

1-1 By: Hughes, et al. S.B. No. 7
 1-2 (In the Senate - Filed March 11, 2021; March 11, 2021, read
 1-3 first time and referred to Committee on State Affairs;
 1-4 March 29, 2021, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 5, Nays 2; March 29, 2021,
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13			X	
1-14	X			
1-15		X		
1-16			X	
1-17		X		

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 7 By: Hughes

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to elections, including election integrity and security;
 1-22 creating a criminal offense; providing civil penalties.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 ARTICLE 1. VOTER REGISTRATION

1-25 SECTION 1.01. Chapter 42, Code of Criminal Procedure, is
 1-26 amended by adding Article 42.0194 to read as follows:

1-27 Art. 42.0194. FINDING REGARDING FELONY CONVICTION. In the
 1-28 trial of a felony offense, if the defendant is 18 years of age or
 1-29 older and is adjudged guilty of the offense, the court shall:

1-30 (1) make an affirmative finding that the person has
 1-31 been found guilty of a felony and enter the affirmative finding in
 1-32 the judgment of the case; and

1-33 (2) instruct the defendant regarding how the felony
 1-34 conviction will impact the defendant's right to vote in this state.

1-35 SECTION 1.02. Section 13.002, Election Code, is amended by
 1-36 adding Subsection (c-1) to read as follows:

1-37 (c-1) A registration application must require the applicant
 1-38 to affirmatively indicate all information provided on the
 1-39 application.

1-40 SECTION 1.03. Section 15.028, Election Code, is amended to
 1-41 read as follows:

1-42 Sec. 15.028. NOTICE OF UNLAWFUL VOTING OR REGISTRATION [TO
 1-43 PROSECUTOR]. [(a)] If the registrar determines that a person who
 1-44 is not eligible to vote may have registered to vote or [a registered
 1-45 voter] voted in an election, the registrar shall execute and
 1-46 deliver to the attorney general, the secretary of state, and the
 1-47 county or district attorney having jurisdiction in the territory
 1-48 covered by the election an affidavit stating the relevant facts.

1-49 [(b) If the election covers territory in more than one
 1-50 county, the registrar shall also deliver an affidavit to the
 1-51 attorney general.]

1-52 SECTION 1.04. Section 16.0332(a), Election Code, is amended
 1-53 to read as follows:

1-54 (a) After the registrar receives a list under Section 18.068
 1-55 of this code or Section 62.113, Government Code, of persons excused
 1-56 or disqualified from jury service or otherwise determined to be
 1-57 ineligible to vote because of citizenship status, the registrar
 1-58 shall deliver to each registered voter whose name appears on the
 1-59 list a written notice requiring the voter to submit to the registrar
 1-60 proof of United States citizenship in the form of a certified copy

2-1 of the voter's birth certificate, United States passport, or
 2-2 certificate of naturalization or any other form prescribed by the
 2-3 secretary of state. The notice shall be delivered by forwardable
 2-4 mail to the mailing address on the voter's registration application
 2-5 and to any new address of the voter known to the registrar.

2-6 SECTION 1.05. Section [18.065](#), Election Code, is amended by
 2-7 amending Subsection (a) and adding Subsections (e), (f), and (g) to
 2-8 read as follows:

2-9 (a) The secretary of state shall monitor each registrar for
 2-10 substantial compliance with Sections [15.083](#), [16.032](#), [16.0332](#), and
 2-11 [18.061](#) and with rules implementing the statewide computerized voter
 2-12 registration list.

2-13 (e) If a registrar fails to correct a violation within 30
 2-14 days of a notice under Subsection (b), the secretary of state shall
 2-15 correct the violation on behalf of the registrar.

2-16 (f) A registrar is liable to this state for a civil penalty
 2-17 of \$100 for each violation corrected by the secretary of state under
 2-18 Subsection (e). The attorney general may bring an action to recover
 2-19 a civil penalty imposed under this section.

2-20 (g) A civil penalty collected by the attorney general under
 2-21 this section shall be deposited in the state treasury to the credit
 2-22 of the general revenue fund.

2-23 SECTION 1.06. The changes in law made by this article apply
 2-24 only to an application for voter registration submitted on or after
 2-25 the effective date of this Act.

2-26 ARTICLE 2. VOTING BY MAIL

2-27 SECTION 2.01. Subchapter A, Chapter 84, Election Code, is
 2-28 amended by adding Section 84.0011 to read as follows:

2-29 Sec. 84.0011. SOLICITATION OF BALLOT BY MAIL APPLICATIONS
 2-30 PROHIBITED. The early voting clerk may make no attempt to solicit a
 2-31 person to complete an application for an early voting ballot by
 2-32 mail, whether directly or through a third party.

2-33 SECTION 2.02. Section [84.002](#), Election Code, is amended by
 2-34 adding Subsection (c) to read as follows:

2-35 (c) An application for a ballot to be voted by mail on the
 2-36 ground of disability must require the applicant to affirmatively
 2-37 indicate that the applicant agrees with the statement "I have a
 2-38 sickness or physical condition that prevents me from appearing at
 2-39 the polling place on election day without a likelihood of needing
 2-40 personal assistance or injuring my health," as prescribed by
 2-41 Section [82.002](#)(a).

