

By: Hall

S.B. No. 1410

A BILL TO BE ENTITLED

AN ACT

relating to election integrity; creating criminal offenses;
increasing criminal penalties; imposing a civil penalty; imposing a
fee.

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

ARTICLE 1. EARLY VOTING AND POLLING PLACES

SECTION 1.01. Section 11.003, Election Code, is amended to
read as follows:

Sec. 11.003. PLACE FOR VOTING; OFFENSES. (a) Except as
otherwise provided by this code, a person may vote only in the
election precinct in which the person resides.

(b) A person commits an offense if the person casts a vote in
violation of Subsection (a).

(c) An election officer commits an offense if the officer
knowingly permits a person to cast a vote in violation of Subsection
(a).

(d) An offense under Subsection (b) or (c) is a Class A
misdemeanor.

SECTION 1.02. Section 62.0115(b), Election Code, is amended
to read as follows:

(b) Except as revised by the secretary of state under
Subsection (d), the notice must state that a voter has the right to:

(1) vote a ballot and view written instructions on how
to cast a ballot;

(2) vote in secret and free from intimidation;

(3) receive up to two additional ballots if the voter mismarks, damages, or otherwise spoils a ballot;

(4) request instructions on how to cast a ballot, but not to receive suggestions on how to vote;

(5) bring an interpreter to translate the ballot and any instructions from election officials;

(6) receive assistance in casting the ballot if the voter:

(A) has a physical disability that renders the voter unable to write or see; or

(B) cannot read the language in which the ballot is written;

(7) cast a ballot on executing an affidavit as provided by law, if the voter's eligibility to vote is questioned;

(8) report an existing or potential abuse of voting rights to the secretary of state or the local election official; and

(9) ~~[except as provided by Section 85.066(b), Election Code, vote at any early voting location in the county in which the voter resides in an election held at county expense, a primary election, or a special election ordered by the governor, and~~

~~[(10)]~~ file an administrative complaint with the secretary of state concerning a violation of federal or state voting procedures.

SECTION 1.03. Section 84.002, Election Code, is amended by adding Subsections (c) and (d) to read as follows:

(c) An application for a ballot under this section must

1 require the voter to affirmatively indicate the voter's ground of
2 eligibility for early voting.

3 (d) An application for a ballot under this section must
4 contain:

5 (1) a space for a person who assists the voter with the
6 application to indicate the person's name and address; and

7 (2) if the application was provided to the voter by a
8 political party, a political action committee, or a candidate, the
9 identity of the party, committee, or candidate, as appropriate.

10 SECTION 1.04. Section 84.003(b), Election Code, is amended
11 to read as follows:

12 (b) A person who acts as a witness for an applicant for an
13 early voting ballot application commits an offense if the person
14 knowingly fails to comply with Section 1.011. A person who [~~in the~~
15 ~~presence of the applicant~~] otherwise assists an applicant in
16 completing an early voting ballot application commits an offense if
17 the person knowingly fails to comply with Section 1.011(d) in the
18 same manner as a witness.

19 SECTION 1.05. Sections 85.001(a) and (c), Election Code,
20 are amended to read as follows:

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

25 (c) If the date prescribed by Subsection (a) [~~or (b)~~] for
26 beginning the period is a Saturday, Sunday, or legal state holiday,
27 the early voting period begins on the next regular business day.

1 except as otherwise provided by Section 85.006.

2 SECTION 1.06. Section 85.004, Election Code, is amended to
3 read as follows:

4 Sec. 85.004. PUBLIC NOTICE OF MAIN POLLING PLACE
5 LOCATION. The election order and the election notice must state
6 the location of the main early voting polling place. The election
7 notice must state that a voter is only permitted to vote at the main
8 early voting polling place if it is located within the voter's
9 election precinct.

10 SECTION 1.07. Section 85.005(d), Election Code, is amended
11 to read as follows:

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

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

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

19 SECTION 1.08. Sections 85.006(a), (d), and (e), Election
20 Code, are amended to read as follows:

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

26 (d) The authority authorized to order early voting on a
27 Saturday or Sunday under Subsection (a) or (b) shall order the

1 voting under the applicable subsection on receipt of a written
 2 request submitted by at least 15 registered voters of the territory
 3 covered by the election. The request must be submitted in time to
 4 enable compliance with Section 85.007. The authority ~~[is not~~
 5 ~~required to order the voting on a particular date specified by the~~
 6 ~~request but]~~ shall order the voting on ~~[at least one]~~ Saturday if
 7 ~~[a]~~ Saturday is requested and on ~~[at least one]~~ Sunday if ~~[a]~~ Sunday
 8 is requested.

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

22 SECTION 1.09. Section 85.010(b), Election Code, is amended
 23 to read as follows:

24 (b) A political subdivision that holds an election
 25 described by Subsection (a) shall designate as an early voting
 26 polling place for the election any early voting polling place~~[~~
 27 ~~other than a polling place established under Section 85.062(e),]~~

established by the county and located in the political subdivision.

SECTION 1.10. Section 85.033, Election Code, is amended to read as follows:

Sec. 85.033. SECURITY OF VOTING MACHINE. (a) At the close of early voting each day, the early voting clerk shall secure each voting machine used for early voting in the manner prescribed by the secretary of state so that its unauthorized operation is prevented. The clerk shall unsecure the machine before the beginning of early voting the following day.

