By:  West, et al. S.B. No. 61

A BILL TO BE ENTITLED

AN ACT

Relating to the Barbara Jordan Fair Elections Act.

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

ARTICLE 1. GENERAL PROVISIONS

SECTION 1.01.  SHORT TITLE. This Act may be cited as the Barbara Jordan Fair Elections Act.

SECTION 1.02.  PURPOSE. The purpose of this Act is to exercise the legislature's constitutional authority under Section 2, Article VI, Texas Constitution, to ensure that "The privilege of free suffrage shall be protected by laws regulating elections and prohibiting under adequate penalties all undue influence in elections from power, bribery, tumult, or other improper practice."

SECTION 1.03.  FINDINGS. The legislature finds that:

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

(2)  the privilege of free suffrage shall be protected by laws regulating elections;

(3)  maximizing the potential for safe, secure, and accessible elections and enhancing the opportunities to vote strengthen our constitutional democracy and provide for wide-scale confidence in elections;

(4)  additionally, preventing a valid vote from being cast or counted violates the basic constitutional rights guaranteed to each citizen by the United States Constitution and the law of the land; and

(5)  providing for voter access and increasing the stability of a constitutional democracy ensures public confidence in the legitimacy of public officers chosen by election.

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

Sec. 1.0015.  LEGISLATIVE INTENT. It is the intent of the legislature that the application of this code and the conduct of elections shall be uniform and consistent throughout this state to promote voter access and ensure that all lawfully cast votes are counted.

SECTION 1.05.  Section 1.003, Election Code, is amended by adding Subsection (a-1) to read as follows:

(a-1)  A public official shall construe the provisions of this code broadly to effect the intent of the legislature under Section 1.0015.

ARTICLE 2. VOTER REGISTRATION

SECTION 2.01.  Subchapter A, Chapter 13, Election Code, is amended by adding Section 13.009 to read as follows:

Sec. 13.009.  ELECTRONIC VOTER REGISTRATION. (a) The secretary of state shall implement a program to allow a person to complete a voter registration application over the Internet from the official website of this state. The websites of the secretary of state and the Department of Public Safety must also provide a link to the location of the application on the official website of this state.

(b)  An applicant for electronic voter registration who has a driver's license or personal identification card issued in this state, regardless of whether the license or card is unexpired, must:

(1)  attest to the truth of the information provided on the application by affirmatively accepting the information as true; and

(2)  affirmatively consent to the use of the signature on the applicant's driver's license or personal identification card for voter registration purposes.

(c)  An applicant for electronic voter registration who does not have a driver's license or personal identification card issued in this state must:

(1)  attest to the truth of the information provided on the application by affirmatively accepting the information as true; and

(2)  print a registration application from the website the applicant is using to register, sign the application, and mail it to the registrar.

(d)  For each application submitted under Subsection (b), the program must require that a digital copy of the applicant's signature be obtained from the Department of Public Safety.

(e)  For each application submitted under Subsection (c), the program must provide the applicant with:

(1)  a registration application that the applicant can print from the registration website, sign, and mail to the registrar as required under Subsection (c)(2); and

(2)  information about how the applicant can obtain a driver's license or personal identification card from the Department of Public Safety.

(f)  An application submitted under this section is considered for all purposes an application submitted by mail under this title.

(g)  The secretary of state shall adopt rules as necessary to implement this section, including rules to provide for additional security measures necessary to ensure the accuracy and integrity of applications submitted electronically.

(h)  The rules adopted under Subsection (g) must require that:

(1)  the Internet website through which a person may complete a voter registration application include a description of the offense described by Section 13.007 in a conspicuous location on the website near the place where the person begins or submits the application; and

(2)  the state electronic Internet portal project be used to authenticate the identity of a person who submits an application electronically under this section.

SECTION 2.02.  Sections 84.001(b) and (d), Election Code, are amended to read as follows:

(b)  An application must be in writing and signed by the applicant. Except as provided by Section 84.0091, an [~~An~~] electronic signature is not permitted.