2-42 SECTION 2.03. Section [84.011](#)(a), Election Code, is amended
 2-43 to read as follows:

2-44 (a) The officially prescribed application form for an early
 2-45 voting ballot must include:

2-46 (1) immediately preceding the signature space the
 2-47 statement: "I certify that the information given in this
 2-48 application is true, and I understand that giving false information
 2-49 in this application is a state jail felony [~~crime~~].";

2-50 (2) a statement informing the applicant of the
 2-51 offenses prescribed by Sections [84.003](#) and [84.004](#);

2-52 (3) spaces for entering an applicant's voter
 2-53 registration number and county election precinct of registration,
 2-54 with a statement informing the applicant that failure to furnish
 2-55 that information does not invalidate the application; and

2-56 (4) on an application for a ballot to be voted by mail:
 2-57 (A) a space for an applicant applying on the
 2-58 ground of absence from the county of residence to indicate the date
 2-59 on or after which the applicant can receive mail at the address
 2-60 outside the county;

2-61 (B) a space for indicating the fact that an
 2-62 applicant whose application is signed by a witness cannot make the
 2-63 applicant's mark and a space for indicating the relationship or
 2-64 lack of relationship of the witness to the applicant;

2-65 (C) a space for entering an applicant's telephone
 2-66 number, with a statement informing the applicant that failure to
 2-67 furnish that information does not invalidate the application;

2-68 (D) a space or box for an applicant applying on
 2-69 the ground of age or disability to indicate that the address to

3-1 which the ballot is to be mailed is the address of a facility or
3-2 relative described by Section 84.002(a)(3), if applicable;

3-3 (E) a space or box for an applicant applying on
3-4 the ground of confinement in jail to indicate that the address to
3-5 which the ballot is to be mailed is the address of a relative
3-6 described by Section 84.002(a)(4), if applicable;

3-7 (F) a space for an applicant applying on the
3-8 ground of age or disability to indicate if the application is an
3-9 application under Section 86.0015;

3-10 (G) spaces for entering the signature, printed
3-11 name, and residence address of any person assisting the applicant;

3-12 (H) a statement informing the applicant of the
3-13 condition prescribed by Section 81.005; and

3-14 (I) a statement informing the applicant of the
3-15 requirement prescribed by Section 86.003(c).

3-16 SECTION 2.04. Subchapter A, Chapter 84, Election Code, is
3-17 amended by adding Section 84.0111 to read as follows:

3-18 Sec. 84.0111. PROHIBITION ON DISTRIBUTION OF APPLICATION
3-19 FORM. (a) Unless authorized by this code, an officer or employee
3-20 of this state or of a political subdivision of this state may not
3-21 distribute an application form for an early voting ballot to a
3-22 person who did not request an application under Section 84.001.

3-23 (b) An officer or employee of this state or of a political
3-24 subdivision of this state may not use public funds to facilitate the
3-25 distribution by another person of an application form for an early
3-26 voting ballot to a person who did not request an application under
3-27 Section 84.001.

3-28 SECTION 2.05. Section 84.035, Election Code, is amended to
3-29 read as follows:

3-30 Sec. 84.035. BALLOT SENT TO APPLICANT. (a) If the early
3-31 voting clerk cancels an application by an applicant to whom an early
3-32 voting ballot has been sent, the clerk shall:

3-33 (1) remove the applicant's name from the early voting
3-34 roster; and

3-35 (2) make any other entries in the records and take any
3-36 other action necessary to prevent the ballot from being counted if
3-37 returned.

3-38 (b) A person to whom an early voting ballot has been sent who
3-39 cancels the person's application for a ballot to be voted by mail in
3-40 accordance with Section 84.032 but fails to return the ballot to be
3-41 voted by mail to the early voting clerk, deputy early voting clerk,
3-42 or presiding judge as provided by that section may only vote a
3-43 provisional ballot under Section 63.011.

3-44 SECTION 2.06. Section 86.0015, Election Code, is amended by
3-45 adding Subsection (b-3) to read as follows:

3-46 (b-3) An application for a ballot to be voted by mail on the
3-47 ground of disability under this section must include or be
3-48 accompanied by:

3-49 (1) written documentation from the United States
3-50 Social Security Administration or the United States Department of
3-51 Veterans Affairs evidencing that the applicant has been determined
3-52 to have a disability; or

3-53 (2) a certificate of a licensed physician or
3-54 chiropractor or accredited Christian Science practitioner in
3-55 substantially the following form:

3-56 "This is to certify that I personally know that _____
3-57 has a sickness or physical condition that will prevent him or her
3-58 from appearing at a polling place without a likelihood of needing
3-59 personal assistance or of injuring his or her health.

3-60 "Witness my hand at _____, Texas, this _____ day of
3-61 _____, 20____.

3-62 _____
3-63 (signature of physician,
3-64 chiropractor, or practitioner)

3-65 _____
3-66 (printed name of physician,
3-67 chiropractor, or practitioner)"

3-68 SECTION 2.07. Section 86.006, Election Code, is amended by
3-69 amending Subsections (a) and (e) and adding Subsection (a-2) to

4-1 read as follows:

4-2 (a) A marked ballot voted under this chapter must be
4-3 returned to the early voting clerk in the official carrier
4-4 envelope. The carrier envelope may be delivered in another
4-5 envelope and must be transported and delivered only by:

4-6 (1) mail;

4-7 (2) common or contract carrier; or

4-8 (3) subject to Subsections [Subsection] (a-1) and
4-9 (a-2), in-person delivery by the voter who voted the ballot.

4-10 (a-2) An in-person delivery of a marked ballot voted under
4-11 this chapter must be received at the time of delivery by a person. A
4-12 ballot delivered in violation of this subsection may not be
4-13 counted.

4-14 (e) Carrier envelopes may not be collected and stored at
4-15 another location for subsequent delivery to the early voting clerk.
4-16 The secretary of state shall prescribe appropriate procedures to
4-17 implement this subsection and to provide accountability for the
4-18 delivery of the carrier envelopes from the voting place to the early
4-19 voting clerk. A ballot delivered in violation of this subsection
4-20 may not be counted.

4-21 SECTION 2.08. Section 86.011(c), Election Code, is amended
4-22 to read as follows:

4-23 (c) If the return is not timely, the clerk shall enter the
4-24 time of receipt on the carrier envelope and retain it in a locked
4-25 container for the period for preserving the precinct election
4-26 records. The clerk shall destroy the unopened envelope and its
4-27 contents after the preservation period.

