

By: Hughes

S.B. No. 9

A BILL TO BE ENTITLED

AN ACT

relating to election integrity; increasing criminal penalties;  
creating a criminal offense; creating civil penalties.

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

ARTICLE 1. CRIMINAL PROVISIONS

SECTION 1.01. Article 12.01, Code of Criminal Procedure, is  
amended to read as follows:

Art. 12.01. FELONIES. Except as provided in Article 12.03,  
felony indictments may be presented within these limits, and not  
afterward:

(1) no limitation:

(A) murder and manslaughter;

(B) sexual assault under Section 22.011(a)(2),  
Penal Code, or aggravated sexual assault under Section  
22.021(a)(1)(B), Penal Code;

(C) sexual assault, if:

(i) during the investigation of the offense  
biological matter is collected and subjected to forensic DNA  
testing and the testing results show that the matter does not match  
the victim or any other person whose identity is readily  
ascertained; or

(ii) probable cause exists to believe that  
the defendant has committed the same or a similar sexual offense  
against five or more victims;

1 (D) continuous sexual abuse of young child or  
2 children under Section 21.02, Penal Code;

3 (E) indecency with a child under Section 21.11,  
4 Penal Code;

5 (F) an offense involving leaving the scene of an  
6 accident under Section 550.021, Transportation Code, if the  
7 accident resulted in the death of a person;

8 (G) trafficking of persons under Section  
9 20A.02(a)(7) or (8), Penal Code;

10 (H) continuous trafficking of persons under  
11 Section 20A.03, Penal Code; or

12 (I) compelling prostitution under Section  
13 43.05(a)(2), Penal Code;

14 (2) ten years from the date of the commission of the  
15 offense:

16 (A) theft of any estate, real, personal or mixed,  
17 by an executor, administrator, guardian or trustee, with intent to  
18 defraud any creditor, heir, legatee, ward, distributee,  
19 beneficiary or settlor of a trust interested in such estate;

20 (B) theft by a public servant of government  
21 property over which he exercises control in his official capacity;

22 (C) forgery or the uttering, using or passing of  
23 forged instruments;

24 (D) injury to an elderly or disabled individual  
25 punishable as a felony of the first degree under Section 22.04,  
26 Penal Code;

27 (E) sexual assault, except as provided by

1 Subdivision (1);

2 (F) arson;

3 (G) trafficking of persons under Section  
4 20A.02(a)(1), (2), (3), or (4), Penal Code; or

5 (H) compelling prostitution under Section  
6 43.05(a)(1), Penal Code;

7 (3) seven years from the date of the commission of the  
8 offense:

9 (A) misapplication of fiduciary property or  
10 property of a financial institution;

11 (B) securing execution of document by deception;

12 (C) a felony violation under Chapter 162, Tax  
13 Code;

14 (D) false statement to obtain property or credit  
15 under Section 32.32, Penal Code;

16 (E) money laundering;

17 (F) credit card or debit card abuse under Section  
18 32.31, Penal Code;

19 (G) fraudulent use or possession of identifying  
20 information under Section 32.51, Penal Code;

21 (H) exploitation of a child, elderly individual,  
22 or disabled individual under Section 32.53, Penal Code;

23 (I) Medicaid fraud under Section 35A.02, Penal  
24 Code; or

25 (J) bigamy under Section 25.01, Penal Code,  
26 except as provided by Subdivision (6);

27 (4) five years from the date of the commission of the

1 offense:

2 (A) theft or robbery;

3 (B) except as provided by Subdivision (5),  
4 kidnapping or burglary;

5 (C) injury to an elderly or disabled individual  
6 that is not punishable as a felony of the first degree under Section  
7 [22.04](#), Penal Code;

8 (D) abandoning or endangering a child; [~~or~~]

9 (E) insurance fraud; or

10 (F) a felony offense under the Election Code;

11 (5) if the investigation of the offense shows that the  
12 victim is younger than 17 years of age at the time the offense is  
13 committed, 20 years from the 18th birthday of the victim of one of  
14 the following offenses:

15 (A) sexual performance by a child under Section  
16 [43.25](#), Penal Code;

17 (B) aggravated kidnapping under Section  
18 [20.04\(a\)\(4\)](#), Penal Code, if the defendant committed the offense  
19 with the intent to violate or abuse the victim sexually; or