(b) A voting machine used for early voting may not be removed from the polling place until the polls close on election day.

(c) A person commits an offense if the person violates Subsection (b).

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

SECTION 1.11. Section 85.061(b), Election Code, is amended to read as follows:

(b) In an election in which a temporary branch polling place is established under Section 85.062(a)(1) ~~[or (d)]~~, the commissioners court may provide by resolution, order, or other official action that any one or more of the county clerk's regularly maintained branch clerical offices are not to be branch early voting polling places in the election.

SECTION 1.12. Sections 85.062(a) and (b), Election Code, are amended to read as follows:

(a) One ~~[Except as provided by Subsection (d) or (e), one]~~ or more early voting polling places other than the main early voting

polling place shall ~~[may]~~ be established in each election precinct in the territory covered by the election by:

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

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

(b) A polling place established under this section may be located~~[, subject to Subsection (d),]~~ at any place in the territory served by the early voting clerk and may be located in any stationary structure as directed by the authority establishing the branch office. The polling place may be located in a movable structure, but the structure may not change locations during the early voting period ~~[in the general election for state and county officers, general primary election, or runoff primary election]~~.

Ropes or other suitable objects may be used at the polling place to ensure compliance with Section 62.004. Persons who are not expressly permitted by law to be in a polling place shall be excluded from the polling place to the extent practicable.

SECTION 1.13. Section 85.063, Election Code, is amended to read as follows:

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

SECTION 1.14. Section 85.068(a), Election Code, is amended to read as follows:

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

SECTION 1.15. Section 86.0051(d), Election Code, is amended to read as follows:

(d) An offense under this section is a ~~[Class A misdemeanor, unless it is shown on the trial of an offense under this section that the person committed an offense under Section 64.036 for providing unlawful assistance to the same voter in connection with the same ballot, in which event the offense is a]~~ state jail felony.

SECTION 1.16. Section 87.027(i), Election Code, is amended to read as follows:

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

committee shall place the jacket envelopes, carrier envelopes, and applications of voters whose signatures are not those of the voter in separate containers from those of voters whose signatures are those of the voter. The committee chair shall deliver the sorted materials to the early voting ballot board at the time specified by the board's presiding judge.

SECTION 1.17. Sections [87.041](#)(b), (c), (e), and (g), Election Code, are amended to read as follows:

(b) A ballot may be accepted only if:

(1) the carrier envelope certificate is properly executed;

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

(3) the voter's ballot application states a legal ground for early voting by mail;

(4) the voter is registered to vote, if registration is required by law;

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

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

1 Section 63.0011; ~~and~~

2 (7) the address to which the ballot was mailed to the
3 voter is an address that is otherwise required by Sections 84.002
4 and 86.003; and

5 (8) the person determining whether to accept the
6 ballot has confirmed that the voter did not cast a ballot in person
7 for the election.

8 (c) If a ballot is accepted, the member of the board who
9 accepted the ballot shall initial the carrier envelope, and the
10 board shall enter the voter's name on the poll list unless the form
11 of the list makes it impracticable to do so. The names of the voters
12 casting ballots by mail shall be listed separately on the poll list
13 from those casting ballots by personal appearance.

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

19 (g) A person commits an offense if the person intentionally
20 accepts a ballot for voting or causes a ballot to be accepted for
21 voting that the person knows does not meet the requirements of
22 Subsection (b). An offense under this subsection is a state jail
23 felony ~~[Class A misdemeanor]~~.

24 SECTION 1.18. Section 87.042(b), Election Code, is amended
25 to read as follows:

26 (b) The ~~[Except as provided by Subsection (c), the]~~ board
27 shall place the ballot envelope containing an accepted ballot in a

1 separate container from the ballot box containing the early voting
2 ballots voted by personal appearance.

3 SECTION 1.19. Section 87.0241, Election Code, is amended to
4 read as follows:

5 Sec. 87.0241. ACCEPTING EARLY VOTING BALLOT VOTED BY MAIL
6 [PROCESSING BALLOTS] BEFORE IN-PERSON BALLOTS COUNTED: OFFENSE
7 [POLLS OPEN]. (a) The early voting ballot board may not determine
8 whether to accept early voting ballots voted by mail in accordance
9 with Section 87.041 until after all ballots cast in person for the
10 election have been counted ~~[at any time after the ballots are~~
11 ~~delivered to the board]~~.

12 (b) A member of an early voting ballot board commits an
13 offense if the person accepts an early voting ballot voted by mail
14 in violation of Subsection (a) ~~[The board may not count early voting~~
15 ~~ballots until:~~

16 ~~[(1) the polls open on election day, or~~
17 ~~[(2) in an election conducted by an authority of a~~
18 ~~county with a population of 100,000 or more or conducted jointly~~
19 ~~with such a county, the end of the period for early voting by~~
20 ~~personal appearance].~~

21 (c) An offense under this section is a state jail felony
22 ~~[The secretary of state shall prescribe any procedures necessary~~
23 ~~for implementing this section in regard to elections described by~~
24 ~~Subsection (b)(2)].~~

25 SECTION 1.20. Sections 87.062(a) and (c), Election Code,
26 are amended to read as follows:

27 (a) On the direction of the presiding judge, the early

voting ballot board, in accordance with Section 85.032(b), shall open the containers ~~[container]~~ for the early voting ballots that are to be counted by the board, remove the contents from each ~~[the]~~ container, and remove any ballots enclosed in ballot envelopes from their envelopes.

