

By: Hall

S.B. No. 74

A BILL TO BE ENTITLED

AN ACT

relating to voting and election procedures; creating a criminal offense.

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

SECTION 1. Section 52.075, Election Code, is amended to read as follows:

Sec. 52.075. MODIFICATION OF BALLOT FORM FOR CERTAIN VOTING SYSTEMS. The secretary of state may prescribe the form and content of a ballot for an election using a voting system, including an electronic voting system [~~or a voting system that uses direct recording electronic voting machines~~], to conform to the formatting requirements of the system.

SECTION 2. Sections 85.001(a) and (c), Election Code, are amended to read as follows:

(a) The period for early voting by personal appearance begins on the 10th [~~17th~~] day before election day and continues through the fourth day before election day, except as otherwise provided by this section.

(c) If the date prescribed by Subsection (a) [~~or (b)~~] for beginning the period is a Saturday, Sunday, or legal state holiday, the early voting period begins on the next regular business day, except as otherwise provided by Section 85.006.

SECTION 3. Section 85.005(d), Election Code, is amended to read as follows:

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

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

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

8 SECTION 4. Sections 85.006(a), (d), and (e), Election Code,
9 are amended to read as follows:

10 (a) Except as provided by Subsection (b), the authority
11 ordering an election may order early voting by personal appearance
12 at the main early voting polling place to be conducted on a Saturday
13 or Sunday [~~one or more Saturdays or Sundays~~] during the early voting
14 period.

15 (d) The authority authorized to order early voting on a
16 Saturday or Sunday under Subsection (a) or (b) shall order the
17 voting under the applicable subsection on receipt of a written
18 request submitted by at least 15 registered voters of the territory
19 covered by the election. The request must be submitted in time to
20 enable compliance with Section 85.007. The authority [~~is not~~
21 ~~required to order the voting on a particular date specified by the~~
22 ~~request but~~] shall order the voting on [~~at least one~~] Saturday if
23 [~~a~~] Saturday is requested and on [~~at least one~~] Sunday if [~~a~~] Sunday
24 is requested.

25 (e) In a primary election or the general election for state
26 and county officers in a county with a population of 100,000 or
27 more, the early voting clerk shall order personal appearance voting

1 at the main early voting polling place to be conducted for at least
2 12 hours on [~~the last~~] Saturday and for at least five hours on [~~the~~
3 ~~last~~] Sunday during [~~of~~] the early voting period. The early voting
4 clerk shall order voting to be conducted at those times in those
5 elections in a county with a population under 100,000 on receipt of
6 a written request for those hours submitted by at least 15
7 registered voters of the county. The request must be submitted in
8 time to enable compliance with Section 85.007. This subsection
9 supersedes any provision of this subchapter to the extent of any
10 conflict.

11 SECTION 5. Section 85.010(b), Election Code, is amended to
12 read as follows:

13 (b) A political subdivision that holds an election
14 described by Subsection (a) shall designate as an early voting
15 polling place for the election any early voting polling place[~~—~~
16 ~~other than a polling place established under Section 85.062(e),~~]
17 established by the county and located in the political subdivision.

18 SECTION 6. Sections 85.062(a) and (b), Election Code, are
19 amended to read as follows:

20 (a) Except as provided by Subsection (d) [~~or (e)~~], one or
21 more early voting polling places other than the main early voting
22 polling place may be established by:

23 (1) the commissioners court, for an election in which
24 the county clerk is the early voting clerk; or

25 (2) the governing body of the political subdivision
26 served by the authority ordering the election, for an election in
27 which a person other than the county clerk is the early voting

1 clerk.

2 (b) A polling place established under this section may be
3 located, subject to Subsection (d), at any place in the territory
4 served by the early voting clerk and may be located in any
5 stationary structure as directed by the authority establishing the
6 branch office. The polling place may be located in a movable
7 structure, but the structure may not change locations during the
8 early voting period [~~in the general election for state and county~~
9 ~~officers, general primary election, or runoff primary election~~].
10 Ropes or other suitable objects may be used at the polling place to
11 ensure compliance with Section 62.004. Persons who are not
12 expressly permitted by law to be in a polling place shall be
13 excluded from the polling place to the extent practicable.

