

By: Hughes

S.B. No. 1

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to election integrity and security, including by  
3 preventing fraud in the conduct of elections in this state;  
4 increasing criminal penalties; creating criminal offenses;  
5 providing civil penalties.

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

7 ARTICLE 1. REGISTRATION OF VOTERS

8 SECTION 1.01. Section 13.002, Election Code, is amended by  
9 adding Subsection (c-1) to read as follows:

10 (c-1) The information required under Subsection (c) must be  
11 supplied by the person desiring to register to vote.

12 SECTION 1.02. Section 15.021, Election Code, is amended by  
13 amending Subsections (b) and (d) and adding Subsections (d-1) and  
14 (d-2) to read as follows:

15 (b) Except as provided by Subsection (d), the ~~[The]~~ voter  
16 shall use the registration certificate or a registration  
17 application form as the notice, indicating the correct information  
18 in the appropriate space on the certificate or application form  
19 unless the voter does not have possession of the certificate or an  
20 application form at the time of giving the notice.

21 (d) A voter ~~[who continues to reside in the county in which~~  
22 ~~the voter is registered]~~ may correct information under this section  
23 by digital transmission of the information under a program  
24 administered by the secretary of state and the Department of

1 Information Resources.

2 (d-1) If the notice indicates that a voter no longer resides  
3 in the county in which the voter is registered, the registrar shall  
4 forward the notice and the voter's original application for  
5 registration to the registrar of the county in which the voter  
6 resides. The registrars shall coordinate to ensure that the  
7 voter's existing registration is canceled immediately after the  
8 voter is registered in the county in which the voter resides in  
9 accordance with Subsection (d-2).

10 (d-2) A registrar who receives a voter's notice and  
11 application from another registrar under Subsection (d-1) shall  
12 treat it as an original application for registration under Section  
13 13.002, and shall register the voter if the voter resides in the  
14 county and is otherwise eligible under Section 13.001.

15 SECTION 1.03. Section 15.028, Election Code, is amended to  
16 read as follows:

17 Sec. 15.028. NOTICE OF UNLAWFUL VOTING OR REGISTRATION [~~TO~~  
18 ~~PROSECUTOR~~]. [~~(a)~~] If the registrar determines that a person who  
19 is not eligible to vote registered to vote or [a registered voter]  
20 voted in an election, the registrar shall execute and deliver to the  
21 attorney general, the secretary of state, and the county or  
22 district attorney having jurisdiction in the territory covered by  
23 the election an affidavit stating the relevant facts.

24 [~~(b) If the election covers territory in more than one~~  
25 ~~county, the registrar shall also deliver an affidavit to the~~  
26 ~~attorney general.~~]

27 SECTION 1.04. Section 16.0332, Election Code, is amended by

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

3 (a) After the registrar receives notification [~~a list~~]  
4 under Subsection (a-1) of this section, Section 18.068 of this  
5 code, or Section 62.113, Government Code, of persons excused or  
6 disqualified from jury service because of citizenship status or  
7 notification of persons who indicate a lack of citizenship status  
8 in connection with a motor vehicle or Department of Public Safety  
9 record, the registrar shall deliver to each registered voter whose  
10 name appears on the list a written notice requiring the voter to  
11 submit to the registrar proof of United States citizenship in the  
12 form of a certified copy of the voter's birth certificate, United  
13 States passport, or certificate of naturalization or any other form  
14 prescribed by the secretary of state. The notice shall be delivered  
15 by forwardable mail to the mailing address on the voter's  
16 registration application and to any new address of the voter known  
17 to the registrar.

18 (a-1) The secretary of state shall enter into an agreement  
19 with the Department of Public Safety under which information in the  
20 existing statewide computerized voter registration list is  
21 compared against information in the database of the Department of  
22 Public Safety on a monthly basis to verify the accuracy of  
23 citizenship status information previously provided on voter  
24 registration applications.

25 (d) The secretary of state shall prescribe rules for the  
26 administration of this section.

27 (e) Not later than December 31 of each year, the secretary

1 of state shall provide a report to the legislature of the number of  
2 voter registrations canceled under this section during the calendar  
3 year.

4 SECTION 1.05. Section 18.068, Election Code, is amended by  
5 amending Subsection (a) and adding Subsection (a-1) to read as  
6 follows:

7 (a) The secretary of state shall quarterly compare the  
8 information received under Section 16.001 of this code and Sections  
9 ~~[Section]~~ 62.113 and 62.114, Government Code, to the statewide  
10 computerized voter registration list. If the secretary determines  
11 that a voter on the registration list is deceased or has been  
12 excused or disqualified from jury service because the voter is not a  
13 citizen or a resident of the county in which the voter is registered  
14 to vote, the secretary shall send notice of the determination to:

15 (1) the voter registrar of the counties considered  
16 appropriate by the secretary; and

17 (2) the attorney general, who shall quarterly review  
18 the information to investigate whether a person has committed an  
19 offense under Section 13.007 or other law.

20 (a-1) The secretary of state is not required to send notice  
21 under Subsection (a) for a voter who is subject to an exemption from  
22 jury service under Section 62.106, Government Code.

23 SECTION 1.06. Section 31.006, Election Code, is amended to  
24 read as follows:

25 Sec. 31.006. REFERRAL ~~[OF COMPLAINT]~~ TO ATTORNEY GENERAL.

26 (a) If, after receiving or discovering information indicating that  
27 ~~[a complaint alleging]~~ criminal conduct in connection with an

1 election has occurred, the secretary of state determines that there  
2 is reasonable cause to suspect that [~~the alleged~~] criminal conduct  
3 occurred, the secretary shall promptly refer the information  
4 [~~complaint~~] to the attorney general. The secretary shall deliver to  
5 the attorney general all pertinent documents and information in the  
6 secretary's possession.

7 (b) The documents and information submitted under  
8 Subsection (a) are not considered public information until:

9 (1) the secretary of state makes a determination that  
10 the information [~~complaint~~] received does not warrant an  
11 investigation; or

12 (2) if referred to the attorney general, the attorney  
13 general has completed the investigation or has made a determination  
14 that the information [~~complaint~~] referred does not warrant an  
15 investigation.

16 SECTION 1.07. Section 62.113(b), Government Code, is  
17 amended to read as follows:

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

21 (1) the voter registrar of the county;

22 (2) the secretary of state; and

23 (3) the attorney general and the county or district  
24 attorney[~~, as applicable,~~] for an investigation of whether the  
25 person committed an offense under Section 13.007, Election Code, or  
26 other law.

27 SECTION 1.08. Sections 62.114(b) and (c), Government Code,

1 are amended to read as follows:

2 (b) On the third business day of each month, the clerk shall  
3 send [~~to the voter registrar of the county~~] a copy of the list of  
4 persons excused or disqualified in the previous month because the  
5 persons do not reside in the county to:

6 (1) the voter registrar of the county;

7 (2) the secretary of state; and

8 (3) the attorney general and the county or district  
9 attorney for an investigation of whether the person committed an  
10 offense under Section 13.007, Election Code, or other law.

11 (c) A list compiled under this section may not be used for a  
12 purpose other than a purpose described by Subsection (b) or Section  
13 15.081 or 18.068, Election Code.

14 ARTICLE 2. CONDUCT AND SECURITY OF ELECTIONS

15 SECTION 2.01. Section 43.031(b), Election Code, is amended  
16 to read as follows:

17 (b) Each polling place shall be located inside a building.  
18 A polling place may not be located in a tent or similar temporary  
19 moveable structure or in a facility primarily designed for motor  
20 vehicles. No voter may cast a vote from inside a motor vehicle  
21 unless the voter meets the requirements of Section 64.009.