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

SECTION 1.21. Section 87.103, Election Code, is amended to read as follows:

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

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

ARTICLE 2. ELECTION DAY AND TABULATION OF RESULTS

SECTION 2.01. 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

1 of a ballot for an election using a voting system, including an
2 electronic voting system [~~or a voting system that uses direct~~
3 ~~recording electronic voting machines~~], to conform to the formatting
4 requirements of the system.

5 SECTION 2.02. Section 61.002, Election Code, is amended to
6 read as follows:

7 Sec. 61.002. OPENING POLLING PLACE FOR VOTING. (a) Before
8 opening the polls for voting, the presiding election judge shall
9 confirm that each voting machine has any public counter reset to
10 zero and shall print the tape that shows the counter was set to
11 zero.

12 (b) Each election judge present shall sign a tape printed
13 under Subsection (a). Any watcher present may sign a tape printed
14 under Subsection (a).

15 (c) A presiding election judge commits an offense if the
16 judge fails to comply with Subsection (a). An offense under this
17 section is a state jail felony.

18 (d) At the official time for opening the polls for voting,
19 an election officer shall open the polling place entrance and admit
20 the voters.

21 SECTION 2.03. Section 63.001, Election Code, is amended by
22 adding Subsection (c-2) to read as follows:

23 (c-2) If the list of registered voters for the precinct
24 required under Subsection (c) is electronic, a paper copy must be
25 kept at the polling place and must be used to accept voters if the
26 electronic copy malfunctions.

27 SECTION 2.04. Section 64.036, Election Code, is amended by

1 amending Subsections (a) and (d) and adding Subsection (e) to read
2 as follows:

3 (a) A person commits an offense if the person knowingly:

4 (1) provides assistance to a voter who is not eligible
5 for assistance;

6 (2) while assisting a voter prepares the voter's
7 ballot in a way other than the way the voter directs or without
8 direction from the voter;

9 (3) while assisting a voter suggests by word, sign, or
10 gesture how the voter should vote; or

11 (4) provides assistance, or offers to provide
12 assistance, to a voter who has not requested assistance, indicated
13 that the person is eligible for assistance, or selected the person
14 to assist the voter.

15 (d) Except as provided by Subsection (e), an ~~[An]~~ offense
16 under this section is a Class A misdemeanor.

17 (e) An offense under Subsection (a)(2) is a state jail
18 felony, except that the offense is a felony of the third degree if:

19 (1) the voter assisted was 65 years of age or older at
20 the time of the offense;

21 (2) the actor assisted more than one voter in
22 violation of that subsection; or

23 (3) the actor has previously been convicted of an
24 offense under this code.

25 SECTION 2.05. Section 65.014, Election Code, is amended by
26 amending Subsection (c) and adding Subsections (c-1) and (c-2) to
27 read as follows:

1 (c) The returns shall be prepared as an original and four
2 ~~[three]~~ copies, and on completing the returns, the presiding judge
3 shall sign each one to certify its accuracy. Any watcher present at
4 the polling place must be allowed to inspect and sign each copy of
5 the returns, and may request an additional copy to be printed for
6 the watcher's records. The requirements of this subsection must be
7 completed before any voting system equipment is removed from the
8 polling place.

9 (c-1) The presiding judge shall publicly post at the polling
10 place one of the copies printed under Subsection (c) before the
11 presiding judge leaves the premises.

12 (c-2) A presiding judge commits an offense if the judge
13 fails to comply with Subsection (c) or (c-1). An offense under this
14 subsection is a state jail felony.

15 SECTION 2.06. Subchapter A, Chapter 65, Election Code, is
16 amended by adding Section 65.016 to read as follows:

17 Sec. 65.016. DELIBERATELY NOT COUNTING VALID VOTE: OFFENSE.

18 (a) Any person who knowingly causes a legally cast vote not to be
19 counted in the manner voted by the voter commits an offense.

20 (b) An offense under this section is a felony of the third
21 degree.

22 SECTION 2.07. Section 122.001, Election Code, is amended by
23 adding Subsection (d-1) to read as follows:

24 (d-1) Effective September 1, 2023, a voting system may not
25 be used in an election if the voting system does not use a paper
26 record or produce a paper receipt that can be used to verify the
27 tabulation of electronic voting system results.

SECTION 2.08. Subchapter A, Chapter 122, Election Code, is amended by adding Section 122.0031 to read as follows:

Sec. 122.0031. UNIFORM PROCEDURES FOR CERTAIN VOTING SYSTEMS. (a) This section applies to an election in which a voting system described by Section 122.001(d-1) is used.

(b) Not later than the 90th day before an election to which this section applies, the secretary of state shall adopt uniform procedures for the numbering of ballots in the election and the accountability of ballots.