(d)  An application must be submitted [~~by mail~~] to the early voting clerk for the election who serves the election precinct of the applicant's residence.

SECTION 2.03.  Subchapter A, Chapter 13, Election Code, is amended by adding Section 13.009 to read as follows:

Sec. 13.009.  VOTER REGISTRATION THROUGH DEPARTMENT OF PUBLIC SAFETY. (a) The voter registrar of each county shall automatically register any county resident who is eligible to vote as provided by Section 13.001 and:

(1)  is issued a Texas driver's license or a personal identification card by the Department of Public Safety; or

(2)  makes a change to a Texas driver's license or personal identification card issued by the Department of Public Safety.

(b)  A driver's license or personal identification card transaction with an indication provided by Section 20.062(b) or 20.063(c) that the transaction is not for voter registration purposes is not subject to this section.

SECTION 2.04.  Section 20.061, Election Code, is amended to read as follows:

Sec. 20.061.  APPLICABILITY OF OTHER PROVISIONS. The other provisions of this chapter apply to the Department of Public Safety except provisions that conflict with this subchapter or Section 13.009.

SECTION 2.05.  Section 20.062(b), Election Code, is amended to read as follows:

(b)  The department shall prescribe and use a change of address form and procedure that combines department and voter registration functions. The form must allow a licensee or cardholder to indicate that [~~whether~~] the change of address is not [~~also to be used~~] for voter registration purposes.

SECTION 2.06.  Section 20.063, Election Code, is amended to read as follows:

Sec. 20.063.  REGISTRATION PROCEDURES. (a) The Department of Public Safety shall consider an application made in person, by mail, or online at the department's Internet website [~~provide to each person who applies in person at the department's offices~~] for an original or renewal of a driver's license, a personal identification card, or a duplicate or corrected license or card by a person who is eligible to vote as provided by Section 13.001 an application for [~~opportunity to complete a~~] voter registration. The date of application is considered to be the date of submission to the voter registrar for the purpose of determining the effective date of registration [~~application form~~].

(b)  The Department of Public Safety shall consider a change of address that relates to [~~When the department processes~~] a license or card and that is submitted to [~~for renewal by mail,~~] the department [~~shall deliver to the applicant by mail a voter registration application form.~~

[~~(c)  A change of address that relates to a license or card and that is submitted to the department~~] in person, [~~or~~] by mail, or online at the department's Internet website [~~serves~~] as a change in [~~of address for~~] voter registration [~~unless the licensee or cardholder indicates that the change is not for voter registration purposes~~]. The date of submission of a change of address to a department employee is considered to be the date of submission to the voter registrar for the purpose of determining the effective date of registration [~~only~~].

(c)  The registration of an eligible [~~(d)  If a completed~~] voter as required by Subsections (a) and (b) is automatic unless the person indicates that the transaction is not for voter registration purposes [~~application submitted to a department employee does not include the applicant's correct driver's license number or personal identification card number, a department employee shall enter the appropriate information on the application. If a completed application does not include the applicant's correct residence address or mailing address, a department employee shall obtain the appropriate information from the applicant and enter the information on the application~~].

SECTION 2.07.  Section 20.065(b), Election Code, is amended to read as follows:

(b)  Each weekday the department is regularly open for business, the department shall electronically transfer to the secretary of state the name and information designated by the secretary of state for [~~of each person who completes a~~] voter registration for each individual who is eligible to vote as provided by Section 13.001 and applies in person, by mail, or online at the department's Internet website for an original or renewal of a driver's license, a personal identification card, or a duplicate or corrected license or card [~~application submitted to the department~~]. The secretary shall prescribe procedures necessary to implement this subsection.

SECTION 2.08.  Section 13.001, Election Code, is amended by amending Subsections (a) and (b) and adding Subsections (d) and (e) to read as follows:

(a)  To be eligible for registration as a voter in this state, a person must:

(1)  except as provided by Subsection (d), be 18 years of age or older;

(2)  be a United States citizen;

(3)  not have 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;

(4)  not have been finally convicted of a felony or, if so convicted, must have:

(A)  fully discharged the person's sentence, including any term of incarceration, parole, or supervision, or completed a period of probation ordered by any court; or

(B)  been pardoned or otherwise released from the resulting disability to vote; and

(5)  be a resident of the county in which application for registration is made.

