging to another person, or by impersonating another person;
14 [~~or~~]

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

19 (5) knowingly votes or attempts to vote in an election
20 in this state after voting in an election in another state that is
21 held on the same day.

22 SECTION 5.03. Sections 276.012, Election Code, is amended
23 to read as follows:

24 Sec. 276.012. ENGAGING IN ORGANIZED ELECTION FRAUD
25 ACTIVITY. (a) A person commits an offense if, with the intent to
26 establish, maintain, further, or participate in a vote harvesting
27 organization, the person:

1 (1) commits or conspires to commit one or more
2 offenses under Titles 1 through 7;

3 (2) directly or through a third party, provides or
4 offers to provide vote harvesting services to a candidate for
5 office in exchange for compensation or other benefit;

6 (3) directly, or through a third party, offers or
7 provides compensation or other benefit to another person in
8 exchange for vote harvesting services; or

9 (4) knowingly collects or possesses a mail ballot or
10 official carrier envelope from a voter in connection with vote
11 harvesting services.

12 (b) An offense listed under Subsections (a)(2), (3), or (4)
13 is a third degree felony. Except as provided by Subsection (c), an
14 offense listed under Subsection (a)(1) is one category higher than
15 the most serious offense listed in Subsection (a)(1) that is
16 committed, and if the most serious offense is a Class A misdemeanor,
17 the offense is a state jail felony. If conduct that constitutes an
18 offense under this section also constitutes an offense under any
19 other law, the actor may be prosecuted under this section, the other
20 law, or both.

21 (c) At the punishment stage of a trial, the defendant may
22 raise the issue as to whether in voluntary and complete
23 renunciation of the offense the defendant withdrew from the vote
24 harvesting organization before commission of an offense listed in
25 Subsection (a)(1) and made substantial effort to prevent the
26 commission of the offense. If the defendant proves the issue in the
27 affirmative by a preponderance of the evidence, the offense is the

1 same category of offense as the most serious offense listed in
2 Subsection (a)(1) that is committed.

3 (d) In this section: [7]

4 (1) "Benefit" has the meaning assigned by Section
5 36.01(3), Penal Code.

6 (2) "Vote [vote] harvesting organization" means three
7 or more persons who collaborate in committing offenses under Titles
8 1 through 7, although participants may not know each other's
9 identity, membership in the organization may change from time to
10 time, and participants may stand in a candidate-consultant,
11 donor-consultant, consultant-field operative, or other arm's
12 length relationship in the organization's operations; and

13 (3) "Vote harvesting services" means personal
14 services that include direct interaction with one or more voters in
15 connection with an official ballot, ballot by mail, or an
16 application for ballot by mail that are performed with the
17 intention that ballot be cast for a specific candidate or measure.

18 SECTION 5.04. Sections 276.013(a) and (b), Election Code,
19 is amended to read as follows:

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

22 (1) influence the independent exercise of the vote of
23 another in the presence of the ballot or during the voting process;

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

26 (3) count invalid votes or alter a report to include
27 invalid votes;

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

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

5 (A) to an election official; or

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

8 (b) An offense under this section is a felony of the second
9 degree [~~Class A misdemeanor~~].

10 SECTION 5.05. Chapter 276, Election Code, is amended by
11 adding Sections 276.014, 276.015, 276.016, 276.017, and 276.018 to
12 read as follows:

13 Sec. 276.015. UNLAWFUL SOLICITATION OR DISTRIBUTION OF
14 APPLICATION TO VOTE BY MAIL. (a) This section applies to an
15 application to vote by mail required under Section 84.001.

16 (b) A public official commits an offense if the public
17 official knowingly:

18 (1) solicits the submission of an application by a
19 person who did not request the application;

20 (2) distributes an application to a person who did not
21 request the application, unless the distribution is expressly
22 authorized by another provision of this code;

23 (3) authorizes the expenditure of public funds to
24 facilitate third party distribution of an application to a person
25 who did not request the application; or

26 (4) completes any portion of an application to vote by
27 mail and distributes the application to an applicant with intent

1 that the applicant will submit the application on the applicant's
2 behalf to the early voting clerk.

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

4 (d) It is an exception to the application of Subsection
5 (b)(4) that the public official lawfully assisted the applicant as
6 authorized under Section 84.003.

7 Sec. 276.016. UNLAWFUL DISTRIBUTION OF BALLOTS AND
8 BALLOTING MATERIALS. (a) The early voting clerk or other election
9 official may not knowingly mail or distribute a ballot or balloting
10 materials for an early voting ballot to be voted by mail to a person
11 other than the applicant who submitted the application required by
12 Section 84.001.