22 SECTION 2.02. Section 64.007(c), Election Code, is amended  
23 to read as follows:

24 (c) An election officer shall maintain a register of spoiled  
25 ballots at the polling place, including spoiled ballots from a  
26 direct recording electronic voting unit. An election officer shall  
27 enter on the register the name of each voter who returns a spoiled

1 ballot and the spoiled ballot's number. The secretary of state  
2 shall create and promulgate a form to be used for this purpose.

3 SECTION 2.03. Subchapter A, Chapter 65, Election Code, is  
4 amended by adding Section 65.017 to read as follows:

5 Sec. 65.017. VOTE TABULATING EQUIPMENT. Beginning January  
6 1, 2024, equipment to tabulate votes may not be used if any wireless  
7 connectivity capability of the equipment has not been disabled or  
8 removed.

9 SECTION 2.04. Subchapter A, Chapter 66, Election Code, is  
10 amended by adding Section 66.004 to read as follows:

11 Sec. 66.004. CLOSING POLLING PLACE. The secretary of state  
12 shall adopt rules and create a checklist or similar guidelines to  
13 assist the presiding judge of a polling place in processing forms  
14 and conducting procedures required by this code at the closing of  
15 the polling place.

16 SECTION 2.05. Section 66.052, Election Code, is amended to  
17 read as follows:

18 Sec. 66.052. DELIVERY BY ELECTION CLERK; CHAIN OF CUSTODY.

19 (a) A delivery of election records or supplies that is to be  
20 performed by the presiding judge may be performed by an election  
21 clerk designated by the presiding judge.

22 (b) If the presiding judge of a polling place designates a  
23 clerk to deliver election supplies, the presiding judge shall  
24 attest to the designation, and the clerk shall attest to the clerk's  
25 acceptance of the responsibility. The secretary of state shall  
26 create and promulgate a form to facilitate compliance with this  
27 section.

1 SECTION 2.06. Section 85.005, Election Code, is amended to  
2 read as follows:

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

13 (b) In an election to which Subsection (a) does not apply,  
14 early voting by personal appearance at the main early voting  
15 polling place shall be conducted at least nine [~~eight~~] hours each  
16 weekday of the early voting period that is not a legal state holiday  
17 unless the territory covered by the election has fewer than 1,000  
18 registered voters. In that case, the voting shall be conducted at  
19 least four [~~three~~] hours each day. The authority ordering the  
20 election, or the county clerk if that person is the early voting  
21 clerk, shall determine which hours the voting is to be conducted.

22 (c) In a county with a population of 30,000 [~~100,000~~] or  
23 more, the voting in a primary election or the general election for  
24 state and county officers shall be conducted at the main early  
25 voting polling place for at least 12 hours on each weekday of the  
26 last week of the early voting period, and the voting in a special  
27 election ordered by the governor shall be conducted at the main



1 early voting polling place for at least 12 hours on each of the last  
 2 two days of the early voting period. Voting under this subsection  
 3 may not be conducted earlier than 6 a.m. or later than 9 p.m. Voting  
 4 shall be conducted in accordance with this subsection in those  
 5 elections in a county with a population under 30,000 [~~100,000~~] on  
 6 receipt by the early voting clerk of a written request for the  
 7 extended hours submitted by at least 15 registered voters of the  
 8 county. The request must be submitted in time to enable compliance  
 9 with Section 85.067.

10 (d) A voter who has not voted before the scheduled time for  
 11 closing a polling place is entitled to vote after that time if the  
 12 voter is in line at the polling place by closing time. The secretary  
 13 of state shall promulgate any materials and provide any training to  
 14 presiding judges necessary to properly process voters under this  
 15 subsection [~~In an election ordered by a city, early voting by~~  
 16 ~~personal appearance at the main early voting polling place shall be~~  
 17 ~~conducted for at least 12 hours.~~

18 [~~(1) on one weekday, if the early voting period~~  
 19 ~~consists of less than six weekdays; or~~

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

22 SECTION 2.07. Sections 85.006(b) and (e), Election Code,  
 23 are amended to read as follows:

24 (b) In an election in which a county clerk [~~or city~~  
 25 ~~secretary~~] is the early voting clerk under Section 83.002 [~~or~~  
 26 ~~83.005~~], only the early voting clerk may order voting on a Saturday  
 27 or Sunday. The clerk must do so by written order.

1           (e) In a primary election or the general election for state  
 2 and county officers in a county with a population of 30,000  
 3 [~~100,000~~] or more, the early voting clerk shall order voting by  
 4 personal appearance [~~voting~~] at the main early voting polling place  
 5 to be conducted on the last Saturday of the early voting period for  
 6 at least 12 hours, except that voting may not be conducted earlier  
 7 than 6 a.m. or later than 9 p.m., [~~on the last Saturday~~] and on the  
 8 last Sunday of the early voting period for at least six [~~five~~]  
 9 hours, except that voting may not be conducted earlier than 6 a.m.  
 10 or later than 9 p.m. [~~on the last Sunday of the early voting period~~].  
 11 The early voting clerk shall order voting to be conducted at those  
 12 times in those elections in a county with a population under 30,000  
 13 [~~100,000~~] on receipt of a written request for those hours submitted  
 14 by at least 15 registered voters of the county. The request must be  
 15 submitted in time to enable compliance with Section 85.007. This  
 16 subsection supersedes any provision of this subchapter to the  
 17 extent of any conflict.

18           SECTION 2.08. Section 85.010(a-1), Election Code, is  
 19 amended to read as follows:

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

23           SECTION 2.09. Section 85.061(a), Election Code, is amended  
 24 to read as follows:

25           (a) In a countywide election in which the county clerk is  
 26 the early voting clerk under Section 83.002, an early voting  
 27 polling place shall be located inside [~~at~~] each branch office that

1 is regularly maintained for conducting general clerical functions  
2 of the county clerk, except as provided by Subsection (b). If a  
3 suitable room is unavailable inside the branch office, the polling  
4 place may be located in another room inside the same building as the  
5 branch office. The polling place may not be located in a tent or  
6 similar temporary movable structure or a parking garage, parking  
7 lot, or similar facility designed primarily for motor vehicles.

8 SECTION 2.10. Section 85.062, Election Code, is amended by  
9 amending Subsection (b) and adding Subsection (f-1) to read as  
10 follows:

11 (b) A polling place established under this section may be  
12 located, subject to Subsection (d), at any place in the territory  
13 served by the early voting clerk and may be located inside [~~in~~] any  
14 building [~~stationary structure~~] as directed by the authority  
15 establishing the branch office. The polling place may not be  
16 located in a tent or similar temporary movable structure or a  
17 parking garage, parking lot, or similar facility designed primarily  
18 for motor vehicles in the general election for state and county  
19 officers, general primary election, or runoff primary election.  
20 Ropes or other suitable objects may be used at the polling place to  
21 ensure compliance with Section 62.004. Persons who are not  
22 expressly permitted by law to be in a polling place shall be  
23 excluded from the polling place to the extent practicable.

24 (f-1) Notwithstanding any other provision of this section  
25 concerning the location of temporary branch polling places, in an  
26 election in which countywide polling places are used, the  
27 commissioners court of a county shall employ the same methodology

1 it uses to determine the location of countywide polling places to  
2 determine the location of temporary branch polling places.

3 SECTION 2.11. Section 124.002, Election Code, is amended by  
4 adding Subsection (c) to read as follows:

5 (c) Voting system ballots may not be arranged in a manner  
6 that allows a political party's candidates to be selected in one  
7 motion or gesture.