(b)  Except as provided by Subsection (d), to [~~To~~] be eligible to apply for registration, a person must, on the date the registration application is submitted to the registrar, be at least 17 years and 10 months of age and satisfy the requirements of Subsection (a) except for age.

(d)  A person who will be 18 years of age or older on the date of the next general election for state and county officers is eligible to register as a voter in this state for the purposes of voting in the primary election to determine a political party's nominees for the general election if the person satisfies the requirements of Subsection (a) except for age. The secretary of state shall prescribe procedures necessary to implement this subsection.

(e)  The voter registrar may send a written notice to each person who registers to vote under Subsection (d) stating that the person is only eligible to vote in a primary election or runoff primary election and that the person is not eligible to vote in any other election until the person is 18 years of age. The notice may list the elections in which the person is not eligible to vote.

SECTION 2.09.  Subchapter A, Chapter 172, Election Code, is amended by adding Section 172.005 to read as follows:

Sec. 172.005.  VOTING BY PERSON UNDER AGE 18. (a) Notwithstanding Section 11.001, a person may vote in a primary election if the person:

(1)  will be 18 years of age or older on the date of the subsequent general election for state and county officers; and

(2)  satisfies the requirements for being a qualified voter except for age.

(b)  The secretary of state, after consulting with the state chairman of each political party required to make nominations by primary election, shall prescribe the procedures necessary to implement this section.

SECTION 2.10 Chapter 521A, Texas Transportation Code is amended as follows:

Sec. 521A.002.  ELECTION IDENTIFICATION CERTIFICATE FOR HIGH SCHOOL STUDENTS. (a) The Department shall, at no cost to the student, issue an election identification certificate to any student who requests one and:

(1)  is, on the date of the request, at least 17 years and five months of age; and

(2)  provides proof of enrollment showing the student is currently enrolled in a Texas public high school, private school, public or private charter school, or accredited homeschool program.

SECTION 2.11.  Chapter 63, Election Code, is amended by adding Section 63.010 to read as follows:

Sec. 63.010.  REGISTRATION AT POLLING PLACE. (a) A person who would be eligible to vote in an election under Section 11.001, but for the requirement to be a registered voter, shall be accepted during voting by personal appearance for voting the ballot for the precinct of the person's residence as shown by the identification presented if, on the day the person offers to vote, the person:

(1)  submits a voter registration application that complies with Section 13.002 to an election officer at the polling place; and

(2)  presents as proof of residence a form of photo identification described by Section 63.0101(a) that states the person's current address.

(b)  The election officer shall return the original proof of residence to the voter.

(c)  A person voting under this section shall vote a provisional ballot in the manner provided by Section 63.011 except that the person is not required to submit the affidavit under Section 63.011(a).

(d)  For each registration corresponding to a ballot cast under this section, the voter registrar shall review the application and determine whether the applicant is eligible for registration as provided by Subchapter C, Chapter 13. A registration approved under this subsection takes effect on the date the vote was cast.

ARTICLE 3. VOTE BY MAIL

SECTION 3.01.  Section 82.005, Election Code, is amended to read as follows:

Sec. 82.005.  ELIGIBILITY FOR EARLY VOTING [~~BY PERSONAL APPEARANCE~~]. Any qualified voter is eligible for early voting by mail or personal appearance.

SECTION 3.02.  Section 84.007(a), Election Code, is amended to read as follows:

(a)  Except as provided by Sections 84.008, [~~and~~] 84.009, and 84.0091, an application for a ballot to be voted by mail must be submitted as provided by this section.