20 (C) burglary under Section [30.02](#), Penal Code, if  
21 the offense is punishable under Subsection (d) of that section and  
22 the defendant committed the offense with the intent to commit an  
23 offense described by Subdivision (1)(B) or (D) of this article or  
24 Paragraph (B) of this subdivision;

25 (6) ten years from the 18th birthday of the victim of  
26 the offense:

27 (A) trafficking of persons under Section

1 20A.02(a)(5) or (6), Penal Code;

2 (B) injury to a child under Section 22.04, Penal  
3 Code; or

4 (C) bigamy under Section 25.01, Penal Code, if  
5 the investigation of the offense shows that the person, other than  
6 the legal spouse of the defendant, whom the defendant marries or  
7 purports to marry or with whom the defendant lives under the  
8 appearance of being married is younger than 18 years of age at the  
9 time the offense is committed; or

10 (7) three years from the date of the commission of the  
11 offense: all other felonies.

12 SECTION 1.02. Section 1.018, Election Code, is amended to  
13 read as follows:

14 Sec. 1.018. APPLICABILITY OF PENAL CODE. Titles 1 through 4  
15 ~~[In addition to Section 1.03, Penal Code, and to other titles of the~~  
16 ~~Penal Code that may apply to this code, Title 4]~~, Penal Code, apply  
17 ~~[applies]~~ to offenses prescribed by this code.

18 SECTION 1.03. Sections 13.007(b) and (c), Election Code,  
19 are amended to read as follows:

20 (b) An offense under this section is a state jail felony  
21 ~~[Class B misdemeanor]~~.

22 (c) If conduct that constitutes an offense under this  
23 section also constitutes an offense under other law, the actor may  
24 be prosecuted under this section, the other law, or both. ~~[For~~  
25 ~~purposes of this code, an offense under this section is considered~~  
26 ~~to be perjury, but may be prosecuted only under this section.]~~

27 SECTION 1.04. Subchapter A, Chapter 61, Election Code, is

1 amended by adding Section 61.0045 to read as follows:

2 Sec. 61.0045. IMPEDING ACCESS TO POLLING PLACE. (a) A  
3 person commits an offense if the person impedes a walkway,  
4 sidewalk, parking lot, or roadway within 1,000 feet of a polling  
5 place in a manner that hinders a person from entering the polling  
6 place.

7 (b) An offense under this section is a Class B misdemeanor.

8 SECTION 1.05. Section 64.012, Election Code, is amended by  
9 adding Subsections (c) and (d) to read as follows:

10 (c) It is sufficient for the purposes of Subsection (a)(1)  
11 to establish that the person had knowledge of the person's  
12 ineligibility to vote if the person was aware of the facts or  
13 circumstances causing the person's ineligibility under this code.

14 (d) It is not a defense to prosecution that the ballot was  
15 not finally counted.

16 SECTION 1.06. Section 64.036(d), Election Code, is amended  
17 to read as follows:

18 (d) An offense under this section is a state jail felony  
19 [~~Class A misdemeanor~~].

20 SECTION 1.07. Subchapter A, Chapter 273, Election Code, is  
21 amended by adding Section 273.005 to read as follows:

22 Sec. 273.005. DEFENSE TO PROSECUTION FOR PERSON CONDUCTING  
23 INVESTIGATION UNDER THIS CODE. It is a defense to prosecution of an  
24 offense under this code that a person employed by a law enforcement  
25 agency in the commission of the offense is engaged in:

26 (1) the investigation or prosecution of a violation of  
27 a law under this code; or

1           (2) official activities investigating a weakness in  
2 the electoral process.

3           SECTION 1.08. (a) The change in law made by this article in  
4 amending Article 12.01, Code of Criminal Procedure, does not apply  
5 to an offense if the prosecution of that offense becomes barred by  
6 limitation before the effective date of this Act. The prosecution  
7 of that offense remains barred as if this article had not taken  
8 effect.

9           (b) The changes in law made by this article apply only to an  
10 offense committed on or after the effective date of this Act. An  
11 offense committed before the effective date of this Act is governed  
12 by the law in effect on the date the offense was committed, and the  
13 former law is continued in effect for that purpose. For purposes of  
14 this section, an offense was committed before the effective date of  
15 this Act if any element of the offense occurred before that date.