8 SECTION 2.12. Section 127.1232, Election Code, is amended  
9 to read as follows:

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

15 (b) The general custodian of election records in a county  
16 with a population of less than 100,000 may, and the general  
17 custodian of election records in a county with a population of  
18 100,000 or more shall, implement a video surveillance system that  
19 retains a record of all areas containing voted ballots:

20 (1) from the time the voted ballots are delivered to  
21 the central counting station until the canvass of precinct election  
22 returns; and

23 (2) from the time the voted ballots are delivered to  
24 the signature verification committee or early voting ballot board  
25 until the canvass of precinct election returns.

26 (c) A video from a system implemented under Subsection (b)  
27 may be made available to the public by a livestream in a county with

1 a population of less than 100,000, and shall be made available to  
2 the public by a livestream in a county with a population of 100,000  
3 or more.

4 (d) The video recorded is an election record under Section  
5 1.012 and shall be retained by the general custodian of election  
6 records until the end of the calendar year in which an election is  
7 held or until an election contest filed in the county has been  
8 resolved, whichever is later.

9 ARTICLE 3. ELECTION OFFICERS AND OBSERVERS

10 SECTION 3.01. Section 33.051, Election Code, is amended by  
11 adding Subsections (g) and (h) to read as follows:

12 (g) An election officer commits an offense if the officer  
13 intentionally or knowingly refuses to accept a watcher for service  
14 when acceptance of the watcher is required by this section. An  
15 offense under this subsection is a Class B misdemeanor.

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

21 SECTION 3.02. Section 33.056, Election Code, is amended by  
22 amending Subsection (a) and adding Subsections (e) and (f) to read  
23 as follows:

24 (a) Except as provided by Section 33.057, a watcher is  
25 entitled to observe any activity conducted at the location at which  
26 the watcher is serving. A watcher is entitled to sit or stand  
27 [~~conveniently~~] near enough to see and hear the election officers

1 conducting the observed activity, except as otherwise prohibited by  
2 this chapter.

3 (e) Except as provided by Section 33.057(b), a watcher may  
4 not be denied free movement where election activity is occurring  
5 within the location at which the watcher is serving.

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

9 SECTION 3.03. Subchapter C, Chapter 33, Election Code, is  
10 amended by adding Section 33.0605 to read as follows:

11 Sec. 33.0605. OBSERVING DATA STORAGE SEALING AND TRANSFER.

12 (a) A watcher appointed to serve at a polling place in an election  
13 who is available at the time of the action may observe all election  
14 activities relating to closing the polling place, including the  
15 sealing and transfer of a memory card, flash drive, hard drive, data  
16 storage device, or other medium now existing or later developed  
17 used by the voting system equipment.

18 (b) Notwithstanding any other provision of this code, a  
19 watcher duly accepted for service at a polling location is entitled  
20 to follow the transfer of election materials from the polling place  
21 at which the watcher was accepted to a regional tabulating center,  
22 the central counting station, or any other location designated to  
23 process election materials. The authority responsible for  
24 administering a regional tabulating center or another location  
25 where election materials are processed must accept duly appointed  
26 watchers for service in the same manner a watcher is accepted for  
27 service under Section 33.051 and must accept the same number of

1 watchers that may serve under Section 33.007(a).

2 SECTION 3.04. Section 33.061(a), Election Code, is amended  
3 to read as follows:

4 (a) A person commits an offense if the person serves in an  
5 official capacity at a location at which the presence of watchers is  
6 authorized and knowingly prevents a watcher from observing an  
7 activity or procedure the person knows the watcher is entitled to  
8 observe, including by taking any action to obstruct the view of a  
9 watcher or distance the watcher from the activity or procedure to be  
10 observed in a manner that would make observation not reasonably  
11 effective.

12 SECTION 3.05. Subchapter C, Chapter 33, Election Code, is  
13 amended by adding Section 33.063 to read as follows:

14 Sec. 33.063. RELIEF. (a) A watcher, or the appointing  
15 authority for a watcher, who believes that the watcher was  
16 unlawfully prevented or obstructed from the performance of the  
17 watcher's duties may seek:

18 (1) injunctive relief under Section 273.081,  
19 including issuance of temporary orders;

20 (2) a writ of mandamus under Section 161.009 or  
21 273.061; and

22 (3) any other remedy available under law.

23 (b) The relief provided by this section is available to a  
24 state inspector appointed under Chapter 34 or any other election  
25 inspector authorized by law.

26 SECTION 3.06. Section 86.006, Election Code, is amended by  
27 amending Subsection (a) and adding Subsection (a-2) to read as

1 follows:

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

6 (1) mail;

7 (2) common or contract carrier; or

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

10 (a-2) An in-person delivery of a marked ballot voted under  
11 this chapter must be received by an election official at the time of  
12 delivery. The receiving official shall record the voter's name,  
13 signature, and type of identification provided under Section  
14 63.0101 on a roster prescribed by the secretary of state. The  
15 receiving official shall attest on the roster that the delivery  
16 complies with this section.

17 SECTION 3.07. Chapter 121, Election Code, is amended by  
18 adding Section 121.004 to read as follows:

19 Sec. 121.004. COMMUNICATIONS WITH VOTING SYSTEMS VENDOR  
20 PUBLIC INFORMATION. (a) Except as provided by Subsection (b) and  
21 notwithstanding any other law, including Chapter 552, Government  
22 Code, a written letter, e-mail, or other communication, including a  
23 communication made confidential by other law, between a public  
24 official and a voting systems vendor:

25 (1) is not confidential;

26 (2) is public information for purposes of Chapter 552,

27 Government Code; and



1           (3) is not subject to an exception to disclosure  
2 provided by Chapter 552, Government Code.

3           (b) Subsection (a) does not apply to a written letter,  
4 e-mail, or other communication related to the bidding process.

5           SECTION 3.08. Subchapter A, Chapter 127, Election Code, is  
6 amended by adding Section 127.009 to read as follows:

7           Sec. 127.009. ELECTRONIC DEVICES IN CENTRAL COUNTING  
8 STATION. (a) A counting station manager and the presiding judge of  
9 the counting station shall develop a protocol under which any  
10 electronic device inside a central counting station that is  
11 necessary to count votes is equipped with software that tracks all  
12 input and activity on the electronic device.

13           (b) The counting station manager and the presiding judge of  
14 the counting station shall ensure that the input and activity  
15 tracked by the software is printed and delivered to the secretary of  
16 state not later than the fifth day after vote counting is complete.

17           (c) This section applies only to a central counting station  
18 located in a county with a population of 250,000 or more.

19           SECTION 3.09. Section 127.1301, Election Code, is amended  
20 to read as follows:

21           Sec. 127.1301. [~~TALLYING, TABULATING, AND REPORTING~~]  
22 CENTRALLY COUNTED OPTICAL SCAN BALLOTS [~~BALLOT UNDERVOTES AND~~  
23 ~~OVERVOTES~~]. (a) In an election using centrally counted optical  
24 scan ballots, the undervotes and overvotes on those ballots shall  
25 be tallied, tabulated, and reported by race and by election  
26 precinct in the form and manner prescribed by the secretary of  
27 state.

1        (b) After January 1, 2024, an authority operating a central  
2 counting station under this chapter may not purchase or use a  
3 centrally counted optical ballot scan system that uses a data  
4 storage disc on which information, once written, is capable of  
5 being modified.

6        SECTION 3.10. Section [127.131](#), Election Code, is amended by  
7 adding Subsection (f) to read as follows:

8        (f) The presiding judge of the central counting station  
9 shall provide and attest to a written reconciliation of votes and  
10 voters at the close of tabulation for election day and again after  
11 the central counting station meets for the last time to process  
12 late-arriving ballots by mail and provisional ballots. The  
13 secretary of state shall create and promulgate rules and a form to  
14 facilitate compliance with this subsection. The form shall be  
15 posted on a website maintained by the county along with election  
16 returns and results.