13 (b) A person who violates this section commits an offense.
14 An offense under this section is a state jail felony.

15 Sec. 276.017. PERJURY IN CONNECTION WITH CERTAIN VOTING
16 PROCEDURES. (a) A person commits an offense if, with intent to
17 deceive and with knowledge of the statement's meaning, the person
18 makes a false statement when making the oath described by Section
19 64.034 or swears to the truth of a false statement previously made
20 when making the oath described by Section 64.034.

21 (b) An offense under this section is a Class A misdemeanor
22 except that the punishment for an offense under this section is a
23 state jail felony if it is shown on the trial of the offense that the
24 person made a false statement under Subsection (a) three or more
25 times in connection with a single election.

26 Sec. 276.018. UNLAWFUL ALTERING OF ELECTION PROCEDURES.

27 (a) A public official may not knowingly issue an order altering or

1 suspending an election standard, practice, or procedure mandated by
2 law or rule unless the alteration or suspension is expressly
3 authorized under this code.

4 (b) It is an exception to the application of this provision
5 that a public official seeking to alter any voting standard,
6 practice, or procedure in a manner not otherwise expressly
7 authorized by the Election Code:

8 (1) first requested approval of the proposed
9 alteration from the secretary of state by submitting a written
10 request for approval to the secretary of state; and

11 (2) the secretary of state by written order approved
12 the proposed alteration requested under Subdivision (1).

13 (c) A public official who violates this section commits an
14 offense. An offense under this section is a state jail felony.

15 ARTICLE 6. ENFORCEMENT

16 SECTION 6.01. Chapter 2, Code of Criminal Procedure, is
17 amended by adding Section 2.075 to read as follows:

18 Art. 2.075. ATTORNEY PRO TEM IN CERTAIN ELECTION CASES. (a)
19 If an attorney for the state is presented with the requisite number
20 of affidavits under Section 273.001, Election Code, on or after the
21 60th day before the date of a regular or special election that
22 allege criminal conduct that would constitute an offense under
23 Chapter 276, Election Code, the attorney for the state shall
24 determine if the investigation can be conducted expeditiously by
25 the attorney or the attorney's staff so that a presentation of an
26 information or indictment may be made in time to prevent ongoing or
27 deter future criminal activity constituting an offense under

1 Chapter 276, Election Code.

2 (b) The attorney for the state shall make the determination
3 required under Subsection (a) not later than the 48th hour after the
4 affidavits are presented.

5 (c) If the attorney for the state determines that an
6 investigation cannot be completed expeditiously as provided by
7 Subsection (a), the attorney shall notify the presiding judge of
8 the court of criminal appeals not later than the 24th hour after the
9 time of determination. A three-judge panel shall be appointed as
10 provided under Subsection (d). The panel shall appoint, from any
11 county or district, an attorney for the state to perform the duties
12 of the office in connection with the investigation of the presented
13 affidavits.

14 (d) The presiding judge of the court of criminal appeals
15 shall appoint a three-judge panel in the same manner and under the
16 same conditions as the appointment by the chief justice of the
17 supreme court of a three-judge panel under Chapter 22A, Government
18 Code.

19 (b) An attorney pro tem appointed under this article is
20 subject to the limitations in Article 2.07(b).

21 (c) In this article, "attorney for the state" has the
22 meaning assigned by Article 2.07(d).

23 SECTION 6.02. Subchapter A, Chapter 22, Government Code, is
24 amended by adding Section 22.0015 to read as follows:

25 Sec. 22.0015. PRIORITY OF APPEALS IN CERTAIN ELECTION
26 CASES. Beginning on the 60th day before the date of a regular or
27 special election, the supreme court must give absolute preference

1 to a matter that is related to a request for injunctive relief under
2 Section 273.081, Election Code, that is prompted by an allegation
3 of activity that would constitute an offense under Chapter 276,
4 Election Code. After assignment of the matter under Section
5 22.222(b), the supreme court shall promptly hear the appeal, by
6 electronic means or otherwise, after the clerk of the court
7 receives a written request for oral argument. The supreme court
8 must hear an appeal under this section not later than the 24th hour
9 after the time the last brief permitted to be filed in the appeal is
10 filed.