SECTION 2.09. Subchapter A, Chapter 123, Election Code, is amended by adding Section 123.010 to read as follows:

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

SECTION 2.10. Section 127.007, Election Code, is amended by adding Subsections (d), (e), and (f) to read as follows:

(d) The plan required under this section must specify that no document may be removed from the central counting room until after the count is completed.

(e) A central counting station manager commits an offense if the manager knowingly permits a person to remove a document from the central counting room in violation of Subsection (d).

(f) An offense under Subsection (e) is a state jail felony.

SECTION 2.11. Subchapter A, Chapter 127, Election Code, is amended by adding Sections 127.008, 127.009, and 127.010 to read as follows:

1 Sec. 127.008. ELECTRONIC DEVICES IN CENTRAL COUNTING
2 STATION. (a) A counting station manager and the presiding judge of
3 the counting station shall develop a protocol under which no
4 electronic device capable of being connected to the Internet is
5 permitted inside a central counting station other than the
6 equipment necessary to count votes.

7 (b) Any equipment necessary to count votes may not be
8 connected to the Internet or any other computer network while
9 inside the central counting station.

10 (c) Notwithstanding Subsection (a), a person performing
11 requested repairs or maintenance of equipment at a central counting
12 station in accordance with this title may, as necessary, enter the
13 central counting station with an electronic device capable of being
14 connected to the Internet. After performing the requested repairs
15 or maintenance, the person shall, not later than the third business
16 day after the date the person entered the counting station, file an
17 exception report with the secretary of state in a form adopted by
18 the secretary for that purpose.

19 (d) An exception report filed under Subsection (c) must
20 detail the purpose for the action, the time spent by the person in
21 the central counting station, and any other information requested
22 by the secretary of state.

23 (e) A counting station manager or presiding judge of a
24 counting station commits an offense if the manager or judge
25 knowingly permits an electronic device to enter the central
26 counting station in violation of this section.

27 (f) A person required to file an exception report with the

secretary of state under Subsection (c) commits an offense if the person fails to file the report in accordance with that subsection.

(g) An offense under Subsection (e) or (f) is a state jail felony.

Sec. 127.009. SETUP OF CENTRAL COUNTING STATION IN ELECTION USING HYBRID VOTING SYSTEMS. (a) This section applies to a central counting station that counts votes in an election using a voting system that produces both an electronic system ballot and a paper record or receipt.

(b) A counting station manager shall ensure that the electronic system ballots and paper records or receipts are to be counted in separate rooms at the central counting station.

(c) A counting station manager commits an offense if the manager knowingly permits a violation of Subsection (b).

(d) An offense under Subsection (c) is a state jail felony.

Sec. 127.010. WATCHERS IN CENTRAL COUNTING STATION. (a) A watcher must be permitted to directly observe any official activity taking place in a central counting station.

(b) A counting station manager or presiding judge of a central counting station commits an offense if the manager or judge prevents a watcher from directly observing any activity the watcher is permitted to observe under this section.

(c) An offense under Subsection (b) is a state jail felony.

SECTION 2.12. Subchapter C, Chapter 127, Election Code, is amended by adding Section 127.062 to read as follows:

Sec. 127.062. SEALED BALLOT BOXES FOR HYBRID VOTING SYSTEM.

(a) This section applies to an election where a voting system is

1 used that produces both an electronic system ballot and a paper
2 record or receipt.

3 (b) All provisions of this subchapter that apply to an
4 electronic system ballot also apply to the paper record or receipt
5 generated by a voting system.

6 SECTION 2.13. Section 127.066, Election Code, is amended by
7 adding Subsection (d) to read as follows:

8 (d) Accommodations shall be made by the presiding judge to
9 allow a representative from each of the two political parties
10 receiving the greatest number of votes in the most recent
11 gubernatorial election to accompany the election officers under
12 Subsection (c).

13 SECTION 2.14. Section 127.201, Election Code, is amended by
14 amending Subsections (a) and (b) and adding Subsections (h), (i),
15 and (j) to read as follows:

16 (a) To ensure the accuracy of the tabulation of electronic
17 voting system results, the general custodian of election records
18 shall conduct a manual count of all the races in at least one
19 percent of the election precincts or in the five largest precincts
20 plus three precincts, whichever is greater, in which the electronic
21 voting system was used. The custodian shall publicly select the
22 final three precincts at random and shall begin the count not later
23 than 72 hours after the polls close. The count shall be completed
24 not later than the 21st day after election day. Subsection (b)
25 supersedes this subsection to the extent of a conflict.

26 (b) In a general election for state and county officers,
27 primary election, or election on a proposed amendment to the state

constitution or other statewide measure submitted by the legislature, the secretary of state shall publicly select, in accordance with rules adopted by the secretary, the precincts to be counted under Subsection (a). The secretary shall designate not more than three offices and not more than three propositions to be counted in the selected precincts. The secretary shall notify the general custodian of election records of the precincts, offices, and propositions selected under this subsection not earlier than the day after election day.

(h) A general custodian of election records commits an offense if the custodian fails to complete a manual count as required under Subsection (a) or (b).

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

(j) It is an affirmative defense to an offense under this section that the custodian failed to timely complete a manual count required under Subsection (b) because the secretary of state failed to notify the custodian of the precincts, offices, and propositions selected under that subsection by the specified time.