SECTION 3.03.  Subchapter A, Chapter 84, Election Code, is amended by adding Section 84.0091 to read as follows:

Sec. 84.0091.  SUBMITTING APPLICATION FOR BALLOT VOTED BY MAIL: ELECTRONIC SUBMISSION. The secretary of state shall implement a program to allow a person to complete an application for an early voting ballot by mail over the Internet from the official website of this state. The program must:

(1)  permit an applicant to electronically sign the application;

(2)  deliver a completed application to the early voting clerk for the election who serves the election precinct of the applicant's residence; and

(3)  permit an applicant to check the status of the applicant's application.

SECTION 3.04.  Subchapter C, Chapter 87, Election Code, is amended by adding Section 87.0411 to read as follows:

Sec. 87.0411.  OPPORTUNITY TO CORRECT DEFECT: EARLY VOTING BALLOT BOARD. (a) This section applies to an early voting ballot voted by mail:

(1)  for which the voter did not sign the carrier envelope certificate;

(2)  for which it cannot immediately be determined whether the signature on the carrier envelope certificate is that of the voter; or

(3)  that does not contain a statement of residence form if required under Section 86.002(a).

(b)  Before deciding whether to accept or reject a ballot under Section 87.041, the early voting ballot board shall notify a voter within one business day of the discovery of a defect under Subsection (a) to advise the voter of the defect and provide the voter an opportunity to correct the defect by providing:

(1)  if the defect involves the voter's signature:

(A)  the following identification:

(i)  the identification number from an unexpired driver's license, election identification certificate, or personal identification card issued to the voter by the Department of Public Safety;

(ii)  the last four digits of the voter's social security number; or

(iii)  if the voter does not possess any identification described by Subparagraph (i) or (ii), a form of identification described by Section 63.0101; and

(B)  a signed cure attestation in a form prescribed by the secretary of state stating that the ballot at issue is that of the voter; or

(2)  if the defect involves a required statement of residence form, a signed and completed statement of residence form.

(c)  Subsection (b) does not apply if the early voting ballot board determines that it would be impossible to correct the defect before the ninth day after the date of the election.

(d)  A voter may submit materials listed under Subsection (b) to the early voting clerk by:

(1)  personal delivery;

(2)  mail;

(3)  e-mail; or

(4)  telephonic facsimile machine, if a machine is available in the clerk's office.

(e)  The notice under Subsection (b) must:

(1)  inform the voter that the voter's vote will not be counted unless the voter submits the materials listed under Subsection (b) not later than the ninth day after the date of the election;

(2)  instruct the voter on the methods of returning the materials listed under Subsection (b);

(3)  include a copy of the cure attestation or statement of residence in the form prescribed by the secretary of state; and

(4)  direct the voter to the location of the cure attestation or statement of residence form on the secretary of state's Internet website.

(f)  The early voting ballot board shall provide notice to the voter under Subsection (b) by mail and any other method reasonably calculated to provide sufficient time for the voter to submit the required materials before the deadline prescribed by this section.

(g)  The early voting ballot board is not required to provide notice under Subsection (b) if the board makes a determination under Section 87.027(j) that the signature on the carrier envelope certificate and ballot application are those of the voter.

(h)  If the early voting ballot board does not provide notice to the voter under Subsection (b) and the ballot meets the requirements of Sections 87.041(b)(1), (3), (4), (5), (6), and (7), the board shall accept the ballot in the manner provided by Section 87.042.

(i)  The secretary of state shall:

(1)  prominently display and maintain on the main page of the secretary's Internet website a link to blank versions of the statement of residence form and the cure attestation described by Subsection(b); and

(2)  adopt rules and prescribe forms as necessary to implement this section.

(j)  A statement of residence form or a cure attestation prescribed under this section must include clear instructions for completion and notice of the penalties associated with election fraud and voting more than once in an election. The cure attestation and statement of residence may not require the voter to have the form notarized or signed by a witness.

(k)  The signature provided by the voter on a cure attestation or a statement of residence form shall be placed on file with the county clerk or voter registrar to allow its use for future signature comparison as provided by Sections 87.027(i) and 87.041(e).