11 SECTION 6.03. Chapter 22, Government Code, is amended by
12 adding Section 22.2205 to read as follows:

13 Sec. 22.2205. PRIORITY OF APPEALS IN CERTAIN ELECTION
14 CASES. Beginning on the 60th day before the date of a regular or
15 special election, a court of appeals must give absolute preference
16 to a matter that is related to a request for injunctive relief under
17 Section 273.081, Election Code, that is prompted by an allegation
18 of activity that would constitute an offense under Chapter 276,
19 Election Code. After assignment of the matter under Section
20 22.222(b), the court of appeals shall promptly hear the appeal, by
21 electronic means or otherwise, after the clerk of the court
22 receives a written request for oral argument. A court of appeals
23 shall hear an appeal under this section not later than the 24th hour
24 after the time the last brief permitted to be filed in the appeal is
25 filed.

26 SECTION 6.04. Section 22.222, Government Code, is amended
27 by amending Subsection (b) and adding Subsections (a-1) and (b-1)

1 to read as follows:

2 (b) If more than one panel is used, the court of appeals
3 shall establish rules to periodically rotate the justices among the
4 panels. Permanent civil panels and criminal panels without rotation
5 may not be established. Notwithstanding any other law, including a
6 rule adopted under Sec. 22.004 or a local rule of administration,
7 all cases entitled to priority treatment under Section 23.101(b-1)
8 in the courts of appeals shall be docketed by the clerk of the court
9 and assigned by the clerk to a panel of three judges assigned using
10 an automated system.

11 (b-1) It is an offense for any person, including a public
12 official, to communicate with a clerk of the court in an attempt to
13 influence the assignment of or withhold the assignment of a justice
14 identified by name or political party to a panel hearing an appeal.
15 An offense under this subsection is a state jail felony. As used in
16 the section, the term "public official" has the meaning assigned by
17 Section 1.005(15-a), Election Code.

18 SECTION 6.05. Section 23.101, Government Code, is amended
19 by amending Subsection (b) and adding Subsection (b-1) read as
20 follows

21 (b) Insofar as practicable, and except as provided by
22 Subsection (b-1), the trial courts shall observe the preference
23 provided by Subsection (a) in ruling on, hearing, and trying the
24 matters pending before the courts.

25 (b-1) Beginning on the 60th day before the date of a regular
26 or special election, a trial court must give absolute preference to
27 a matter under Subsection (a)(1) that is a request for injunctive

1 relief under Section 273.081, Election Code, that is prompted by an
2 allegation of activity that would constitute an offense under
3 Chapter 276, Election Code. After assignment of the matter under
4 Section 24.035, the trial court shall promptly conduct a hearing,
5 by electronic means or otherwise, after the judge receives a
6 written hearing request. A trial court must hear a matter under
7 this subsection not later than the 24th hour after the time the
8 hearing request was received.

9 SECTION 6.06. Chapter 24, Government Code, is amended by
10 adding Section 24.035 to read as follows:

11 Sec. 24.035. ASSIGNMENT OF CASES IN DISTRICT COURTS IN
12 CERTAIN ELECTION CASES. (a) Notwithstanding any other law to the
13 contrary, including a rule adopted under Sec. 22.004 or a local
14 rule of administration, all cases entitled to priority treatment
15 under Section 23.101(b-1) in the district courts of a county shall
16 be docketed and assigned at random by the district clerk using an
17 automated system.

18 (b) In assigning a case to a district court, the district
19 clerk shall take into consideration any requirement in law that a
20 district court in that county give preference to specific matters.

21 (c) If a county court has concurrent jurisdiction with a
22 district court over cases entitled to priority treatment under
23 Section 23.101(b-1), the county clerk shall perform the duties of
24 the district clerk under Subsections (a) and (b).

25 (d) It is an offense for a person, including a public
26 official, to communicate with a district or county clerk in an
27 attempt to influence the assignment of cases or withhold the

1 assignment of cases to a judge identified by name or political
2 party. An offense under this subsection is a state jail felony. As
3 used in the section, the term "public official" has the meaning
4 assigned by Section 1.005(15-a), Election Code.

5 ARTICLE 7. TRANSITION; EFFECTIVE DATE

6 SECTION 7.01. The change in law made by this Act applies
7 only to an offense committed on or after the effective date of this
8 Act. An offense committed before the effective date of this Act is
9 governed by the law in effect on the date the offense was committed,
10 and the former law is continued in effect for that purpose. For
11 purposes of this section, an offense was committed before the
12 effective date of this Act if any element of the offense occurred
13 before that date.

14 SECTION 7.02. This Act takes effect September 1, 2021.