17        SECTION 3.11. Section [129.023](#), Election Code, is amended by  
18 adding Subsections (b-2) and (c-1) to read as follows:

19        (b-2) If the test is being conducted for an election in  
20 which a county election board has been established under Section  
21 [51.002](#), the general custodian of election records shall notify each  
22 member of the board of the test at least 48 hours before the date of  
23 the test. If the county election board chooses to witness the test,  
24 each member shall sign the statement required by Subsection (e)(1).

25        (c-1) A test conducted under this section must also require  
26 the general custodian of election records to demonstrate, using a  
27 representative sample of voting system equipment, that the source

1 code of the equipment has not been altered.

2 ARTICLE 4. VOTING BY MAIL

3 SECTION 4.01. Section 84.001(b), Election Code, is amended  
4 to read as follows:

5 (b) An application must be submitted in writing and signed  
6 by the applicant using ink on paper. An electronic signature or  
7 photocopied signature is not permitted.

8 SECTION 4.02. Subchapter A, Chapter 84, Election Code, is  
9 amended by adding Section 84.0011 to read as follows:

10 Sec. 84.0011. SOLICITATION OF BALLOT BY MAIL APPLICATIONS  
11 PROHIBITED. The early voting clerk may make no attempt to solicit a  
12 person to complete an application for an early voting ballot by  
13 mail, whether directly or through a third party.

14 SECTION 4.03. Section 84.002, Election Code, as effective  
15 September 1, 2021, is amended by amending Subsection (a) and adding  
16 Subsection (b-1) to read as follows:

17 (a) An early voting ballot application must include:

18 (1) the applicant's name and the address at which the  
19 applicant is registered to vote;

20 (1-a) the following information:

21 (A) the number of the applicant's driver's  
22 license or personal identification card issued by the Department of  
23 Public Safety;

24 (B) if the applicant has not been issued a number  
25 described by Paragraph (A), the last four digits of the applicant's  
26 social security number; or

27 (C) a statement by the applicant that the

1 applicant has not been issued a number described by Paragraph (A) or  
2 (B);

3           (2) for an application for a ballot to be voted by mail  
4 on the ground of absence from the county of residence, the address  
5 outside the applicant's county of residence to which the ballot is  
6 to be mailed;

7           (3) for an application for a ballot to be voted by mail  
8 on the ground of age or disability, the address of the hospital,  
9 nursing home or other long-term care facility, or retirement  
10 center, or of a person related to the applicant within the second  
11 degree by affinity or the third degree by consanguinity, as  
12 determined under Chapter 573, Government Code, if the applicant is  
13 living at that address and that address is different from the  
14 address at which the applicant is registered to vote;

15           (4) for an application for a ballot to be voted by mail  
16 on the ground of confinement in jail, the address of the jail or of a  
17 person related to the applicant within the degree described by  
18 Subdivision (3);

19           (5) for an application for a ballot to be voted by mail  
20 on any ground, an indication of each election for which the  
21 applicant is applying for a ballot;

22           (6) an indication of the ground of eligibility for  
23 early voting; and

24           (7) for an application for a ballot to be voted by mail  
25 on the ground of involuntary civil commitment, the address of the  
26 facility operated by or under contract with the Texas Civil  
27 Commitment Office or of a person related to the applicant within the

1 degree of consanguinity described by Subdivision (3).

2 (b-1) A person may use the number of a driver's license or  
3 personal identification card that has expired for the purpose of  
4 fulfilling the requirement under Subsection (a)(1-a) if the license  
5 or identification is otherwise valid.

6 SECTION 4.04. Section 84.011(a), Election Code, as  
7 effective September 1, 2021, is amended to read as follows:

8 (a) The officially prescribed application form for an early  
9 voting ballot must include:

10 (1) immediately preceding the signature space the  
11 statement: "I certify that the information given in this  
12 application is true, and I understand that giving false information  
13 in this application is a crime.";

14 (2) a statement informing the applicant of the  
15 offenses prescribed by Sections 84.003 and 84.004;

16 (3) spaces for entering an applicant's voter  
17 registration number and county election precinct of registration,  
18 with a statement informing the applicant that failure to furnish  
19 that information does not invalidate the application;

20 (3-a) a space for entering the information required  
21 under Section 84.002(a)(1-a); and

22 (4) on an application for a ballot to be voted by mail:

23 (A) a space for an applicant applying on the  
24 ground of absence from the county of residence to indicate the date  
25 on or after which the applicant can receive mail at the address  
26 outside the county;

27 (B) a space for indicating the fact that an

1 applicant whose application is signed by a witness cannot make the  
2 applicant's mark and a space for indicating the relationship or  
3 lack of relationship of the witness to the applicant;

4 (C) a space for entering an applicant's telephone  
5 number, with a statement informing the applicant that failure to  
6 furnish that information does not invalidate the application;

7 (D) a space or box for an applicant applying on  
8 the ground of age or disability to indicate that the address to  
9 which the ballot is to be mailed is the address of a facility or  
10 relative described by Section 84.002(a)(3), if applicable;

11 (E) a space or box for an applicant applying on  
12 the ground of confinement in jail or involuntary civil commitment  
13 to indicate that the address to which the ballot is to be mailed is  
14 the address of a relative described by Section 84.002(a)(4) or (7),  
15 if applicable;

16 (F) a space for an applicant applying on the  
17 ground of age or disability to indicate if the application is an  
18 application under Section 86.0015;

19 (G) spaces for entering the signature, printed  
20 name, and residence address of any person assisting the applicant;

21 (H) a statement informing the applicant of the  
22 condition prescribed by Section 81.005; and

23 (I) a statement informing the applicant of the  
24 requirement prescribed by Section 86.003(c).

25 SECTION 4.05. Subchapter A, Chapter 84, Election Code, is  
26 amended by adding Section 84.0111 to read as follows:

27 Sec. 84.0111. PROHIBITION ON DISTRIBUTION OF APPLICATION

1 FORM. (a) Unless authorized by this code, an officer or employee  
2 of this state or of a political subdivision of this state may not  
3 distribute an application form for an early voting ballot to a  
4 person who did not request an application under Section 84.001.

5 (b) An officer or employee of this state or of a political  
6 subdivision of this state may not use public funds to facilitate the  
7 distribution by another person of an application form for an early  
8 voting ballot to a person who did not request an application under  
9 Section 84.001.

10 SECTION 4.06. Section 84.032(c), Election Code, is amended  
11 to read as follows:

12 (c) An applicant may submit a request after the close of  
13 early voting by personal appearance by appearing in person and:

14 (1) returning the ballot to be voted by mail to the  
15 early voting clerk; or

16 (2) executing an affidavit that the applicant:

17 (A) has not received the ballot to be voted by  
18 mail; ~~or~~

19 (B) never requested a ballot to be voted by mail;  
20 or

21 (C) received notice of a defect under Section  
22 87.0271(b) or 87.0411(b).

23 SECTION 4.07. Section 84.035, Election Code, is amended to  
24 read as follows:

25 Sec. 84.035. BALLOT SENT TO APPLICANT. (a) If the early  
26 voting clerk cancels an application by an applicant to whom an early  
27 voting ballot has been sent, the clerk shall:

1           (1) remove the applicant's name from the early voting  
2 roster; and

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

6           (b) An election judge may permit a person to whom an early  
7 voting ballot has been sent who cancels the person's application  
8 for a ballot to be voted by mail in accordance with Section 84.032  
9 but fails to return the ballot to be voted by mail to the early  
10 voting clerk, deputy early voting clerk, or presiding judge as  
11 provided by that section to vote only a provisional ballot under  
12 Section 63.011.