4-28 SECTION 2.09. Chapter 86, Election Code, is amended by
4-29 adding Section 86.015 to read as follows:

4-30 Sec. 86.015. ELECTRONIC TRACKING OF APPLICATION FOR BALLOT
4-31 VOTED BY MAIL OR BALLOT VOTED BY MAIL. (a) The secretary of state
4-32 shall develop or otherwise provide an online tool to each early
4-33 voting clerk that enables a person who submits an application for a
4-34 ballot to be voted by mail to track the location and status of the
4-35 person's application and ballot on the secretary's Internet website
4-36 and on the county's Internet website if the early voting clerk is
4-37 the county clerk of a county that maintains an Internet website.

4-38 (b) The online tool developed or provided under Subsection
4-39 (a) must require the voter to provide, before permitting the voter
4-40 to access information described by that subsection:

4-41 (1) the voter's name and registration address and the
4-42 last four digits of the voter's social security number; and

4-43 (2) the voter's:

4-44 (A) driver's license number; or

4-45 (B) personal identification card number issued
4-46 by the Department of Public Safety.

4-47 (c) An online tool used under this section must update the
4-48 applicable Internet website as soon as practicable after each of
4-49 the following events occurs:

4-50 (1) receipt by the early voting clerk of the person's
4-51 application for a ballot to be voted by mail;

4-52 (2) acceptance or rejection by the early voting clerk
4-53 of the person's application for a ballot to be voted by mail;

4-54 (3) placement in the mail by the early voting clerk of
4-55 the person's official ballot;

4-56 (4) receipt by the early voting clerk of the person's
4-57 marked ballot; and

4-58 (5) acceptance or rejection by the early voting ballot
4-59 board of a person's marked ballot.

4-60 (d) The secretary of state shall adopt rules and prescribe
4-61 procedures as necessary to implement this section.

4-62 SECTION 2.10. Section 87.027(i), Election Code, is amended
4-63 to read as follows:

4-64 (i) The signature verification committee shall compare the
4-65 signature on each carrier envelope certificate, except those signed
4-66 for a voter by a witness, with the signature on the voter's ballot
4-67 application to determine whether the signatures are those of the
4-68 voter. The committee may also compare the signatures with any
4-69 known signature [two or more signatures] of the voter [made within

5-1 ~~the preceding six years and~~ on file with the county clerk or voter
 5-2 registrar to determine whether the signatures are those of the
 5-3 voter. Except as provided by Subsection (1), a determination under
 5-4 this subsection that the signatures are not those of the voter must
 5-5 be made by a majority vote of the committee's membership. The
 5-6 committee shall place the jacket envelopes, carrier envelopes, and
 5-7 applications of voters whose signatures are not those of the voter
 5-8 in separate containers from those of voters whose signatures are
 5-9 those of the voter. The committee chair shall deliver the sorted
 5-10 materials to the early voting ballot board at the time specified by
 5-11 the board's presiding judge.

5-12 SECTION 2.11. Section 87.041(e), Election Code, is amended
 5-13 to read as follows:

5-14 (e) In making the determination under Subsection (b)(2),
 5-15 the board may also compare the signatures with any known signature
 5-16 ~~[two or more signatures]~~ of the voter ~~[made within the preceding six~~
 5-17 ~~years and]~~ on file with the county clerk or voter registrar to
 5-18 determine whether the signatures are those of the voter.

5-19 SECTION 2.12. Sections 87.062(a) and (c), Election Code,
 5-20 are amended to read as follows:

5-21 (a) On the direction of the presiding judge, the early
 5-22 voting ballot board, in accordance with Section 85.032(b), shall
 5-23 open the containers ~~[container]~~ for the early voting ballots that
 5-24 are to be counted by the board, remove the contents from each ~~[the]~~
 5-25 container, and remove any ballots enclosed in ballot envelopes from
 5-26 their envelopes.

5-27 (c) Ballots voted by mail shall be tabulated separately from
 5-28 the ballots voted by personal appearance and shall be separately
 5-29 reported on the returns ~~[The results of all early voting ballots~~
 5-30 ~~counted by the board under this subchapter shall be included in the~~
 5-31 ~~same return].~~

5-32 SECTION 2.13. Section 87.103, Election Code, is amended to
 5-33 read as follows:

5-34 Sec. 87.103. COUNTING BALLOTS AND PREPARING RETURNS. (a)
 5-35 The early voting electronic system ballots counted at a central
 5-36 counting station, the ballots cast at precinct polling places, and
 5-37 the ballots voted by mail shall be tabulated separately ~~[from the~~
 5-38 ~~ballots cast at precinct polling places]~~ and shall be separately
 5-39 reported on the returns.

5-40 (b) The early voting returns prepared at the central
 5-41 counting station must include any early voting results obtained by
 5-42 the early voting ballot board under Subchapter ~~[Subchapters]~~ D ~~[and~~
 5-43 ~~E]~~.

5-44 SECTION 2.14. Section 87.126, Election Code, is amended by
 5-45 adding Subsection (a-1) to read as follows:

5-46 (a-1) Electronic records made under this section shall
 5-47 record both sides of any application, envelope, or ballot recorded,
 5-48 and all such records shall be provided to the early voting ballot
 5-49 board, the signature verification committee, or both.

5-50 SECTION 2.15. The changes in law made by this article apply
 5-51 only to an application for an early voting ballot to be voted by
 5-52 mail that is submitted on or after the effective date of this Act.