14 SECTION 7. Section 85.063, Election Code, is amended to
15 read as follows:

16 Sec. 85.063. DAYS AND HOURS FOR VOTING: PERMANENT OR
17 TEMPORARY BRANCH. Early voting by personal appearance at each
18 permanent or temporary branch polling place shall be conducted on
19 the same days and during the same hours as voting is conducted at
20 the main early voting polling place.

21 SECTION 8. Section 85.068(a), Election Code, is amended to
22 read as follows:

23 (a) The early voting clerk shall post notice for each
24 election stating any dates and the hours that voting on Saturday or
25 Sunday will be conducted at a temporary branch polling place [~~under~~
26 ~~Section 85.064(d) or 85.065(b)~~], if the early voting clerk is a
27 county clerk or city secretary under Section 83.002 or 83.005.

1 SECTION 9. Section 122.001, Election Code, is amended by
2 adding Subsection (d-1) to read as follows:

3 (d-1) Effective September 1, 2029, a voting system may not
4 be used in an election if the voting system does not use a paper
5 record or produce a paper receipt that can be used to verify the
6 tabulation of electronic voting system results.

7 SECTION 10. Subchapter A, Chapter 123, Election Code, is
8 amended by adding Section 123.010 to read as follows:

9 Sec. 123.010. DIRECT RECORDING ELECTRONIC VOTING SYSTEM
10 PROHIBITED. Except as necessary to comply with Section 61.012, an
11 authority may not adopt a voting system that uses direct recording
12 electronic voting machines.

13 SECTION 11. Section 128.001, Election Code, is amended by
14 adding Subsection (d) to read as follows:

15 (d) The secretary of state shall compile procedures adopted
16 under this section for voting and for reconciliation of votes cast
17 using computerized voting systems into a list. The list of
18 procedures must apply uniformly across the state.

19 SECTION 12. Section 216.001, Election Code, is amended to
20 read as follows:

21 Sec. 216.001. APPLICABILITY OF CHAPTER. This chapter
22 applies only to:

- 23 (1) an election that results in a tie vote as provided
24 by Sections 2.002(i), 2.023(b) and (c), and 2.028; or
25 (2) a precinct described by Section 216.006.

26 SECTION 13. Chapter 216, Election Code, is amended by
27 adding Section 216.006 to read as follows:

1 Sec. 216.006. AUTOMATIC RECOUNT: DISCREPANCY. (a) This
2 section applies to a precinct that has completed a vote count under
3 Chapter 65 in which the total number of ballots counted differs by
4 at least 0.5 percent from the number of people who signed the
5 precinct's signature roster under Section 63.002.

6 (b) The presiding judge of a precinct described by
7 Subsection (a) shall conduct a recount under this chapter.

8 (c) A person commits an offense if the person canvasses a
9 precinct's returns prior to the completion of a recount required by
10 this section. An offense under this subsection is a Class A
11 misdemeanor.

12 SECTION 14. (a) The following provisions of the Election
13 Code are repealed:

- 14 (1) Section 32.002(c-1);
- 15 (2) Section 43.004(c);
- 16 (3) Section 43.007;
- 17 (4) Section 66.058(g);
- 18 (5) Sections 85.001(b) and (e);
- 19 (6) Section 85.062(e);
- 20 (7) Section 85.064;
- 21 (8) Section 85.065;
- 22 (9) Section 127.201(g);
- 23 (10) Chapter 129; and
- 24 (11) Section 213.016.

25 (b) Section 33.05, Penal Code, is repealed.

26 SECTION 15. The change in law made by this Act in repealing
27 Section 33.05, Penal Code, applies only to an offense committed on

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

7 SECTION 16. This Act takes effect September 1, 2019.