ARTICLE 4. POLLING PLACES

SECTION 4.01.  Subchapter A, Chapter 43, Election Code, is amended by adding Section 43.008 to read as follows:

Sec. 43.008.  CAMPUS POLLING PLACES. (a) In this section, "institution of higher education" has the meaning assigned by Section 61.003, Education Code.

(b)  The commissioners court of a county shall designate as a polling place a number of locations on the main campus of an institution of higher education located in the county as follows:

(1)  if at least 5,000 but fewer than 10,000 students are enrolled at the institution, one location; or

(2)  if at least 10,000 students are enrolled at the institution, two locations and one additional location for every 10,000 students enrolled at the institution over 10,000 students.

SECTION 4.02.  Section 85.005(c), Election Code, is amended as follows:

(c)  In a county with a population of 30,000 [~~100,000~~] or more, the voting in a primary election or the general election for state and county officers shall be conducted at the main early voting polling place for at least 12 hours on each weekday of the last week of the early voting period, and the voting in a special election ordered by the governor shall be conducted at the main early voting polling place for at least 12 hours on each of the last two days of the early voting period. Voting shall be conducted in accordance with this subsection in those elections in a county with a population under 30,000 [~~100,000~~] on receipt by the early voting clerk of a written request for the extended hours submitted by at least 15 registered voters of the county. The request must be submitted in time to enable compliance with Section 85.067.

SECTION 4.03.  Section 43.007(i), Election Code, is repealed.

SECTION 4.04.  Sections 43.007(c) and (d), Election Code, are amended to read as follows:

(c)  In conducting the program, the secretary of state shall provide for an audit of the voting system equipment [~~direct recording electronic voting units~~] before and after the election, and during the election to the extent such an audit is practicable.

(d)  The secretary of state shall select to participate in the program each county that:

(1)  has held a public hearing under Subsection (b);

(2)  has submitted documentation listing the steps taken to solicit input on participating in the program by organizations or persons who represent the interests of voters;

(3)  has implemented a computerized voter registration list that allows an election officer at the polling place to verify that a voter has not previously voted in the election;

(4)  uses direct recording electronic voting machines, ballot marking devices, or hand-marked scannable paper ballots that are printed and scanned at the polling place or any other type of voting system equipment that the secretary of state determines is capable of processing votes for each type of ballot to be voted in the county; and

(5)  is determined by the secretary of state to have the appropriate technological capabilities.

ARTICLE 5. VOTING BY PERSONAL APPEARANCE

SECTION 5.01.  Section 85.001(a), Election Code, is amended to read as follows:

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

SECTION 5.02.  Section 13.002(i), Election Code, as effective September 1, 2021, is amended to read as follows:

(i)  An applicant who wishes to receive an exemption from the requirements of Section 63.001(b) on the basis of disability must submit:

(1)  written documentation:

(A)  from the United States Social Security Administration evidencing the applicant has been determined to have a disability; or

(B)  from the United States Department of Veterans Affairs evidencing the applicant has a disability rating of at least 50 percent; and

(2)  a statement in a form prescribed by the secretary of state that the applicant does not have [~~a form of~~] identification required by Section 63.001(b) in a form described by [~~acceptable under~~] Section 63.0101.

SECTION 5.03.  Sections 63.001(b) and (i), Election Code, are amended to read as follows:

(b)  Except as provided by Subsection (h), on offering to vote, a voter must present to an election officer at the polling place:

(1)  one form of photo identification listed in Section 63.0101(a); [~~or~~]

(2)  one form of identification listed in Section 63.0101(b)(1), (2), or (3) accompanied by the declaration described by Subsection (i);

(3)  two forms of identification listed under Section 63.0101(b), including one form that contains the voter's current address; or

(4)  two forms of identification listed under Section 63.0101(b)(4) accompanied by the declaration described by Subsection (i).