16           ARTICLE 2. VOTERS, ASSISTANTS, AND WATCHERS

17           SECTION 2.01. Section 13.002, Election Code, is amended by  
18 adding Subsection (c-1) to read as follows:

19           (c-1) A registration application must require the applicant  
20 to affirmatively indicate all information provided on the  
21 application.

22           SECTION 2.02. Section 33.004(b), Election Code, is amended  
23 to read as follows:

24           (b) To be eligible to participate in the appointment under  
25 this section of a watcher for a precinct polling place, a person  
26 must be a registered voter of the precinct. To be eligible to  
27 participate in the appointment under this section of a watcher for

1 an early voting polling place, the meeting place of an early voting  
2 ballot board or signature verification committee, or a central  
3 counting station, a person must be a registered voter of the  
4 territory served by that facility.

5 SECTION 2.03. Section 33.006(b), Election Code, is amended  
6 to read as follows:

7 (b) A certificate of appointment must:

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

11 (2) indicate the capacity in which the appointing  
12 authority is acting;

13 (3) state the name, residence address, and voter  
14 registration number of the appointee and be signed by the  
15 appointee;

16 (4) identify the election and the precinct polling  
17 place or other location at which the appointee is to serve;

18 (5) in an election on a measure, identify the measure  
19 if more than one is to be voted on and state which side of the  
20 measure the appointee represents; and

21 (6) contain an affidavit executed by the appointee  
22 stating that the appointee will not use [~~have possession of~~] a  
23 device capable of recording images or sound [~~or that the appointee~~  
24 ~~will disable or deactivate the device~~] while serving as a watcher  
25 except as permitted by Section 61.014(b).

26 SECTION 2.04. Section 33.007(a), Election Code, is amended  
27 to read as follows:

1 (a) Each appointing authority may appoint not more than two  
2 watchers for each precinct polling place, meeting place for an  
3 early voting ballot board or signature verification committee, or  
4 central counting station involved in the election.

5 SECTION 2.05. Section 33.051(a), Election Code, is amended  
6 to read as follows:

7 (a) A watcher appointed to serve at a precinct polling  
8 place, a meeting place for an early voting ballot board or signature  
9 verification committee, or a central counting station must deliver  
10 a certificate of appointment to the presiding judge at the time the  
11 watcher reports for service. A watcher appointed to serve at an  
12 early voting polling place must deliver a certificate of  
13 appointment to the early voting clerk or deputy clerk in charge of  
14 the polling place when the watcher first reports for service.

15 SECTION 2.06. Section 33.054, Election Code, is amended to  
16 read as follows:

17 Sec. 33.054. HOURS OF SERVICE AT EARLY VOTING BALLOT BOARD  
18 MEETING OR SIGNATURE VERIFICATION COMMITTEE MEETING. (a) A  
19 watcher serving at the meeting place of an early voting ballot board  
20 or signature verification committee may be present at any time the  
21 board or committee is processing or counting ballots and until the  
22 board or committee completes its duties. The watcher may serve  
23 during the hours the watcher chooses, except as provided by  
24 Subsection (b).

25 (b) A watcher serving at the meeting place of an early  
26 voting ballot board may not leave during voting hours on election  
27 day without the presiding judge's permission if the board has

1 recorded any votes cast on voting machines or counted any ballots,  
2 unless the board has completed its duties and has been dismissed by  
3 the presiding judge.

4 SECTION 2.07. Section 33.056, Election Code, is amended by  
5 adding Subsections (e) and (f) to read as follows:

6 (e) A watcher serving at the meeting place of an early  
7 voting ballot board or signature verification committee is entitled  
8 to inspect a form submitted in accordance with Section 64.0322.

9 (f) A watcher serving at a polling place is entitled to  
10 inspect any identifying documentation presented by a person  
11 assisting a voter in accordance with Subchapter B, Chapter 64.

12 SECTION 2.08. Section 33.057, Election Code, is amended to  
13 read as follows:

14 Sec. 33.057. OBSERVING PREPARATION OF VOTER'S BALLOT. (a)  
15 In this section, "family member" means a person related to the voter  
16 within the second degree by affinity or third degree by  
17 consanguinity, as determined under Subchapter B, Chapter 573,  
18 Government Code.