5-53 ARTICLE 3. ELECTION SECURITY

5-54 SECTION 3.01. Section 33.006(b), Election Code, is amended
 5-55 to read as follows:

5-56 (b) A certificate of appointment must:

5-57 (1) be in writing and signed by the appointing
 5-58 authority or, for an appointment for a write-in candidate under
 5-59 Section 33.004, by each of the voters making the appointment;

5-60 (2) indicate the capacity in which the appointing
 5-61 authority is acting;

5-62 (3) state the name, residence address, and voter
 5-63 registration number of the appointee and be signed by the
 5-64 appointee;

5-65 (4) identify the election and the precinct polling
 5-66 place or other location at which the appointee is to serve; and

5-67 (5) in an election on a measure, identify the measure
 5-68 if more than one is to be voted on and state which side of the
 5-69 measure the appointee represents ~~[and~~

6-1 ~~[(6) contain an affidavit executed by the appointee~~
6-2 ~~stating that the appointee will not have possession of a device~~
6-3 ~~capable of recording images or sound or that the appointee will~~
6-4 ~~disable or deactivate the device while serving as a watcher].~~

6-5 SECTION 3.02. Section 33.051(c), Election Code, is amended
6-6 to read as follows:

6-7 (c) ~~[A watcher may not be accepted for service if the~~
6-8 ~~watcher has possession of a device capable of recording images or~~
6-9 ~~sound unless the watcher agrees to disable or deactivate the~~
6-10 ~~device.]~~ The presiding judge may inquire whether a watcher has
6-11 possession of a [any prohibited] recording device before accepting
6-12 the watcher for service.

6-13 SECTION 3.03. Section 33.056, Election Code, is amended by
6-14 amending Subsection (a) and adding Subsections (e) and (f) to read
6-15 as follows:

6-16 (a) Except as provided by Section 33.057, a watcher is
6-17 entitled to observe any activity conducted at the location at which
6-18 the watcher is serving. A watcher is entitled to sit or stand
6-19 [conveniently] near enough to see and hear the election officers
6-20 conducting the observed activity, except as otherwise prohibited by
6-21 this chapter.

6-22 (e) Except as provided by Section 33.057(b), a watcher may
6-23 not be denied free movement within the location at which the watcher
6-24 is serving.

6-25 (f) In this code, a watcher who is entitled to "observe" an
6-26 activity is entitled to sit or stand near enough to see and hear the
6-27 activity.

6-28 SECTION 3.04. Section 33.061, Election Code, is amended by
6-29 adding Subsection (c) to read as follows:

6-30 (c) An offense under Subsection (a) includes an action taken
6-31 to distance or obstruct the view of a watcher in a way that makes
6-32 observation reasonably ineffective.

6-33 SECTION 3.05. Section 43.007, Election Code, is amended by
6-34 amending Subsection (m) and adding Subsections (m-1), (m-2), and
6-35 (q) to read as follows:

6-36 (m) In adopting a methodology under Subsection (f), the
6-37 county must ensure that:

6-38 (1) in a county with a population of less than one
6-39 million:

6-40 (A) each county commissioners precinct contains
6-41 at least one countywide polling place; and

6-42 (B) the deviation in the percentage of the total
6-43 number of countywide polling places located in a commissioners
6-44 precinct does not vary by more than one percentage point in a
6-45 precinct; and

6-46 (2) in a county with a population of one million or
6-47 more, the number of polling places located in each state
6-48 representative district included in the territory of the county is
6-49 calculated by dividing the number of voters residing in that
6-50 district by the total number of voters residing in the county and
6-51 using the number generated as a percentage to allocate the same
6-52 percentage of polling place locations, rounding up to the nearest
6-53 whole number, if necessary [the total number of permanent branch
6-54 and temporary branch polling places open for voting in a county
6-55 commissioners precinct does not exceed more than twice the number
6-56 of permanent branch and temporary branch polling places in another
6-57 county commissioners precinct].

6-58 (m-1) In making a calculation under Subsection (m), voter
6-59 data from the most recent election shall be used.

6-60 (m-2) Election officials and voting equipment, materials,
6-61 and supplies must be allocated to each polling place based on the
6-62 same percentage as polling place locations are determined under
6-63 Subsection (m) with no greater than a five percent deviation in the
6-64 allocation between polling place locations. Each polling place
6-65 location must be able to accommodate 100 percent of the equipment
6-66 allocated to be operational at the same time.

6-67 (q) Each countywide polling place in a county must have
6-68 approximately the same number of voting machines as each other
6-69 countywide polling place in the county.

7-1 SECTION 3.06. Section 43.031(b), Election Code, is amended
7-2 to read as follows:

7-3 (b) Each polling place shall be located inside a building.
7-4 A polling place may not be located in a tent or other temporary
7-5 moveable structure or in a facility primarily designed for motor
7-6 vehicles. No voter may cast a vote from inside a motor vehicle
7-7 unless the voter meets the requirements of Section 64.009.

7-8 SECTION 3.07. Section 61.014, Election Code, is amended by
7-9 amending Subsections (a) and (b) and adding Subsection (b-1) to
7-10 read as follows:

7-11 (a) A person, other than a watcher using the device solely
7-12 to record image or sound as permitted under Subsection (b), may not
7-13 use a wireless communication device within 100 feet of a voting
7-14 station.

7-15 (b) A person, other than a watcher, may not use a [any]
7-16 mechanical or electronic device to record [means of recording]
7-17 images or sound at a polling place. A watcher may use such a device
7-18 to record images or sound at a polling place, except that a watcher
7-19 may record activity [within 100 feet] of a voter at a voting station
7-20 only if the voter is receiving assistance the watcher reasonably
7-21 believes to be unlawful.

7-22 (b-1) A recording made by a watcher under Subsection (b) may
7-23 not capture or record any information on a voter's ballot.