(i)  If the requirement for identification prescribed by Subsection (b)(1) or (3) is not met, an election officer shall notify the voter that the voter may be accepted for voting if the voter meets the requirement for identification prescribed by Subsection (b)(2) or (4) and executes a declaration declaring the voter has a reasonable impediment to meeting the requirement for identification prescribed by Subsection (b)(1) or (3). A person is subject to prosecution for perjury under Chapter 37, Penal Code, or Section 63.0013 for a false statement or false information on the declaration. The secretary of state shall prescribe the form of the declaration. The form shall include:

(1)  a notice that a person is subject to prosecution for perjury under Chapter 37, Penal Code, or Section 63.0013 for a false statement or false information on the declaration;

(2)  a statement that the voter swears or affirms that the information contained in the declaration is true, that the person described in the declaration is the same person appearing at the polling place to sign the declaration, and that the voter faces a reasonable impediment to procuring the identification prescribed by Subsection (b)(1) or (3);

(3)  a place for the voter to indicate one of the following impediments:

(A)  lack of transportation;

(B)  lack of birth certificate or other documents needed to obtain the identification prescribed by Subsection (b)(1);

(C)  work schedule;

(D)  lost or stolen identification;

(E)  disability or illness;

(F)  family responsibilities; and

(G)  the identification prescribed by Subsection (b)(1) or (3) has been applied for but not received;

(4)  a place for the voter to sign and date the declaration;

(5)  a place for the election judge to sign and date the declaration;

(6)  a place to note the polling place at which the declaration is signed; and

(7)  a place for the election judge to note which form of identification prescribed by Subsection (b)(2) or (4) the voter presented.

SECTION 5.04.  Sections 63.0101(a) and (b), Election Code, are amended to read as follows:

(a)  The following documentation is an acceptable form of photo identification under this chapter:

(1)  a driver's license, election identification certificate, or personal identification card issued to the voter [~~person~~] by the Department of Public Safety that has not expired or that expired no earlier than four years before the date of presentation;

(2)  a United States military identification card that contains the voter's [~~person's~~] photograph that has not expired or that expired no earlier than four years before the date of presentation;

(3)  a United States citizenship certificate issued to the voter [~~person~~] that contains the voter's [~~person's~~] photograph;

(4)  a United States passport book or card issued to the voter [~~person~~] that has not expired or that expired no earlier than four years before the date of presentation; [~~or~~]

(5)  a license to carry a handgun issued to the voter [~~person~~] by the Department of Public Safety that has not expired or that expired no earlier than four years before the date of presentation;

(6)  an official Native American tribal document that:

(A)  contains the voter's photograph and address; and

(B)  is issued by a tribe that is federally recognized and located in this state; or

(7)  any other official government document issued to the voter and containing the voter's name, address, and photograph.

(b)  The following documentation is acceptable as proof of identification under this chapter:

(1)  a government document that shows the name and address of the voter, including the voter's voter registration certificate;

(2)  one of the following documents that shows the name and address of the voter:

(A)  a copy of a current utility bill;

(B)  a bank or credit union statement;

(C)  a government check; or

(D)  a paycheck or pension plan statement; [~~or~~]

(3)  a certified copy of a domestic birth certificate or other document confirming birth that is admissible in a court of law and establishes the voter's [~~person's~~] identity; or

(4)  two of the following documents issued or delivered to the voter, one of which must contain the name and address of the voter:

(A)  a Medicare, Medicaid, or Department of Veterans Affairs identification card or other health insurance identification card;

(B)  a Department of Defense identification card;

(C)  a social security identification card;

(D)  a credit or debit card;

(E)  a student identification card issued by a public or private high school or institution of higher education;

(F)  a Texas Department of Criminal Justice document indicating release or parole;

(G)  a fishing or hunting license;

(H)  a lease or mortgage for real property;

(I)  a motor vehicle title;

(J)  an insurance certificate, policy declaration, or other document demonstrating proof of insurance;

(K)  an official Native American tribal document that is issued by a tribe that is federally recognized and located in this state;

(L)  a property tax assessment;

(M)  a letter of confirmation of residence, letter of stay, admission form, or statement of benefits from:

(i)  a student residence at a public or private institution of higher education;

(ii)  a nursing home or other long-term care facility or a retirement center; or

(iii)  a shelter.