19 (b) A watcher or election officer is entitled to be present  
20 at the voting station when a voter is being assisted by a person who  
21 is not a family member [an election officer], and the watcher or  
22 election officer is entitled to examine the ballot before it is  
23 deposited in the ballot box to determine whether it is prepared in  
24 accordance with the voter's wishes.

25 (c) [~~(b)~~] A watcher or election officer may not be present  
26 at the voting station when a voter is preparing the voter's ballot  
27 [or is being assisted by a person of the voter's choice].

1 SECTION 2.09. Section 33.060(a), Election Code, is amended  
2 to read as follows:

3 (a) On request of a watcher, an election officer who  
4 delivers election records from a precinct polling place, an early  
5 voting polling place, a meeting place for an early voting ballot  
6 board or signature verification committee, or a central counting  
7 station shall permit the watcher appointed to serve at that  
8 location to accompany the officer in making the delivery.

9 SECTION 2.10. Section 61.014(b), Election Code, is amended  
10 to read as follows:

11 (b) A person, other than a watcher solely recording the  
12 counting of ballots, may not use any mechanical or electronic means  
13 of recording images or sound within 100 feet of a voting station.

14 SECTION 2.11. Section 64.009, Election Code, is amended by  
15 adding Subsections (e) and (f) to read as follows:

16 (e) A person who assists a voter voting under this section  
17 by providing the voter with transportation to the polling place  
18 must complete and sign a form that:

19 (1) requires the person to affirm that the voter is  
20 physically unable to enter the polling place without personal  
21 assistance or likelihood of injuring the voter's health; and

22 (2) contains the following information:

23 (A) the person's name and address; and

24 (B) whether the person is providing assistance  
25 solely under this section or under both this section and Subchapter  
26 B.

27 (f) The secretary of state shall prescribe the form

1 described by Subsection (e).

2 SECTION 2.12. Subchapter B, Chapter 64, Election Code, is  
3 amended by adding Section 64.0322 to read as follows:

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

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

10 (2) the manner in which the person assisted the voter;

11 (3) the reason the assistance was necessary; and

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

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

20 SECTION 2.13. Section 84.002, Election Code, is amended by  
21 adding Subsection (c) to read as follows:

22 (c) An application for a ballot to be voted by mail on the  
23 ground of disability must require the applicant to affirmatively  
24 indicate that the applicant agrees with the statement "I am  
25 physically unable to enter a polling place without needing personal  
26 assistance or injuring my health," as prescribed by Section  
27 82.002(a).

1 SECTION 2.14. Section 86.013(f), Election Code, is amended  
2 to read as follows:

3 (f) The oath of a person assisting a voter and the form  
4 described by Section 64.0322(a) must be included on the official  
5 carrier envelope as part of the certificate prescribed by  
6 Subsection (c).

7 SECTION 2.15. Section 213.013(i), Election Code, is amended  
8 to read as follows:

9 (i) No device capable of recording images or sound is  
10 allowed inside the room in which the recount is conducted, or in any  
11 hallway or corridor in the building in which the recount is  
12 conducted within 30 feet of the entrance to the room, while the  
13 recount is in progress unless the person entitled to be present at  
14 the recount is a watcher or agrees to disable or deactivate the  
15 device. However, on request of a person entitled to appoint  
16 watchers to serve at the recount, the recount committee chair shall  
17 permit the person to photocopy under the chair's supervision any  
18 ballot, including any supporting materials, challenged by the  
19 person or person's watcher. The person must pay a reasonable charge  
20 for making the copies and, if no photocopying equipment is  
21 available, may supply that equipment at the person's expense. The  
22 person shall provide a copy on request to another person entitled to  
23 appoint watchers to serve at the recount.

24 ARTICLE 3. ELECTION CONTESTS

25 SECTION 3.01. Section 232.006(a), Election Code, is amended  
26 to read as follows:

27 (a) The venue of an election contest for a statewide office

1 is in Travis County or any county where a contestee resided at the  
2 time of the election. For purposes of this section, a contestee's  
3 residence is determined under Section 411.0257, Government Code.