SECTION 2.15. Section 128.001, Election Code, is amended by adding Subsection (d) to read as follows:

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

SECTION 2.16. Section 212.022, Election Code, is amended to read as follows:

Sec. 212.022. OBTAINING INITIAL RECOUNT IN ELECTION ON

OFFICE. (a) Except as provided by Section 212.0241, a candidate for nomination or election to an office may obtain an initial recount in an election in which the person was a candidate if:

(1) the difference in the number of votes received by the candidate and any candidate for the office who is shown by the election returns to be nominated, elected, or entitled to a place on a runoff ballot or tied for nomination, election, or entitlement to a place on a runoff ballot is less than 10 percent of that candidate's number of votes;

(2) the candidate is shown by the election returns to be entitled to a place on a runoff ballot or tied for nomination, election, or entitlement to a place on a runoff ballot;

(3) the secretary of state certifies that counting errors affecting the election occurred in one or more election precincts in which paper ballots were used, as provided by Section 212.034; or

(4) the total number of votes received by all candidates for the office is less than 1,000 as shown by the election returns.

(b) The following persons may also obtain an initial recount in an election on an office:

(1) a political party whose nominee sought the office;

(2) a political committee; or

(3) any 30 or more persons, acting jointly, who were eligible to vote in the election.

SECTION 2.17. Section 212.023(b), Election Code, is amended to read as follows:

(b) The following persons may obtain an initial recount in a presidential general election:

(1) a presidential candidate whose name appeared on the ballot in this state or who had qualified as a write-in candidate in this state;

(2) one or more presidential elector candidates corresponding to a presidential candidate described by Subdivision (1), acting jointly; ~~or~~

(3) a presidential candidate described by Subdivision (1) and one or more corresponding elector candidates, acting jointly;

(4) any political party whose nominee appeared on the ballot in this state; or

(5) any 30 or more persons, acting jointly, who were eligible to vote in the election.

SECTION 2.18. Section 212.0231, Election Code, is amended to read as follows:

Sec. 212.0231. OBTAINING INITIAL RECOUNT IN PRESIDENTIAL PRIMARY ELECTION. Except as provided by Section 212.0241, in a presidential primary election, a candidate in the election, a party holding a primary election in this state, or any 25 or more persons who were eligible to vote in the election acting jointly on behalf of an uncommitted delegation, may obtain an initial recount in the election if:

(1) the difference in the number of votes received by the candidate or uncommitted status and any candidate or uncommitted status shown by the election returns to be entitled to

1 delegate representation at the political party's national
2 presidential nominating convention is less than 10 percent of the
3 number of votes received by the latter candidate or the uncommitted
4 status; or

5 (2) the secretary of state certifies that counting
6 errors affecting the election occurred in one or more election
7 precincts in which paper ballots were used, as provided by Section
8 212.034.

9 SECTION 2.19. Section 212.024(b), Election Code, is amended
10 to read as follows:

11 (b) The following persons may obtain an initial recount in
12 an election on a measure:

13 (1) the campaign treasurer of a specific-purpose
14 political committee that was involved in the election; ~~or~~

15 (2) any 25 or more persons, acting jointly, who were
16 eligible to vote in the election; or

17 (3) any political party with a state executive
18 committee.

19 SECTION 2.20. 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 2.21. 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 ARTICLE 3. STATE OFFICIALS, CITIZENSHIP, AND REGISTRATION

13 SECTION 3.01. Chapter 1, Election Code, is amended by
14 adding Section 1.021 to read as follows:

15 Sec. 1.021. INFORMATION SHARING FOR PROSECUTION OF OFFENSE
16 UNDER THIS CODE. Upon request from an attorney prosecuting an
17 offense under this code, the secretary of state or Department of
18 Public Safety, as applicable, shall provide the prosecuting
19 attorney with information relevant to the investigation.

20 SECTION 3.02. Sections 13.002(a) and (c), Election Code,
21 are amended to read as follows:

22 (a) A person desiring to register to vote must submit an
23 application to the registrar of the county in which the person
24 resides. Except as provided by Subsection (e), an application must
25 be submitted by personal delivery, by mail, or by telephonic
26 facsimile machine in accordance with Section 13.143(d-2) [~~Sections~~
27 ~~13.143(d) and (d-2)~~].

(c) A registration application must include:

(1) the applicant's first name, middle name, if any, last name, and former name, if any;

(2) the month, day, and year of the applicant's birth;

(3) a statement that the applicant is a United States citizen;

(4) a statement that the applicant is a resident of the county;

(5) a statement that the applicant has not been determined by a final judgment of a court exercising probate jurisdiction to be:

(A) totally mentally incapacitated; or

(B) partially mentally incapacitated without the right to vote;

(6) a statement that the applicant has not been finally convicted of a felony or that the applicant is a felon eligible for registration under Section 13.001;

(7) the applicant's residence address or, if the residence has no address, the address at which the applicant receives mail and a concise description of the location of the applicant's residence;

(8) the following information:

(A) the applicant's Texas driver's license number or the number of a personal identification card issued by the Department of Public Safety, or a statement by the applicant that the applicant has not been issued a number described by this paragraph; and

(B) ~~[if the applicant has not been issued a number described by Paragraph (A), the last four digits of]~~ the applicant's social security number, + or

~~[(C)]~~ a statement by the applicant that the applicant has not been issued a number described by this paragraph ~~[Paragraph (A) or (B)]~~;

(9) if the application is made by an agent, a statement of the agent's relationship to the applicant; and

(10) the city and county in which the applicant formerly resided.