(N)  a document listed in Subdivision (1), (2), or (3); or

(O)  another government document containing the voter's name.

SECTION 5.05.  Section 63.011(b), Election Code, is amended to read as follows:

(b)  A form for an affidavit required by this section must be printed on an envelope in which the provisional ballot voted by the person may be placed and must include:

(1)  a space for entering the identification number of the provisional ballot voted by the person; and

(2)  a space for an election officer to indicate whether the person presented [~~a form of~~] identification required by Section 63.001(b) in a form described by Section 63.0101.

SECTION 5.06.  Section 65.0541(a), Election Code, is amended to read as follows:

(a)  A voter who is accepted for provisional voting under Section 63.011 because the voter does not meet the identification requirements of Section 63.001(b) may, not later than the sixth day after the date of the election:

(1)  present [~~a form of~~] identification required by Section 63.001(b) in a form described by Section 63.0101 to the voter registrar for examination; or

(2)  execute an affidavit described by Section 65.054(b)(2)(B) or (C) in the presence of the voter registrar.

SECTION 5.07.  Section 86.006(a-1), Election Code, is amended to read as follows:

(a-1)  The voter may deliver a marked ballot in person to the early voting clerk's office only while the polls are open on election day. A voter who delivers a marked ballot in person must present identification required by Section 63.001(b) in a [~~an acceptable~~] form [~~of identification~~] described by Section 63.0101.

SECTION 5.08.  Section 64.012, Election Code, is amended by adding Subsection (c) to read as follows:

(c)  It is an exception to the application of Subsection (a)(1) that the person:

(1)  voted or attempted to vote a provisional ballot in accordance with Section 63.011; and

(2)  did not know:

(A)  of the particular circumstances that made the person not eligible to vote in the election; or

(B)  that those circumstances made the person not eligible to vote in the election.

SECTION 5.09.  The change in law made by this Act applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 5.10.  Section 662.003(b), Government Code, is amended to read as follows:

(b)  A state holiday includes only the following days:

(1)  the 19th day of January, "Confederate Heroes Day," in honor of Jefferson Davis, Robert E. Lee, and other Confederate heroes;

(2)  the second day of March, "Texas Independence Day";

(3)  the 21st day of April, "San Jacinto Day";

(4)  the 19th day of June, "Emancipation Day in Texas," in honor of the emancipation of the slaves in Texas in 1865;

(5)  the 27th day of August, "Lyndon Baines Johnson Day," in observance of the birthday of Lyndon Baines Johnson;

(6)  the Friday after Thanksgiving Day;

(7)  the 24th day of December; [~~and~~]

(8)  the 26th day of December; and

(9)  the first Tuesday after the first Monday in November of an even-numbered year.

SECTION 5.11.  Section 662.021, Government Code, is amended to read as follows:

Sec. 662.021.  DATES OF HOLIDAYS. A legal holiday includes only the following days:

(1)  a national holiday under Section 662.003(a); and

(2)  a state holiday under Sections 662.003(b)(1) through (6) and Section 662.003(b)(9).

SECTION 3.  This Act takes effect on the 91st day after the last day of the legislative session.

ARTICLE 6. VOLUNTEER DEPUTY REGISTRARS

SECTION 6.01.  Section 13.031, Election Code, is amended by adding Subsection (f) to read as follows:

(f)  A volunteer deputy registrar appointed under this section may serve as a volunteer deputy registrar throughout the state regardless of which county appointed the deputy registrar. The secretary of state shall prescribe procedures to implement this subsection.