4 SECTION 3.02. Chapter 232, Election Code, is amended by  
5 adding Subchapter C to read as follows:

6 SUBCHAPTER C. CONTEST INVOLVING ALLEGED FRAUD

7 Sec. 232.061. PETITION ALLEGING FRAUD. This subchapter  
8 applies to an election contest in which the contestant alleges in  
9 the petition that an opposing candidate, an agent of the opposing  
10 candidate, or a person acting on behalf of the opposing candidate  
11 with the candidate's knowledge committed election fraud under any  
12 of the following sections of this code:

- 13 (1) Section 13.007;
- 14 (2) Section 64.012;
- 15 (3) Section 64.036;
- 16 (4) Section 84.003;
- 17 (5) Section 84.0041;
- 18 (6) Section 86.0051;
- 19 (7) Section 86.006;
- 20 (8) Section 86.010; or
- 21 (9) Section 276.013.

22 Sec. 232.062. EVIDENTIARY STANDARD. A contestant must  
23 prove an allegation described by Section 232.061 by a preponderance  
24 of the evidence.

25 Sec. 232.063. CIVIL PENALTY. (a) If the court in its  
26 judgment finds that the contestee, an agent of the contestee, or a  
27 person acting on behalf of the contestee with the contestee's

1 knowledge committed one or more violations of a section described  
2 by Section 232.061, the contestee is liable to this state for a  
3 civil penalty of \$1,000 for each violation.

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

7 Sec. 232.064. ATTORNEY'S FEES. In an election contest to  
8 which this subchapter applies, the court may award reasonable  
9 attorney's fees to the prevailing party.

10 SECTION 3.03. The changes in law made by this article apply  
11 only to an election contest for which the associated election  
12 occurred after the effective date of this Act.

13 ARTICLE 4. STATE AND COUNTY OFFICERS

14 SECTION 4.01. Section 18.061, Election Code, is amended by  
15 amending Subsection (b) and adding Subsection (f) to read as  
16 follows:

17 (b) The statewide computerized voter registration list  
18 must:

19 (1) contain the name and registration information of  
20 each voter registered in the state;

21 (2) assign a unique identifier to each registered  
22 voter; and

23 (3) be available to any election official in the  
24 state, including any official responsible for ensuring the  
25 integrity of the voter rolls or compliance with the election laws of  
26 this state, through immediate electronic access.

27 (f) Appropriate state or local officials and agencies shall

1 provide technological security measures to prevent unauthorized  
2 access to the statewide computerized voter registration list.

3 SECTION 4.02. Section 18.062, Election Code, is amended by  
4 adding Subsection (c) to read as follows:

5 (c) For the purposes of Subsection (a), the secretary of  
6 state may disclose a voter's social security number or date of birth  
7 to other states and jurisdictions.

8 SECTION 4.03. Section 43.007, Election Code, is amended by  
9 adding Subsection (f-1) to read as follows:

10 (f-1) In selecting countywide polling places, the  
11 commissioners court of a county with a population of more than one  
12 million may not designate a location as a polling place that would  
13 require a voter who resides in the precinct where the polling place  
14 is located to travel more than three miles from the voter's  
15 residence to the polling place.

16 SECTION 4.04. Section 67.007, Election Code, is amended by  
17 adding Subsection (f) to read as follows:

18 (f) Not later than 24 hours after completing county election  
19 returns under this section, the county clerk shall post on the  
20 county's Internet website, if the county maintains a website:

21 (1) the number of votes that were cast in the county;

22 and

23 (2) the number of registered voters in the county.

24 SECTION 4.05. Section 216.001, Election Code, is amended to  
25 read as follows:

26 Sec. 216.001. APPLICABILITY OF CHAPTER. (a) Except as  
27 provided by Subsection (b), this [This] chapter applies only to an

1 election that results in a tie vote as provided by Sections  
2 [2.002\(i\)](#), [2.023\(b\)](#) and (c), and [2.028](#).

3 (b) If the results of an election show that the number of  
4 votes cast in an election precinct exceeds the number of registered  
5 voters in the precinct, the authority designated under Section  
6 [212.026](#) shall initiate an automatic recount for that precinct in  
7 accordance with this chapter.