13           SECTION 4.08. Section 86.001, Election Code, is amended by  
14 adding Subsection (f) to read as follows:

15           (f) If the information required under Section  
16 84.002(a)(1-a) included on the application does not match the  
17 information on the applicant's application for voter registration  
18 under Section 13.002(c)(8), the clerk shall reject the application.

19           SECTION 4.09. Section 86.002, Election Code, is amended by  
20 adding Subsections (g), (h), and (i) to read as follows:

21           (g) The carrier envelope must include a space that is hidden  
22 from view when the envelope is sealed for the voter to enter the  
23 following information:

24           (1) the number of the voter's driver's license or  
25 personal identification card issued by the Department of Public  
26 Safety;

27           (2) if the voter has not been issued a number described



1 by Subdivision (1), the last four digits of the voter's social  
2 security number; or

3 (3) a statement by the applicant that the applicant  
4 has not been issued a number described by Subdivision (1) or (2).

5 (h) A person may use the number of a driver's license or  
6 personal identification card that has expired for purposes of  
7 Subsection (g) if the license or identification is otherwise valid.

8 (i) No record associating an individual voter with a ballot  
9 may be created.

10 SECTION 4.10. Section 86.011(c), Election Code, is amended  
11 to read as follows:

12 (c) If the return is not timely, the clerk shall enter the  
13 time of receipt on the carrier envelope and retain it in a locked  
14 container for the period for preserving the precinct election  
15 records. The clerk shall destroy the unopened envelope and its  
16 contents after the preservation period.

17 SECTION 4.11. Section 87.027(i), Election Code, is amended  
18 to read as follows:

19 (i) The signature verification committee shall compare the  
20 signature on each carrier envelope certificate, except those signed  
21 for a voter by a witness, with the signature on the voter's ballot  
22 application to determine whether the signatures are those of the  
23 voter. The committee may also compare the signatures with any  
24 known signature [~~two or more signatures~~] of the voter [~~made within~~  
25 ~~the preceding six years and~~] on file with the county clerk or voter  
26 registrar to determine whether the signatures are those of the  
27 voter. Except as provided by Subsection (1), a determination under

1 this subsection that the signatures are not those of the voter must  
2 be made by a majority vote of the committee's membership. The  
3 committee shall place the jacket envelopes, carrier envelopes, and  
4 applications of voters whose signatures are not those of the voter  
5 in separate containers from those of voters whose signatures are  
6 those of the voter. The committee chair shall deliver the sorted  
7 materials to the early voting ballot board at the time specified by  
8 the board's presiding judge.

9 SECTION 4.12. Subchapter B, Chapter 87, Election Code, is  
10 amended by adding Section 87.0271 to read as follows:

11 Sec. 87.0271. OPPORTUNITY TO CORRECT DEFECT: SIGNATURE  
12 VERIFICATION COMMITTEE. (a) This section applies to an early  
13 voting ballot voted by mail:

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

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

19 (3) missing any required statement of residence; or

20 (4) containing incomplete information with respect to  
21 a witness.

22 (b) Before deciding whether to accept or reject a timely  
23 delivered ballot under Section 87.027, the signature verification  
24 committee may:

25 (1) return the carrier envelope to the voter by mail,  
26 if the signature verification committee determines that it would be  
27 possible to correct the defect and return the carrier envelope

1 before the time the polls are required to close on election day; or  
2 (2) notify the voter of the defect by telephone or  
3 e-mail and inform the voter that the voter may come to the early  
4 voting clerk's office in person to:

5 (A) correct the defect; or

6 (B) request to have the voter's application to  
7 vote by mail canceled under Section 84.032.

8 (c) If the signature verification committee takes an action  
9 described by Subsection (b), the committee must take either action  
10 described by that subsection with respect to each ballot in the  
11 election to which this section applies.

12 (d) A poll watcher is entitled to observe an action taken  
13 under Subsection (b).

14 (e) The secretary of state may prescribe any procedures  
15 necessary to implement this section.

16 SECTION 4.13. Section 87.041, Election Code, is amended by  
17 amending Subsections (b) and (e) and adding Subsection (d-1) to  
18 read as follows:

19 (b) A ballot may be accepted only if:

20 (1) the carrier envelope certificate is properly  
21 executed;

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

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

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

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

7 (6) for a voter to whom a statement of residence form  
8 was required to be sent under Section 86.002(a), the statement of  
9 residence is returned in the carrier envelope and indicates that  
10 the voter satisfies the residence requirements prescribed by  
11 Section 63.0011; ~~and~~

12 (7) the address to which the ballot was mailed to the  
13 voter is an address that is otherwise required by Sections 84.002  
14 and 86.003; and

15 (8) the information required under Section 86.002(g)  
16 provided by the voter matches the information on the voter's  
17 application for voter registration under Section 13.002(c)(8).

18 (d-1) If a voter provides the information required under  
19 Section 86.002(g) and it matches the information on the voter's  
20 application for voter registration under Section 13.002(c)(8), the  
21 signature on the ballot application and on the carrier envelope  
22 certificate shall be rebuttably presumed to be the signatures of  
23 the voter.

24 (e) In making the determination under Subsection (b)(2), to  
25 determine whether the signatures are those of the voter, the board  
26 may also compare the signatures with any known signature [~~two or~~  
27 ~~more signatures~~] of the voter [~~made within the preceding six years~~

1 ~~and~~] on file with the county clerk or voter registrar [~~to determine~~  
2 ~~whether the signatures are those of the voter~~].

3 SECTION 4.14. Subchapter C, Chapter 87, Election Code, is  
4 amended by adding Section 87.0411 to read as follows:

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

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

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

13 (3) missing any required statement of residence; or

14 (4) containing incomplete information with respect to  
15 a witness.

16 (b) Before deciding whether to accept or reject a timely  
17 delivered ballot under Section 87.041, the early voting ballot  
18 board may:

19 (1) return the carrier envelope to the voter by mail,  
20 if the early voting ballot board determines that it would be  
21 possible to correct the defect and return the carrier envelope  
22 before the time the polls are required to close on election day; or

23 (2) notify the voter of the defect by telephone or  
24 e-mail and inform the voter that the voter may come to the early  
25 voting clerk's office in person to:

26 (A) correct the defect; or

27 (B) request to have the voter's application to

1 vote by mail canceled under Section 84.032.

2 (c) If the early voting ballot board takes an action  
3 described by Subsection (b), the board must take either action  
4 described by that subsection with respect to each ballot in the  
5 election to which this section applies.

6 (d) A poll watcher is entitled to observe an action taken  
7 under Subsection (b).

8 (e) The secretary of state may prescribe any procedures  
9 necessary to implement this section.

10 SECTION 4.15. Section 87.0431(b), Election Code, is amended  
11 to read as follows:

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

16 (1) the voter was deceased;

17 (2) the voter already voted in person in the same  
18 election;

19 (3) the signatures on the carrier envelope and ballot  
20 application were not executed by the same person;

21 (4) the carrier envelope certificate lacked a witness  
22 signature; ~~or~~

23 (5) the carrier envelope certificate was improperly  
24 executed by an assistant; or

25 (6) the early voting ballot board or the signature  
26 verification committee determined that another violation of the  
27 Election Code occurred.