SECTION 6.02.  Section 13.033(b), Election Code, is amended to read as follows:

(b)  If a person is to be appointed, the registrar shall prepare a certificate of appointment in duplicate containing:

(1)  the date of appointment;

(2)  the statement: "I, \_\_\_\_\_\_\_\_\_\_\_\_, Voter Registrar for \_\_\_\_\_\_\_\_\_\_\_\_ County, do hereby appoint \_\_\_\_\_\_\_\_\_\_\_\_ as a volunteer deputy registrar [~~for \_\_\_\_\_\_\_\_\_\_\_\_ County~~].";

(3)  the person's residence address;

(4)  the person's voter registration number, if any;

(5)  a statement that the term of the appointment expires December 31 of an even-numbered year; and

(6)  a statement that the appointment terminates on the person's final conviction for an offense for failure to deliver a registration application and may terminate on the registrar's determination that the person failed to adequately review a registration application, intentionally destroyed or physically altered a registration application, or engaged in any other activity that conflicts with the responsibilities of a volunteer deputy registrar under this chapter.

SECTION 6.03.  Section 13.037(a), Election Code, is amended to read as follows:

(a)  A person may not receive compensation from any [~~the~~] county for service as a volunteer deputy registrar unless compensation is authorized by the commissioners court of that county.

SECTION 6.04.  Section 13.038, Election Code, is amended to read as follows:

Sec. 13.038.  POWERS GENERALLY. (a) A volunteer deputy registrar may distribute voter registration application forms throughout the county and receive registration applications submitted to the deputy in person.

(b)  A volunteer deputy registrar may distribute a voter registration application in the form prescribed by the secretary of state under Section 31.002 throughout the state and receive an application in that form submitted to the deputy in person, regardless of the county in which the application was printed.

(c)  The secretary of state shall prescribe procedures to implement this section.

ARTICLE 7. UNOPPOSED CANDIDATES

SECTION 7.01.  Section 2.053(a), Election Code, is amended to read as follows:

(a)  On receipt of the certification, the governing body of the political subdivision by order or ordinance shall [~~may~~] declare each unopposed candidate elected to the office. If no election is to be held on election day by the political subdivision, a copy of the order or ordinance shall be posted on election day at each polling place used or that would have been used in the election.

SECTION 7.02.  Section 2.056(c), Election Code, is amended to read as follows:

(c)  A certifying authority shall [~~may~~] declare a candidate elected to an office of the state or county government if, were the election held, only the votes cast for that candidate in the election for that office may be counted.

SECTION 7.03.  Section 52.092(a), Election Code, is amended to read as follows:

(a)  Except as provided by Section 2.053(c) or 2.056(e), for [~~For~~] an election at which offices regularly filled at the general election for state and county officers are to appear on the ballot, the offices shall be listed in the following order:

(1)  offices of the federal government;

(2)  offices of the state government:

(A)  statewide offices;

(B)  district offices;

(3)  offices of the county government:

(A)  county offices;

(B)  precinct offices.

ARTICLE 8. ELECTION OFFICIALS, VOLUNTEERS, AND POLL WATCHERS

SECTION 8.01.  Subchapter B, Chapter 33, Election Code, is amended by adding Section 33.036 to read as follows:

Sec. 33.036.  TRAINING. (a) To be eligible to serve as a watcher, a person must complete the training required of election judges under Subchapter F, Chapter 32.

(b)  The secretary of state shall adopt rules to implement this section.

(c)  Before accepting a watcher, the officer presented with a watcher's certificate of appointment shall require the watcher to take the following oath, administered by the officer: "I swear (or affirm) that I will not disrupt the voting process or harass voters in the discharge of my duties."

SECTION 8.02.  Chapter 32, Texas Election Code, is amended to read as follows:

Sec. 32.013.  INDEMNIFICATION OF ELECTION JUDGES,  CLERKS, AND WORKERS. (a) in the event an election judge, election clerk, or election worker  is subject to a lawsuit suit or court action, including a writ of mandamus, while exercising their official duties, or relating to the exercise of their official duty; (b) it shall be the responsibility of the government body which appointed the election judges, election clerks, or election workers to:

(b)  completely indemnify the election judge, election clerk, or election worker against any damages, legal fees, attorneys fees, or any costs and fees associated with litigation arising out of their work in an official capacity as an election judge or clerk.

ARTICLE 9. EFFECTIVE DATE

SECTION 9.01.  This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect October 1, 2021.