8 ARTICLE 5. AUDITABLE VOTING SYSTEMS

9 SECTION 5.01. Chapter [65](#), Election Code, is amended by  
10 adding Subchapter C to read as follows:

11 SUBCHAPTER C. RISK-LIMITING AUDIT

12 Sec. 65.101. APPLICABILITY OF SUBCHAPTER. This subchapter  
13 applies to an election:

- 14 (1) that occurs after August 31, 2025; and  
15 (2) in which an auditable voting system described by  
16 Section [129.003\(a\)](#) is used.

17 Sec. 65.102. RISK-LIMITING AUDIT. (a) On completion of the  
18 vote count, the counting team shall conduct an audit of the results  
19 by manually inspecting the paper records or receipts generated by  
20 the voting system.

21 (b) An audit under this section continues until the counting  
22 team has counted a sufficient number of paper records or receipts to  
23 provide strong evidence that the reported outcome of the election  
24 matches the result that a full counting of the paper records or  
25 receipts would reveal.

26 (c) The number or percentage of paper records or receipts  
27 counted in an audit under this section must be consistent with rules

1 adopted by the secretary of state under Section 65.103.

2 Sec. 65.103. RULES. (a) The secretary of state shall adopt  
3 rules as necessary to implement this subchapter.

4 (b) Rules adopted under this subchapter must include a rule,  
5 using widely accepted statistical methods, that provides for the  
6 number or percentage of paper records or receipts that must be  
7 counted in an audit under Section 65.102.

8 Sec. 65.104. PUBLICATION OF RESULTS. The results of a  
9 risk-limiting audit conducted under this subchapter must be  
10 published on the Internet website of the secretary of state not  
11 later than three days after the completion of the audit.

12 Sec. 65.105. PILOT PROGRAM. (a) Notwithstanding Section  
13 65.101(1), the secretary of state shall conduct a pilot program,  
14 beginning with the election taking place November 5, 2019, of the  
15 risk-limiting audit program created under this subchapter.

16 (b) The secretary of state shall adopt rules as necessary to  
17 implement this section.

18 (c) This section expires August 31, 2025.

19 SECTION 5.02. Subchapter A, Chapter 129, Election Code, is  
20 amended by adding Section 129.003 to read as follows:

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

23 (1) uses a paper record; or

24 (2) produces a paper receipt by which a voter can  
25 verify that the voter's ballot will be counted accurately.

26 (b) Except as provided by Subsection (e), a voting system  
27 that consists of direct recording electronic voting machines may

1 not be used in an election unless the system is an auditable voting  
2 system.

3 (c) Except for a recount under Title 13, or if an audit  
4 conducted under Section 65.102 fails to produce strong evidence  
5 that the reported outcome of the election matches the result that a  
6 full counting of the paper records or receipts would reveal, the  
7 electronic vote is the official record of the ballot. For a recount  
8 of ballots cast on a system involving direct recording electronic  
9 voting machines, or if an audit conducted under Section 65.102  
10 fails to produce strong evidence that the reported outcome of the  
11 election matches the result that a full counting of the paper  
12 records or receipts would reveal, the paper record or receipt copy  
13 is the official record of the vote cast.

14 (d) An authority that purchased a voting system other than  
15 an auditable voting system after September 1, 2014, and before  
16 September 1, 2019, may use available federal funding and, if  
17 federal funding is not available, available state funding to  
18 retrofit the purchased voting system as an auditable voting system  
19 in accordance with the following schedule:

20 (1) if the voting system was retrofitted as an  
21 auditable voting system not later than the election taking place  
22 November 3, 2020, the authority is eligible to have 100 percent of  
23 the cost of retrofitting reimbursed under this section; and

24 (2) if the authority is not eligible for a 100 percent  
25 reimbursement of cost under Subdivision (1) and the voting system  
26 was retrofitted as an auditable voting system not later than the  
27 election taking place November 5, 2024, the authority is eligible

1 to have 50 percent of the cost of retrofitting reimbursed under this  
2 section.

3 (e) Subsections (a)-(c) do not apply to an election held  
4 before September 1, 2024.

5 ARTICLE 6. REPEALER AND EFFECTIVE DATE

6 SECTION 6.01. Sections 33.051(c), 61.003(a-1), and  
7 85.036(b), Election Code, are repealed.

8 SECTION 6.02. This Act takes effect September 1, 2019.