1 SECTION 4.16. Sections 87.062(a) and (c), Election Code,  
2 are amended to read as follows:

3 (a) On the direction of the presiding judge, the early  
4 voting ballot board, in accordance with Section 85.032(b), shall  
5 open the containers [~~container~~] for the early voting ballots that  
6 are to be counted by the board, remove the contents from each [~~the~~]  
7 container, and remove any ballots enclosed in ballot envelopes from  
8 their envelopes.

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

14 SECTION 4.17. Section 87.103, Election Code, is amended to  
15 read as follows:

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

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

26 SECTION 4.18. Section 87.126, Election Code, is amended by  
27 adding Subsection (a-1) to read as follows:

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

5       SECTION 4.19. Subchapter G, Chapter 87, Election Code, is  
6 amended by adding Section 87.128 to read as follows:

7       Sec. 87.128. NOTES. Each member of an early voting ballot  
8 board and each member of a signature verification committee is  
9 entitled to take and keep any notes reasonably necessary to perform  
10 the member's duties under this chapter.

11                   ARTICLE 5. ASSISTANCE OF VOTERS

12       SECTION 5.01. Section 64.009, Election Code, is amended by  
13 amending Subsection (b) and adding Subsections (b-1), (e), (f),  
14 (f-1), (g), and (h) to read as follows:

15       (b) The regular voting procedures, except those in  
16 Subchapter B, may be modified by the election officer to the extent  
17 necessary to conduct voting under this section.

18       **(b-1)** A person other than a voter is only permitted to be  
19 inside a motor vehicle while a voter votes from the motor vehicle if  
20 the person would be entitled to accompany the voter to the voting  
21 station under other law.

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

24       (f) A person who simultaneously assists three or more voters  
25 voting under this section by providing the voters with  
26 transportation to the polling place must complete and sign a form,  
27 provided by an election officer, that contains the person's name



1 and address and whether the person is providing assistance solely  
2 under this section or under both this section and Subchapter B.

3 (f-1) Subsection (f) does not apply if the person is related  
4 to each voter within the second degree by affinity or the third  
5 degree by consanguinity, as determined under Subchapter B, Chapter  
6 573, Government Code.

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

12 (h) The secretary of state shall prescribe the form  
13 described by Subsection (f).

14 SECTION 5.02. Section 64.031, Election Code, is amended to  
15 read as follows:

16 Sec. 64.031. ELIGIBILITY FOR ASSISTANCE. A voter is  
17 eligible to receive assistance in marking or reading the ballot, as  
18 provided by this subchapter, if the voter cannot prepare or read the  
19 ballot because of:

20 (1) a physical disability that renders the voter  
21 unable to write or see; or

22 (2) an inability to read the language in which the  
23 ballot is written.

24 SECTION 5.03. Subchapter B, Chapter 64, Election Code, is  
25 amended by adding Section 64.0322 to read as follows:

26 Sec. 64.0322. SUBMISSION OF FORM BY ASSISTANT. (a) A  
27 person, other than an election officer, who assists a voter in

1 accordance with this chapter is required to complete a form  
2 stating:

3 (1) the name and address of the person assisting the  
4 voter;

5 (2) the relationship to the voter of the person  
6 assisting the voter; and

7 (3) whether the person assisting the voter received or  
8 accepted any form of compensation or other benefit from a  
9 candidate, campaign, or political committee.

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

17 SECTION 5.04. Section 64.034, Election Code, is amended to  
18 read as follows:

19 Sec. 64.034. OATH. A person, other than an election  
20 officer, selected to provide assistance to a voter must take the  
21 following oath, administered by an election officer at the polling  
22 place, before providing assistance:

23 "I swear (or affirm) under penalty of perjury that the voter I  
24 am assisting represented to me they are eligible to receive  
25 assistance because of a physical disability that renders the voter  
26 unable to write or see or an inability to read the language in which  
27 the ballot is written; I will not suggest, by word, sign, or

1 gesture, how the voter should vote; I will confine my assistance to  
 2 reading the ballot to the voter, directing the voter to read the  
 3 ballot, marking the voter's ballot, or directing the voter to mark  
 4 the ballot; [~~answering the voter's questions, to stating~~  
 5 ~~propositions on the ballot, and to naming candidates and, if~~  
 6 ~~listed, their political parties;~~] I will prepare the voter's ballot  
 7 as the voter directs; I did not encourage, pressure, or coerce the  
 8 voter into choosing me to provide assistance; [~~and~~] I am not the  
 9 voter's employer, an agent of the voter's employer, or an officer or  
 10 agent of a labor union to which the voter belongs; I will not  
 11 communicate information about how the voter has voted to another  
 12 person; and I understand that if assistance is provided to a voter  
 13 who is not eligible for assistance, the voter's ballot may not be  
 14 counted."

15 SECTION 5.05. Sections 86.010(e), (h), and (i), Election  
 16 Code, are amended to read as follows:

17 (e) A person who assists a voter to prepare a ballot to be  
 18 voted by mail shall enter on the official carrier envelope of the  
 19 voter:

20 (1) the person's signature, printed name, and  
 21 residence address;

22 (2) the relationship of the person providing the  
 23 assistance to the voter; and

24 (3) whether the person received or accepted any form  
 25 of compensation or other benefit from a candidate, campaign, or  
 26 political committee in exchange for providing assistance [~~on the~~  
 27 ~~official carrier envelope of the voter].~~

1 (h) Subsection (f) does not apply to:

2 (1) a violation of Subsection (c), if the person is  
3 related to the voter within the second degree by affinity or the  
4 third degree by consanguinity, as determined under Subchapter B,  
5 Chapter 573, Government Code, or was physically living in the same  
6 dwelling as the voter at the time of the event; or

7 (2) a violation of Subsection (e), if the person is  
8 related to the voter within the second degree by affinity or the  
9 third degree by consanguinity, as determined under Subchapter B,  
10 Chapter 573, Government Code.

11 (i) An offense under this section for a violation of  
12 Subsection (c) is increased to the next higher category of offense  
13 if it is shown on the trial of an offense under this section that:

14 (1) the defendant was previously convicted of an  
15 offense under this code;

16 (2) the offense involved a voter 65 years of age or  
17 older; or

18 (3) the defendant committed another offense under this  
19 section in the same election.

20 SECTION 5.06. Section 86.013(b), Election Code, is amended  
21 to read as follows:

22 (b) Spaces must appear on the reverse side of the official  
23 carrier envelope for:

24 (1) indicating the identity and date of the election;  
25 [~~and~~]

26 (2) entering the signature, printed name, and  
27 residence address of a person other than the voter who deposits the

1 carrier envelope in the mail or with a common or contract carrier;  
2 and  
3 (3) indicating the relationship of that person to the  
4 voter.

5 ARTICLE 6. FRAUD AND OTHER UNLAWFUL PRACTICES

6 SECTION 6.01. Chapter 63, Election Code, is amended by  
7 adding Section 63.0111 to read as follows:

8 Sec. 63.0111. OFFENSES RELATED TO PROVISIONAL VOTING. (a)  
9 An election judge commits an offense if the judge knowingly  
10 provides a voter with a form for an affidavit required by Section  
11 63.001 if the form contains information that the judge entered on  
12 the form knowing it was false.

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

14 SECTION 6.02. Sections 276.004(a) and (b), Election Code,  
15 are amended to read as follows:

16 (a) A person commits an offense if, with respect to another  
17 person over whom the person has authority in the scope of  
18 employment, the person knowingly:

19 (1) refuses to permit the other person to be absent  
20 from work on election day or while early voting is in progress for  
21 the purpose of attending the polls to vote; or

22 (2) subjects or threatens to subject the other person  
23 to a penalty for attending the polls on election day or while early  
24 voting is in progress to vote.