SECTION 3.03. Section 13.046(f), Election Code, is amended to read as follows:

(f) Except as provided by this subsection, Sections 13.039~~[, 13.041]~~ and 13.042 apply to the submission and delivery of registration applications under this section, and for that purpose, "volunteer deputy registrar" in those sections includes a high school deputy registrar. A high school deputy registrar may review an application for completeness out of the applicant's presence. A deputy may deliver a group of applications to the registrar by mail in an envelope or package, and, for the purpose of determining compliance with the delivery deadline, an application delivered by mail is considered to be delivered at the time of its receipt by the registrar.

SECTION 3.04. Section 13.071, Election Code, is amended to read as follows:

Sec. 13.071. REVIEW OF APPLICATION. (a) The registrar shall review each submitted application for registration to

determine whether it complies with Section 13.002 and indicates that the applicant is a United States citizen eligible for registration.

(b) If the application is submitted to the Department of Public Safety in person with the proof of citizenship required by Section 20.063(e), the [The] registrar shall make the determination not later than the seventh day after the date the application is submitted to the registrar.

(c) If the application is submitted in a manner other than the manner described by Subsection (b), the registrar shall forward the information relating to the applicant to the secretary of state for determining citizenship as provided by Section 13.0721.

SECTION 3.05. Subchapter C, Chapter 13, Election Code, is amended by adding Section 13.0721 to read as follows:

Sec. 13.0721. DETERMINATION OF CITIZENSHIP. (a) This section does not apply to an application for registration submitted to the Department of Public Safety in person with the proof of citizenship required by Section 20.063(e).

(b) The secretary of state shall verify with the Department of Public Safety the citizenship status of each applicant for voter registration whose information is forwarded to the secretary of state as provided by Section 13.071(c). If the department verifies the applicant's citizenship status, the secretary of state shall notify the registrar. If the department does not have information regarding the citizenship status of the applicant or has information indicating that the applicant is not a citizen, the registrar and the applicant shall be notified as provided by

1 secretary of state rule.

2 (c) An applicant for voter registration who receives notice
3 under Subsection (b) must provide proof of citizenship to the
4 registrar not later than the 60th day after the date of receipt.
5 Except as provided by Subsection (d), this proof must be presented
6 in person. The following is acceptable as proof of citizenship
7 under this section:

8 (1) an unexpired passport issued to the person;

9 (2) a certified copy of a birth certificate or other
10 document confirming the person's birth that is admissible in a
11 court of law and establishes the person's identity, presented with
12 a government-issued identification that contains the person's
13 photograph; or

14 (3) United States citizenship papers issued to the
15 person, presented with a government-issued identification that
16 contains the person's photograph.

17 (d) An applicant may mail a certified copy of a document
18 described by Subsection (c)(2) or (3) with a copy of the person's
19 government-issued photo identification to the registrar.

20 (e) If an applicant does not provide proof of citizenship as
21 required, the registrar shall reject the application and notify the
22 secretary of state. The secretary of state shall keep a list of
23 applicants for which the secretary receives notice under this
24 section.

25 (f) The secretary of state shall adopt rules and prescribe
26 procedures to implement this section.

27 SECTION 3.06. Section 13.143(a), Election Code, is amended

to read as follows:

(a) Except as provided by Subsection [~~Subsections~~] (b) [~~and~~
(~~e~~)], if an applicant's registration application is approved, the
registration becomes effective on the 30th day after the date the
application is approved [~~submitted to the registrar~~] or on the date
the applicant becomes 18 years of age, whichever is later.

SECTION 3.07. Section 16.031(a), Election Code, is amended
to read as follows:

(a) The registrar shall cancel a voter's registration
immediately on receipt of:

(1) notice under Section 13.072(b) or 15.021 or a
response under Section 15.053 that the voter's residence is outside
the county;

(2) an abstract of the voter's death certificate under
Section 16.001(a) or an abstract of an application indicating that
the voter is deceased under Section 16.001(b);

(3) an abstract of a final judgment of the voter's
total mental incapacity, partial mental incapacity without the
right to vote, conviction of a felony, or disqualification under
Section 16.002, 16.003, or 16.004;

(4) notice under Section 112.012 that the voter has
applied for a limited ballot in another county;

(5) notice from a voter registration official in
another state that the voter has registered to vote outside this
state;

(6) notice from the early voting clerk under Section
101.053 that a federal postcard application submitted by an

1 applicant states a voting residence address located outside the
2 registrar's county; ~~[or]~~

3 (7) notice from the secretary of state that the voter
4 has registered to vote in another county, as determined by the
5 voter's driver's license number or personal identification card
6 number issued by the Department of Public Safety or social security
7 number; or

8 (8) a list under Section 18.068 of this code or Section
9 62.113, Government Code, of persons excused or disqualified from
10 jury service because of citizenship status that includes the voter,
11 or notice from any governmental agency that the voter has
12 acknowledged that the voter is not a citizen of the United States.