7-24 SECTION 3.08. Section 64.007(c), Election Code, is amended
7-25 to read as follows:

7-26 (c) An election officer shall maintain a register of spoiled
7-27 ballots at the polling place, including spoiled ballots from a
7-28 direct recording electronic voting unit. An election officer shall
7-29 enter on the register the name of each voter who returns a spoiled
7-30 ballot and the spoiled ballot's number.

7-31 SECTION 3.09. Section 64.009, Election Code, is amended by
7-32 amending Subsection (b) and adding Subsections (b-1), (e), (f),
7-33 (g), and (h) to read as follows:

7-34 (b) The regular voting procedures, except those in
7-35 Subchapter B, may be modified by the election officer to the extent
7-36 necessary to conduct voting under this section.

7-37 (b-1) A person other than the voter is only permitted to be
7-38 inside the motor vehicle while the voter votes if the person would
7-39 be entitled to accompany the voter to the voting station under other
7-40 law.

7-41 (e) Except as provided by Section 33.057, a poll watcher is
7-42 entitled to observe any activity conducted under this section.

7-43 (f) A person who assists three or more voters voting under
7-44 this section by providing the voters with transportation to the
7-45 polling place must complete and sign a form that contains the
7-46 person's name and address and whether the person is providing
7-47 assistance solely under this section or under both this section and
7-48 Subchapter B.

7-49 (g) A form completed under Subsection (f) shall be delivered
7-50 to the secretary of state as soon as practicable. The secretary
7-51 shall retain a form delivered under this section for the period for
7-52 preserving the precinct election records and shall make the form
7-53 available to the attorney general for inspection upon request.

7-54 (h) The secretary of state shall prescribe the form
7-55 described by Subsection (f).

7-56 SECTION 3.10. Subchapter B, Chapter 64, Election Code, is
7-57 amended by adding Section 64.0322 to read as follows:

7-58 Sec. 64.0322. SUBMISSION OF FORM BY ASSISTANT. (a) A
7-59 person, other than an election officer, who assists a voter in
7-60 accordance with this chapter is required to complete a form
7-61 stating:

7-62 (1) the name and address of the person assisting the
7-63 voter;

7-64 (2) the manner in which the person assisted the voter;

7-65 (3) the reason the assistance was necessary; and

7-66 (4) the relationship of the assistant to the voter.

7-67 (b) The secretary of state shall prescribe the form required
7-68 by this section. The form must be incorporated into the official
7-69 carrier envelope if the voter is voting an early voting ballot by

8-1 mail and receives assistance under Section 86.010, or must be
 8-2 submitted to an election officer at the time the voter casts a
 8-3 ballot if the voter is voting at a polling place or under Section
 8-4 64.009.

8-5 SECTION 3.11. Section 66.052, Election Code, is amended to
 8-6 read as follows:

8-7 Sec. 66.052. DELIVERY BY ELECTION CLERK; CHAIN OF CUSTODY.

8-8 (a) A delivery of election records or supplies that is to be
 8-9 performed by the presiding judge may be performed by an election
 8-10 clerk designated by the presiding judge.

8-11 (b) The presiding judge or an election clerk designated by
 8-12 the presiding judge under this section must keep records of each
 8-13 person that has custody of a precinct election record until the
 8-14 records are delivered.

8-15 SECTION 3.12. Sections 66.058(b) and (g), Election Code,
 8-16 are amended to read as follows:

8-17 (b) For a period of at least 60 days after the date of the
 8-18 election, or until any election contest is resolved, whichever is
 8-19 longer, the voted ballots shall be preserved securely in a locked
 8-20 room in the locked ballot box in which they are delivered to the
 8-21 general custodian of election records. On the 61st day after
 8-22 election day, or the day an election contest is resolved, whichever
 8-23 is later, the general custodian of election records may:

8-24 (1) require a person who has possession of a key that
 8-25 operates the lock on a ballot box containing voted ballots to return
 8-26 the key to the custodian; and

8-27 (2) unlock the ballot box and transfer the voted
 8-28 ballots to another secure container for the remainder of the
 8-29 preservation period.

8-30 (g) Electronic records created under Chapter 129 shall be
 8-31 preserved in a secure container. An electronic device used to store
 8-32 records may not be altered in any manner as to delete or overwrite
 8-33 the records during the preservation period.

8-34 SECTION 3.13. Section 85.005, Election Code, is amended to
 8-35 read as follows:

8-36 Sec. 85.005. REGULAR DAYS AND HOURS FOR VOTING. (a) Except
 8-37 as provided by Subsection (c), in an election in which a county
 8-38 clerk [~~or city secretary~~] is the early voting clerk under Section
 8-39 83.002 [~~or 83.005~~], early voting by personal appearance at the main
 8-40 early voting polling place shall be conducted on each weekday of
 8-41 [~~the weekdays of~~] the early voting period that is not a legal state
 8-42 holiday and for a period of at least nine hours, except that voting
 8-43 may not be conducted earlier than 6 a.m. or later than 9 p.m.
 8-44 [~~during the hours that the county clerk's or city secretary's main~~
 8-45 ~~business office is regularly open for business.~~]

8-46 (b) In an election to which Subsection (a) does not apply,
 8-47 early voting by personal appearance at the main early voting
 8-48 polling place shall be conducted at least nine [~~eight~~] hours each
 8-49 weekday of the early voting period that is not a legal state holiday
 8-50 unless the territory covered by the election has fewer than 1,000
 8-51 registered voters. In that case, the voting shall be conducted at
 8-52 least four [~~three~~] hours each day. The authority ordering the
 8-53 election, or the county clerk if that person is the early voting
 8-54 clerk, shall determine which hours the voting is to be conducted.