25 (b) It is an exception to the application of this section  
26 that the person's conduct occurs in connection with an election in  
27 which the polls are open on election day or while early voting is in

1 progress for voting for two consecutive hours outside of the  
2 voter's working hours.

3 SECTION 6.03. Chapter 276, Election Code, is amended by  
4 adding Sections 276.015, 276.016, and 276.017 to read as follows:

5 Sec. 276.015. VOTE HARVESTING. (a) In this section and in  
6 Section 276.016:

7 (1) "Benefit" means anything reasonably regarded as a  
8 gain or advantage, including a promise or offer of employment, a  
9 political favor, or an official act of discretion, whether to a  
10 person or another party whose welfare is of interest to the person.

11 (2) "Vote harvesting services" means in-person  
12 interaction with one or more voters, involving an official ballot,  
13 a ballot voted by mail, or an application for ballot by mail,  
14 intended to deliver votes for a specific candidate or measure.

15 (b) A person commits an offense if the person, directly or  
16 through a third party, knowingly provides or offers to provide vote  
17 harvesting services in exchange for compensation or other benefit.

18 (c) A person commits an offense if the person, directly or  
19 through a third party, knowingly provides or offers to provide  
20 compensation or other benefit to another person in exchange for  
21 vote harvesting services.

22 (d) A person commits an offense if the person knowingly  
23 collects or possesses a mail ballot or official carrier envelope in  
24 connection with vote harvesting services.

25 (e) This section does not apply to:

26 (1) an activity not performed in exchange for  
27 compensation or a benefit;

1           (2) interactions that do not directly involve an  
2 official ballot, ballot by mail, or an application for ballot by  
3 mail;

4           (3) interactions that are not conducted in-person with  
5 a voter; or

6           (4) activity that is not designed to deliver votes for  
7 or against a specific candidate or measure.

8           (f) In this section, compensation in exchange for vote  
9 harvesting services is inferred if a person who performed vote  
10 harvesting services for a candidate or campaign solicits, receives,  
11 or is offered compensation from the candidate or campaign, directly  
12 or through a third party, for services other than vote harvesting  
13 services provided.

14           (g) An offense under this section is a felony of the third  
15 degree.

16           (h) If conduct that constitutes an offense under this  
17 section also constitutes an offense under any other law, the actor  
18 may be prosecuted under this section, the other law, or both.

19           (i) Records necessary to investigate an offense under this  
20 section or any other section of this code shall be provided by an  
21 election officer in an unredacted form to a law enforcement officer  
22 upon request. Records obtained under this subsection are not  
23 subject to public disclosure.

24           Sec. 276.016. CIVIL LIABILITY FOR VOTE HARVESTING. (a) A  
25 person who is shown by a preponderance of the evidence to have  
26 violated Section 276.015 is civilly liable to any candidate or  
27 political party who suffers harm from the vote harvesting services

1 for damages and penalties that may be awarded under Subsection (c).

2 (b) A person is harmed by the vote harvesting services if  
3 the person can demonstrate that:

4 (1) the person has standing to seek relief; and

5 (2) the liable party violated Section 276.015.

6 (b-1) To establish standing under this section, a person is  
7 not required to demonstrate that the vote harvesting services  
8 successfully delivered votes for a specific candidate or measure,  
9 but must demonstrate that:

10 (1) the vote harvesting services were intended to  
11 deliver votes for a specific candidate or measure; and

12 (2) the person opposed the candidate or measure in the  
13 person's capacity as a candidate or political party.

14 (c) A party who prevails in an action under this section may  
15 recover damages in an amount including any or all of:

16 (1) the amount of compensation paid to or received by a  
17 party in exchange for vote harvesting services;

18 (2) the fair market value of any benefit given or  
19 received in exchange for vote harvesting services;

20 (3) a penalty in the amount of \$35,000; or

21 (4) reasonable and necessary attorney's fees, court  
22 costs, witness fees, and discovery costs.

23 (d) A party who is a candidate for office who prevails in an  
24 action under this section and shows that the number of voters  
25 contacted by the vote harvesting activity exceeds the number of  
26 votes by which the party lost the election shall recover damages in  
27 an amount including any or all of:



1           (1) the party's campaign expenditures properly filed  
2 on a campaign finance report in connection with the election; or

3           (2) any fees and expenses incurred by the party in  
4 filing and securing a place on the ballot.

5           (e) A person who commits an offense under Section 276.015  
6 and is found civilly liable, including by vicarious liability,  
7 under this chapter or other law for any amount of damages arising  
8 from the vote harvesting services is jointly liable with any other  
9 defendant for the entire amount of damages arising from the vote  
10 harvesting services.

11           (f) The cause of action created by this section is  
12 cumulative of any other remedy provided by common law or statute.

13           (g) Rules applicable to a party's access to election records  
14 under Chapter 231 or 232 apply to a cause of action under this  
15 section.

16           (h) The expedited actions process created by Rule 169, Texas  
17 Rules of Civil Procedure, does not apply to an action under this  
18 section.

19           (i) Chapter 27, Civil Practice and Remedies Code, does not  
20 apply to a cause of action under this section.

21           (j) A cause of action under this section may be brought in  
22 the county where any element of a violation under Section 276.015  
23 occurred, or where any part of the vote harvesting services  
24 occurred.

25           (k) This section shall be liberally construed and applied to  
26 promote its underlying purpose to protect candidates and the voting  
27 public from unlawful vote harvesting and provide an efficient and

1 economical remedy to secure that protection.

2 Sec. 276.017. UNLAWFUL ALTERING OF ELECTION PROCEDURES. A  
3 public official may not create, alter, modify, waive, or suspend  
4 any election standard, practice, or procedure mandated by law or  
5 rule in a manner not expressly authorized by this code.

6 ARTICLE 7. ENFORCEMENT

7 SECTION 7.01. Section 18.065, Election Code, is amended by  
8 amending Subsection (a) and adding Subsections (e), (f), and (g) to  
9 read as follows:

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

14 (e) A registrar shall correct a violation within 30 days of  
15 a notice under Subsection (b). If a registrar fails to correct the  
16 violation within 30 days of a notice under Subsection (b), the  
17 secretary of state shall:

18 (1) correct the violation on behalf of the registrar;  
19 and

20 (2) notify the attorney general that the registrar  
21 failed to correct a violation under this subsection.

22 (f) A county served by a registrar who fails to correct a  
23 violation under Subsection (e) is liable to this state for a civil  
24 penalty of \$1,000 for each violation corrected by the secretary of  
25 state under that subsection. The attorney general may bring an  
26 action to recover a civil penalty imposed under this section.

27 (g) A civil penalty collected by the attorney general under

1 this section shall be deposited in the state treasury to the credit  
2 of the general revenue fund.

3 SECTION 7.02. Subchapter E, Chapter 31, Election Code, is  
4 amended by adding Sections 31.128 and 31.129 to read as follows:

5 Sec. 31.128. RESTRICTION ON ELIGIBILITY. (a) In this  
6 section, "election official" means:

- 7 (1) a county clerk;
- 8 (2) a permanent or temporary deputy county clerk;
- 9 (3) an elections administrator;
- 10 (4) a permanent or temporary employee of an elections  
11 administrator;
- 12 (5) an election judge;
- 13 (6) an alternate election judge;
- 14 (7) an early voting clerk;
- 15 (8) a deputy early voting clerk;
- 16 (9) an election clerk;
- 17 (10) the presiding judge of an early voting ballot  
18 board;
- 19 (11) the alternate presiding judge of an early voting  
20 ballot board;
- 21 (12) a member of an early voting ballot board;
- 22 (13) the chair of a signature verification committee;
- 23 (14) the vice chair of a signature verification  
24 committee;
- 25 (15) a member of a signature verification committee;
- 26 (16) the presiding judge of a central counting  
27 station;

1           (17) the alternate presiding judge of a central  
2 counting station;

3           (18) a central counting station manager;

4           (19) a central counting station clerk;

5           (20) a tabulation supervisor; and

6           (21) an assistant to a tabulation supervisor.