13 SECTION 3.08. Section 16.036(a), Election Code, is amended
14 to read as follows:

15 (a) Immediately after, but not later than the 30th day after
16 the date a voter's registration is canceled under Section
17 16.031(a)(3) or (8), 16.033, or 16.0331, ~~[or 16.0332,~~ the
18 registrar shall deliver written notice of the cancellation to the
19 voter.

20 SECTION 3.09. Section 18.062(a), Election Code, is amended
21 to read as follows:

22 Sec. 18.062. INTERSTATE VOTER REGISTRATION CROSSCHECK
23 PROGRAM. (a) To maintain the statewide voter registration list
24 and to prevent duplication of registration in more than one state or
25 jurisdiction, the secretary of state shall cooperate with other
26 states and jurisdictions to develop systems to compare, on at least
27 a monthly basis, voters, voter history, and voter registration

1 lists to identify voters whose addresses have changed.

2 SECTION 3.10. Section 18.065, Election Code, is amended by
3 adding Subsections (e), (f), and (g) to read as follows:

4 (e) If a registrar fails to correct a violation within 30
5 days of a notice under Subsection (b), the secretary of state shall
6 correct the violation on behalf of the registrar.

7 (f) A registrar is liable to this state for a civil penalty
8 of \$50 for each violation corrected by the secretary of state under
9 Subsection (e). The attorney general may bring an action to recover
10 a civil penalty imposed under this section.

11 (g) A civil penalty collected by the attorney general under
12 this section shall be deposited in the state treasury to the credit
13 of the general revenue fund.

14 SECTION 3.11. Section 18.068, Election Code, is amended to
15 read as follows:

16 Sec. 18.068. COMPARISON OF INFORMATION REGARDING
17 INELIGIBILITY. (a) The secretary of state shall quarterly compare
18 the information received under Section 16.001 of this code and
19 Section 62.113, Government Code, to the statewide computerized
20 voter registration list.

21 (a-1) The secretary of state shall enter into an agreement
22 with the Department of Public Safety under which information in the
23 statewide computerized voter registration list is compared against
24 information in the database of the Department of Public Safety on a
25 monthly basis to verify the accuracy of information provided on
26 voter registration applications. The Department of Public Safety
27 shall use any available information under the federal REAL ID

1 program to assist the secretary under this subsection. The
2 information compared must include, at a minimum, a voter's:

- 3 (1) full legal name;
- 4 (2) former name, if applicable;
- 5 (3) date of birth;
- 6 (4) residence address;
- 7 (5) driver's license or state identification card
8 number;
- 9 (6) signature;
- 10 (7) social security number;
- 11 (8) documentation of lawful presence in this state;
- 12 and
- 13 (9) citizenship status.

14 (a-2) If the secretary of state determines from information
15 received under Subsection (a) or (a-1) that a voter on the
16 registration list may be ineligible to vote ~~[is deceased or has been~~
17 ~~excused or disqualified from jury service because the voter is not a~~
18 ~~citizen]~~, the secretary shall send notice of the determination to:

- 19 (1) the voter registrar of the counties considered
20 appropriate by the secretary; and
- 21 (2) if appropriate, the attorney general.

22 (b) The secretary of state shall by rule determine what
23 information combinations identified as common to a voter and to an
24 individual who is deceased or ineligible to vote constitute a weak
25 match or a strong match in order to:

- 26 (1) produce the least possible impact on Texas voters;
- 27 and

(2) fulfill its responsibility to manage the voter rolls.

(c) The secretary of state may not determine that a voter is deceased or ineligible to vote based on a weak match. The secretary of state may inform the county of the voter's residence that a weak match exists.

(d) On receiving notification from the secretary of state under Subsection (c) that a weak match of identifying information exists for a county voter and an individual who is deceased or ineligible to vote, the county shall investigate whether the voter is that ~~the~~ individual ~~who is deceased~~.

(e) The secretary of state may determine that a voter is deceased or ineligible to vote based on a strong match.

(f) The secretary of state may obtain, for purposes of determining whether a voter is deceased or ineligible to vote, information from other state agency databases relating to a voter that is the same type of information that the secretary of state or a voter registrar collects or stores for voter registration purposes.

SECTION 3.12. Section 19.001(a), Election Code, is amended to read as follows:

(a) Before May 15 of each year, the registrar shall prepare and submit to the secretary of state a statement containing:

(1) the total number of initial registrations for the previous voting year;

(2) the total number of registrations canceled under Sections 16.031(a)(1) and (8) and Section 16.033 ~~and 16.032~~

for the previous voting year; and

(3) the total number of registrations for which information was updated for the previous voting year.

SECTION 3.13. Section 20.063, Election Code, is amended by adding Subsection (e) to read as follows:

(e) A person who submits a voter registration application to the department in person shall at the time of submission present as proof of citizenship:

(1) an unexpired passport issued to the person;

(2) a certified copy of a birth certificate or other document confirming the person's birth that is admissible in a court of law and establishes the person's identity; or

(3) United States citizenship papers issued to the person.