8-55 (c) In a county with a population of 30,000 [~~100,000~~] or
 8-56 more, the voting in a primary election or the general election for
 8-57 state and county officers shall be conducted at the main early
 8-58 voting polling place for [~~at least~~] 12 hours on each weekday of the
 8-59 last week of the early voting period, and the voting in a special
 8-60 election ordered by the governor shall be conducted at the main
 8-61 early voting polling place for [~~at least~~] 12 hours on each of the
 8-62 last two days of the early voting period. Voting under this
 8-63 subsection may not be conducted earlier than 6 a.m. or later than 9
 8-64 p.m. Voting shall be conducted in accordance with this subsection
 8-65 in those elections in a county with a population under 30,000
 8-66 [~~100,000~~] on receipt by the early voting clerk of a written request
 8-67 for the extended hours submitted by at least 15 registered voters of
 8-68 the county. The request must be submitted in time to enable
 8-69 compliance with Section 85.067.

9-1 ~~[(d) In an election ordered by a city, early voting by~~
 9-2 ~~personal appearance at the main early voting polling place shall be~~
 9-3 ~~conducted for at least 12 hours:~~

9-4 ~~[(1) on one weekday, if the early voting period consists~~
 9-5 ~~of less than six weekdays; or~~

9-6 ~~[(2) on two weekdays, if the early voting period~~
 9-7 ~~consists of six or more weekdays.]~~

9-8 SECTION 3.14. Section 85.006(b), Election Code, is amended
 9-9 to read as follows:

9-10 (b) In an election in which a county clerk ~~[or city~~
 9-11 ~~secretary]~~ is the early voting clerk under Section 83.002 ~~[or~~
 9-12 ~~83.005]~~, only the early voting clerk may order voting on a Saturday
 9-13 or Sunday. The clerk must do so by written order.

9-14 SECTION 3.15. Section 85.010(a-1), Election Code, is
 9-15 amended to read as follows:

9-16 (a-1) In this section, "eligible county polling place"
 9-17 means an early voting polling place~~[, other than a polling place~~
 9-18 ~~established under Section 85.062(e),]~~ established by a county.

9-19 SECTION 3.16. Section 85.061(a), Election Code, is amended
 9-20 to read as follows:

9-21 (a) In a countywide election in which the county clerk is
 9-22 the early voting clerk under Section 83.002, an early voting
 9-23 polling place shall be located inside ~~[at]~~ each branch office that
 9-24 is regularly maintained for conducting general clerical functions
 9-25 of the county clerk, except as provided by Subsection (b). If a
 9-26 suitable room is unavailable inside the branch office, the polling
 9-27 place may be located in another room inside the same building as the
 9-28 branch office. The polling place may not be located in a tent or
 9-29 other temporary movable structure or a parking garage, parking lot,
 9-30 or similar facility designed primarily for motor vehicles.

9-31 SECTION 3.17. Section 85.062(b), Election Code, is amended
 9-32 to read as follows:

9-33 (b) A polling place established under this section may be
 9-34 located, subject to Subsection (d), at any place in the territory
 9-35 served by the early voting clerk and may be located inside ~~[in]~~ any
 9-36 building ~~[stationary structure]~~ as directed by the authority
 9-37 establishing the branch office. The polling place may not be
 9-38 located in a tent or other temporary movable structure or a parking
 9-39 garage, parking lot, or similar facility designed primarily for
 9-40 motor vehicles in the general election for state and county
 9-41 officers, general primary election, or runoff primary election.
 9-42 Ropes or other suitable objects may be used at the polling place to
 9-43 ensure compliance with Section 62.004. Persons who are not
 9-44 expressly permitted by law to be in a polling place shall be
 9-45 excluded from the polling place to the extent practicable.

9-46 SECTION 3.18. Section 124.002, Election Code, is amended by
 9-47 adding Subsection (c) to read as follows:

9-48 (c) Voting system ballots may not be arranged in a manner
 9-49 that allows a political party's candidates to be selected in one
 9-50 motion or gesture.

9-51 SECTION 3.19. Subchapter A, Chapter 125, Election Code, is
 9-52 amended by adding Section 125.0071 to read as follows:

9-53 Sec. 125.0071. VOTER ALLOWED TO CAST BALLOT AT ANY TIME. A
 9-54 voting machine or ballot marking device must allow a voter the
 9-55 option to cast or complete the voter's ballot without voting on all
 9-56 racess or measures if the voter affirmatively chooses to do so.

9-57 SECTION 3.20. Subchapter A, Chapter 127, Election Code, is
 9-58 amended by adding Section 127.008 to read as follows:

9-59 Sec. 127.008. ELECTRONIC DEVICES IN CENTRAL COUNTING
 9-60 STATION. (a) A counting station manager and the presiding judge of
 9-61 the counting station shall develop a protocol under which any
 9-62 electronic device inside a central counting station that is
 9-63 necessary to count votes is equipped with software that tracks all
 9-64 input and activity on the electronic device.

9-65 (b) The counting station manager and the presiding judge of
 9-66 the counting station shall ensure that the input and activity
 9-67 tracked by the software is printed and delivered to the secretary of
 9-68 state not later than the fifth day after vote counting is complete.

9-69 SECTION 3.21. Section 127.1232, Election Code, is amended

10-1 to read as follows:

10-2 Sec. 127.1232. SECURITY OF VOTED BALLOTS. (a) The general
10-3 custodian of election records shall post a licensed peace officer
10-4 [~~guard~~] to ensure the security of ballot boxes containing voted
10-5 ballots throughout the period of tabulation at the central counting
10-6 station.

10-7 (b) The general custodian of election records may implement
10-8 a video surveillance system that retains a record of all areas
10-9 containing voted ballots from the time the voted ballots are
10-10 delivered to the central counting station until the canvass of
10-11 precinct election returns. The video may be made available to the
10-12 public by a livestream.

10-13 (c) The video recorded is an election record under Section
10-14 1.012 and shall be retained by the general custodian of election
10-15 records until the end of the calendar year in which an election is
10-16 held or until an election contest filed in the county has been
10-17 resolved, whichever is later.