SECTION 3.14. Section 273.001, Election Code, is amended by adding Subsection (c-1) to read as follows:

(c-1) The county or district attorney having jurisdiction or the attorney general may investigate on receipt of an affidavit alleging a violation of one of the following provisions of this code:

(1) Section 13.007;

(2) Section 64.012;

(3) Section 64.036;

(4) Section 84.003;

(5) Section 84.0041;

(6) Section 86.0051;

(7) Section 86.006;

1 (8) Section 86.010; or

2 (9) Section 276.013.

3 SECTION 3.15. Sections 62.113(b) and (c), Government Code,
4 are amended to read as follows:

5 (b) On the third business day of each month, the clerk shall
6 send a copy of the list of persons excused or disqualified because
7 of citizenship in the previous month to:

8 (1) the voter registrar of the county;

9 (2) the county official responsible for administering
10 elections;

11 (3) the secretary of state; and

12 (4) ~~[(3)]~~ the county or district attorney, as
13 applicable, for an investigation of whether the person committed an
14 offense under Section 13.007 or 64.012, Election Code, or other
15 law.

16 (c) A list compiled under this section may not be used for a
17 purpose other than a purpose described by Subsection (b) or Section
18 16.031(a)(8) ~~[(16.0332)]~~ or 18.068, Election Code.

19 SECTION 3.16. The changes in law made by this article apply
20 only to an application to register to vote submitted on or after the
21 effective date of this Act.

22 ARTICLE 4. PUBLIC INFORMATION

23 SECTION 4.01. Section 1.012, Election Code, is amended by
24 amending Subsection (a) and adding Subsection (b-1) to read as
25 follows:

26 (a) Subject to Subsections ~~[Subsection]~~ (b) and (b-1), an
27 election record that is public information shall be made available

1 to the public for free inspection and copying during the regular
2 business hours of the record's custodian.

3 (b-1) The custodian may adopt a reasonable fee for a person
4 to copy an application for an early voting ballot by mail or a
5 carrier envelope.

6 SECTION 4.02. Section 18.069, Election Code, is amended to
7 read as follows:

8 Sec. 18.069. VOTING HISTORY. (a) The ~~[Not later than the~~
9 ~~30th day after the date of the primary, runoff primary, or general~~
10 ~~election or any special election ordered by the governor, the]~~
11 registrar shall electronically submit to the secretary of state the
12 record of each voter participating in a primary, runoff primary,
13 general election, or any special election ordered by the governor
14 not later than the day the voter votes in person or the early voting
15 clerk receives a ballot voted by mail ~~[the election]~~.

16 (b) The record must include a notation of whether the voter
17 voted on election day, voted early by personal appearance, voted
18 early by mail under Chapter 86, or voted early by mail under Chapter
19 101.

20 SECTION 4.03. Section 68.005, Election Code, is amended by
21 amending Subsection (b) and adding Subsection (b-1) to read as
22 follows:

23 (b) The final report may include:

24 (1) the information described by Section 68.004(b);
25 (2) vote totals by county and precinct for all races
26 being tabulated; and

27 (3) vote totals for federal offices and statewide

offices of the state government in a minimum of eight regions designated by the secretary on the basis of the geographic scope of the electronic media markets.

(b-1) All data in the final report must be disaggregated by, at a minimum, the following methods:

(1) method of voting;

(2) ballot style, including paper, electronic, and hybrid style ballots; and

(3) whether the ballot was undervoted or overvoted, if applicable.

SECTION 4.04. Section 87.121, Election Code, is amended by adding Subsection (i) to read as follows:

(i) The secretary of state shall make any early voting roster created under this section available to the public on the secretary's Internet website.

SECTION 4.05. Subchapter B, Chapter 123, Election Code, is amended by adding Section 123.037 to read as follows:

Sec. 123.037. PUBLIC INFORMATION. Any correspondence between a political subdivision of this state and a vendor or manufacturer of voting systems or voting system equipment is public information.

ARTICLE 5. REPEALER, TRANSITION, AND EFFECTIVE DATE

Section 5.01. The following provisions of the Election Code are repealed:

(1) Section 13.041;

(2) Sections 13.143(d) and (e);

(3) Section 16.0332;

- 1 (4) Section 32.002(c-1);
- 2 (5) Section 43.004(c);
- 3 (6) Section 43.007;
- 4 (7) Section 66.058(g);
- 5 (8) Sections 85.001(b) and (e);
- 6 (9) Section 85.003;
- 7 (10) Sections 85.062(d) and (e);
- 8 (11) Section 85.064;
- 9 (12) Section 85.065;
- 10 (13) Section 85.066;
- 11 (14) Section 87.042(c);
- 12 (15) Sections 127.201(f) and (g);
- 13 (16) Chapter 129; and
- 14 (17) Section 213.016.

15 SECTION 5.02. Section 33.05, Penal Code, is repealed.

16 SECTION 5.03. The changes in law made by this Act in
17 repealing or amending the punishments for existing criminal
18 offenses apply only to an offense committed on or after the
19 effective date of this Act. An offense committed before the
20 effective date of this Act is governed by the law in effect on the
21 date the offense was committed, and the former law is continued in
22 effect for that purpose. For purposes of this section, an offense
23 was committed before the effective date of this Act if any element
24 of the offense occurred before that date.

25 SECTION 5.04. This Act takes effect September 1, 2019.