10-18 SECTION 3.22. Subchapter A, Chapter 129, Election Code, is
10-19 amended by adding Section 129.003 to read as follows:

10-20 Sec. 129.003. PAPER AUDIT TRAIL REQUIRED. (a) In this
10-21 section, "auditable voting system" means a voting system that:

10-22 (1) uses a paper record; or

10-23 (2) produces a paper record by which a voter can verify
10-24 that the voter's ballot will be counted accurately.

10-25 (b) Except as provided by Subsection (e), a voting system
10-26 that consists of direct recording electronic voting machines may
10-27 not be used in an election unless the system is an auditable voting
10-28 system.

10-29 (c) Except for a recount under Title 13, the electronic vote
10-30 is the official record of the ballot. For a recount of ballots cast
10-31 on a system involving direct recording electronic voting machines,
10-32 the paper record is the official record of the vote cast.

10-33 (d) An authority that purchased a voting system other than
10-34 an auditable voting system after September 1, 2016, and before
10-35 September 1, 2021, may use available federal funding and, if
10-36 federal funding is not available, available state funding to
10-37 retrofit the purchased voting system as an auditable voting system
10-38 in accordance with the following schedule:

10-39 (1) if the voting system was retrofitted as an
10-40 auditable voting system not later than the election taking place
10-41 November 8, 2022, the authority is eligible to have 100 percent of
10-42 the cost of retrofitting reimbursed under this section; and

10-43 (2) if the authority is not eligible for a 100 percent
10-44 reimbursement of cost under Subdivision (1) and the voting system
10-45 was retrofitted as an auditable voting system not later than the
10-46 election taking place November 3, 2026, the authority is eligible
10-47 to have 50 percent of the cost of retrofitting reimbursed under this
10-48 section.

10-49 (e) Subsections (a)-(c) do not apply to an election held
10-50 before September 1, 2026.

10-51 SECTION 3.23. Section 129.023, Election Code, is amended by
10-52 adding Subsections (b-2) and (c-1) to read as follows:

10-53 (b-2) If the test is being conducted for an election in
10-54 which a county election board has been established under Section
10-55 51.002, the general custodian of election records shall notify each
10-56 member of the board of the test at least 48 hours before the date of
10-57 the test. If the county election board chooses to witness the test,
10-58 each member shall sign the statement required by Subsection (e)(1).

10-59 (c-1) A test conducted under this section must also require
10-60 the general custodian of election records to demonstrate, using a
10-61 representative sample of voting system equipment, that the source
10-62 code of the equipment has not been altered.

10-63 SECTION 3.24. Section 216.001, Election Code, is amended to
10-64 read as follows:

10-65 Sec. 216.001. APPLICABILITY OF CHAPTER. (a) Except as
10-66 provided by Subsection (b), this [This] chapter applies only to an
10-67 election that results in a tie vote as provided by Sections
10-68 2.002(i), 2.023(b) and (c), and 2.028.

10-69 (b) If the results of an election show that the number of

11-1 votes cast in an election precinct exceeds the number of registered
 11-2 voters in the precinct, the authority designated under Section
 11-3 212.026 shall initiate an automatic recount for that precinct in
 11-4 accordance with this chapter.

11-5 SECTION 3.25. Section 81.032, Local Government Code, is
 11-6 amended to read as follows:

11-7 Sec. 81.032. ACCEPTANCE OF DONATIONS AND BEQUESTS. (a) The
 11-8 commissioners court may accept a donation of labor or services,
 11-9 gift, grant, donation, bequest, or devise of money or other
 11-10 property on behalf of the county, including a donation under
 11-11 Chapter 38, Government Code, for the purpose of performing a
 11-12 function conferred by law on the county or a county officer.

11-13 (b) The commissioners court may not accept a donation
 11-14 described in Subsection (a) of over \$1,000 for use in administering
 11-15 elections without the written consent of the secretary of state.

11-16 (c) The secretary of state may grant consent under
 11-17 Subsection (b) only if:

11-18 (1) the secretary consults with the governor, the
 11-19 lieutenant governor, and the speaker of the house of
 11-20 representatives on the proposed donation; and

11-21 (2) the governor, the lieutenant governor, and the
 11-22 speaker of the house of representatives unanimously agree to the
 11-23 secretary's grant of consent.

11-24 SECTION 3.26. The changes in law made by this article apply
 11-25 only to an election ordered on or after the effective date of this
 11-26 Act. An election ordered before the effective date of this Act is
 11-27 governed by the law in effect when the election was ordered, and the
 11-28 former law is continued in effect for that purpose.

11-29 ARTICLE 4. ENFORCEMENT

11-30 SECTION 4.01. Subchapter E, Chapter 31, Election Code, is
 11-31 amended by adding Sections 31.126 and 31.127 to read as follows:

11-32 Sec. 31.126. RESTRICTION ON ELIGIBILITY. (a) In this
 11-33 section, "election official" means:

11-34 (1) a county clerk;
 11-35 (2) a permanent or temporary deputy county clerk;
 11-36 (3) an elections administrator;
 11-37 (4) a permanent or temporary employee of an elections
 11-38 administrator;

11-39 (5) an election judge;
 11-40 (6) an alternate election judge;
 11-41 (7) an early voting clerk;
 11-42 (8) a deputy early voting clerk;
 11-43 (9) an election clerk;
 11-44 (10) the presiding judge of an early voting ballot

11-45 board;
 11-46 (11) the alternate presiding judge of an early voting
 11-47 ballot board;

11-48 (12) a member of an early voting ballot board;
 11-49 (13) the chair of a signature verification committee;
 11-50 (14) the vice chair of a signature verification
 11-51 committee;

11-52 (15) a member of a signature verification committee;
 11-53 (16) the presiding judge of a central counting
 11-54 station;

11-55 (17) the alternate presiding judge of a central
 11-56 counting station;

11-57 (18) a central counting station manager;
 11-58 (19) a central counting station clerk;
 11-59 (20) a tabulation supervisor; and
 11-60 (21) an assistant to a tabulation supervisor.

11-61 (b) A person may not serve as an election official if the
 11-62 person has been finally convicted of an offense under Section
 11-63 33.061.

11-64 Sec. 31.127. CIVIL PENALTY. (a) In this section, "election
 11-65 official" has the meaning assigned by Section 31.126.

11-66 (b) An election official may be liable to this state for a
 11-67 civil penalty if the official:

11-68 (1) is employed by or is an officer of this state or a
 11-69 political subdivision of this state; and

12-1 (2) violates a provision of this code.

12-2 (c) A civil penalty imposed under this section may include
12-3 termination of the person's employment and loss of the person's
12-4 employment benefits.

12-5 SECTION 4.02. Section 33.051, Election Code, is amended by
12-6 adding Subsection (g) to read as follows:

12-7 (g) An election officer commits an offense if the officer
12-8 knowingly refuses to accept a watcher for service whose acceptance
12-9 is required by this code. An offense under this section is a Class A
12-10 misdemeanor.

12-11 SECTION 4.03. Subchapter C, Chapter 33, Election Code, is
12-12 amended by adding Section 33.062 to read as follows:

12-13 Sec. 33.062. INJUNCTIVE RELIEF. A watcher, or the
12-14 appointing authority for a watcher, is entitled to injunctive
12-15 relief under Section 273.081 to enforce this chapter, including
12-16 issuance of temporary orders.

12-17 SECTION 4.04. Section 87.0431(b), Election Code, is amended
12-18 to read as follows:

12-19 (b) The early voting clerk shall, not later than the 30th
12-20 day after election day, deliver notice to the attorney general,
12-21 including certified copies of the carrier envelope and
12-22 corresponding ballot application, of any ballot rejected because:

12-23 (1) the voter was deceased;

12-24 (2) the voter already voted in person in the same
12-25 election;

12-26 (3) the signatures on the carrier envelope and ballot
12-27 application were not executed by the same person;

12-28 (4) the carrier envelope certificate lacked a witness
12-29 signature; ~~or~~

12-30 (5) the carrier envelope certificate was improperly
12-31 executed by an assistant; or

12-32 (6) any form of voter fraud was committed.

12-33 SECTION 4.05. Section 232.006(a), Election Code, is amended
12-34 to read as follows:

12-35 (a) The venue of an election contest for a statewide office
12-36 is in Travis County or any county where a contestee resided at the
12-37 time of the election. For purposes of this section, a contestee's
12-38 residence is determined under Section 411.0257, Government Code.

12-39 SECTION 4.06. Chapter 232, Election Code, is amended by
12-40 adding Subchapter C to read as follows:

12-41 SUBCHAPTER C. CONTEST INVOLVING ALLEGED FRAUD

12-42 Sec. 232.061. PETITION ALLEGING FRAUD. This subchapter
12-43 applies to an election contest in which the contestant alleges in
12-44 the petition that an opposing candidate, an agent of the opposing
12-45 candidate, or a person acting on behalf of the opposing candidate
12-46 with the candidate's knowledge committed election fraud under any
12-47 of the following sections of this code:

12-48 (1) Section 13.007;

12-49 (2) Section 64.012;

12-50 (3) Section 64.036;

12-51 (4) Section 84.003;

12-52 (5) Section 84.0041;

12-53 (6) Section 86.0051;

12-54 (7) Section 86.006;

12-55 (8) Section 86.010; or

12-56 (9) Section 276.013.

12-57 Sec. 232.062. EVIDENTIARY STANDARD. A contestant must
12-58 prove an allegation described by Section 232.061 by a preponderance
12-59 of the evidence.

12-60 Sec. 232.063. CIVIL PENALTY. (a) If the court in its
12-61 judgment finds that the contestee, an agent of the contestee, or a
12-62 person acting on behalf of the contestee with the contestee's
12-63 knowledge committed one or more violations of a section described
12-64 by Section 232.061, the contestee is liable to this state for a
12-65 civil penalty of \$1,000 for each violation.

12-66 (b) A penalty collected under this section by the attorney
12-67 general shall be deposited in the state treasury to the credit of
12-68 the general revenue fund.

12-69 Sec. 232.064. ATTORNEY'S FEES. In an election contest to

13-1 which this subchapter applies, the court may award reasonable
13-2 attorney's fees to the prevailing party.

13-3 SECTION 4.07. (a) The changes in law made by this article
13-4 apply only to an election contest for which the associated election
13-5 occurred after the effective date of this Act.

13-6 (b) The changes in law made by this article apply only to an
13-7 election ordered on or after the effective date of this Act. An
13-8 election ordered before the effective date of this Act is governed
13-9 by the law in effect when the election was ordered, and the former
13-10 law is continued in effect for that purpose.

13-11 ARTICLE 5. REPEALER AND EFFECTIVE DATE

13-12 SECTION 5.01. Section 85.062(e), Election Code, is
13-13 repealed.

13-14 SECTION 5.02. The secretary of state is required to
13-15 implement Section 86.015, Election Code, as added by this Act, only
13-16 if the legislature appropriates money specifically for that
13-17 purpose. If the legislature does not appropriate money
13-18 specifically for that purpose, the secretary of state may, but is
13-19 not required to, implement Section 86.015, Election Code, using
13-20 other appropriations available for that purpose.

13-21 SECTION 5.03. Subject to Section 5.02 of this Act, this Act
13-22 takes effect September 1, 2021.

13-23 * * * * *