7           (b) A person may not serve as an election official if the  
8 person has been finally convicted of an offense under this code.

9           Sec. 31.129. CIVIL PENALTY. (a) In this section, "election  
10 official" has the meaning assigned by Section 31.128.

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

13           (1) is employed by or is an officer of this state or a  
14 political subdivision of this state; and

15           (2) violates a provision of this code.

16           (c) A civil penalty imposed under this section may include  
17 termination of the person's employment and loss of the person's  
18 employment benefits.

19           SECTION 7.03. Section 232.006(a), Election Code, is amended  
20 to read as follows:

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

25           SECTION 7.04. Sections 232.008(b), (c), and (d), Election  
26 Code, are amended to read as follows:

27           (b) Except as provided by Subsection (c), a contestant must

1 file the petition not later than the later of the 45th [~~30th~~] day  
2 after the date the election records are publicly available under  
3 Section 1.012 or the official result of the contested election is  
4 determined.

5 (c) A contestant must file the petition not later than the  
6 later of the 15th [~~10th~~] day after the date the election records are  
7 publicly available under Section 1.012 or the official result is  
8 determined in a contest of:

9 (1) a primary or runoff primary election; or

10 (2) a general or special election for which a runoff is  
11 necessary according to the official result or will be necessary if  
12 the contestant prevails.

13 (d) A contestant must deliver, electronically or otherwise,  
14 a copy of the petition to the secretary of state by the same  
15 deadline prescribed for the filing of the petition.

16 SECTION 7.05. Chapter 232, Election Code, is amended by  
17 adding Subchapter C to read as follows:

18 SUBCHAPTER C. CONTEST INVOLVING ALLEGED FRAUD

19 Sec. 232.061. PETITION ALLEGING FRAUD. This subchapter  
20 applies to an election contest in which the contestant alleges in  
21 the petition that an opposing candidate, an agent of the opposing  
22 candidate, or a person acting on behalf of the opposing candidate  
23 with the candidate's knowledge violated any of the following  
24 sections of this code:

25 (1) Section 13.007;

26 (2) Section 64.012;

27 (3) Section 64.036;

- 1           (4) Section 84.003;
- 2           (5) Section 84.0041;
- 3           (6) Section 86.0051;
- 4           (7) Section 86.006;
- 5           (8) Section 86.010; or
- 6           (9) Section 276.013.

7           Sec. 232.062. DAMAGES. (a) If it is shown by a  
8 preponderance of the evidence that a contestee, an agent of the  
9 contestee, or a person acting on behalf of the contestee with the  
10 contestee's knowledge committed one or more violations of a section  
11 described by Section 232.061, the contestee is liable to the  
12 contestant for damages in an amount of \$1,000 for each violation.

13           (b) Notwithstanding Section 41.004(a), Civil Practice and  
14 Remedies Code, a court shall award damages under Subsection (a) to  
15 the contestant irrespective of whether the contestant is awarded  
16 actual damages.

17           Sec. 232.063. ATTORNEY'S FEES. In an election contest to  
18 which this subchapter applies, the court may award reasonable  
19 attorney's fees to the prevailing party.

20           SECTION 7.06. Section 273.061, Election Code, is amended to  
21 read as follows:

22           Sec. 273.061. JURISDICTION. (a) The supreme court or a  
23 court of appeals may issue a writ of mandamus to compel the  
24 performance of any duty imposed by law in connection with the  
25 holding of an election or a political party convention, regardless  
26 of whether the person responsible for performing the duty is a  
27 public officer.

1       (b) The court of criminal appeals may issue a writ of  
2 mandamus to compel the performance of any duty imposed by law in  
3 connection with the provision, sequestration, transfer, or  
4 impoundment of evidence in or records relating to a criminal  
5 investigation conducted under this code or conducted in connection  
6 with the conduct of an election or political party convention. If a  
7 writ of mandamus is issued under this subsection, it shall include  
8 an order requiring the provision, sequestration, transfer, or  
9 impoundment of the evidence or record.

10       SECTION 7.07. Subchapter D, Chapter 22, Government Code, is  
11 amended by adding Section 22.304 to read as follows:

12       Sec. 22.304. PRIORITY OF CERTAIN ELECTION PROCEEDINGS. (a)  
13 The supreme court, the court of criminal appeals, or a court of  
14 appeals shall prioritize over any other proceeding pending or filed  
15 in the court a proceeding for injunctive relief or for a writ of  
16 mandamus under Chapter 273, Election Code, pending or filed in the  
17 court on or after the 120th day before a general or special  
18 election.

19       (b) If granted, oral argument for a proceeding described by  
20 Subsection (a) may be given in person or through electronic means.

21       SECTION 7.08. Section 23.101, Government Code, is amended  
22 by amending Subsection (a) and adding Subsection (b-1) to read as  
23 follows:

24       (a) Except as provided by Subsection (b-1), the [The] trial  
25 courts of this state shall regularly and frequently set hearings  
26 and trials of pending matters, giving preference to hearings and  
27 trials of the following:

- 1           (1) temporary injunctions;
- 2           (2) criminal actions, with the following actions given  
3 preference over other criminal actions:
- 4                 (A) criminal actions against defendants who are  
5 detained in jail pending trial;
- 6                 (B) criminal actions involving a charge that a  
7 person committed an act of family violence, as defined by Section  
8 [71.004](#), Family Code;
- 9                 (C) an offense under:
- 10                         (i) Section [21.02](#) or [21.11](#), Penal Code;
- 11                         (ii) Chapter [22](#), Penal Code, if the victim  
12 of the alleged offense is younger than 17 years of age;
- 13                         (iii) Section [25.02](#), Penal Code, if the  
14 victim of the alleged offense is younger than 17 years of age;
- 15                         (iv) Section [25.06](#), Penal Code;
- 16                         (v) Section [43.25](#), Penal Code; or
- 17                         (vi) Section [20A.02\(a\)\(7\)](#), [20A.02\(a\)\(8\)](#),  
18 or [20A.03](#), Penal Code;
- 19                 (D) an offense described by Article [62.001\(6\)\(C\)](#)  
20 or (D), Code of Criminal Procedure; and
- 21                 (E) criminal actions against persons who are  
22 detained as provided by Section [51.12](#), Family Code, after transfer  
23 for prosecution in criminal court under Section [54.02](#), Family Code;
- 24           (3) election contests and suits under the Election  
25 Code;
- 26           (4) orders for the protection of the family under  
27 Subtitle B, Title 4, Family Code;



1 (5) appeals of final rulings and decisions of the  
2 division of workers' compensation of the Texas Department of  
3 Insurance regarding workers' compensation claims and claims under  
4 the Federal Employers' Liability Act and the Jones Act;

5 (6) appeals of final orders of the commissioner of the  
6 General Land Office under Section 51.3021, Natural Resources Code;

7 (7) actions in which the claimant has been diagnosed  
8 with malignant mesothelioma, other malignant asbestos-related  
9 cancer, malignant silica-related cancer, or acute silicosis; and

10 (8) appeals brought under Section 42.01 or 42.015, Tax  
11 Code, of orders of appraisal review boards of appraisal districts  
12 established for counties with a population of less than 175,000.

13 (b-1) Except for a criminal case in which the death penalty  
14 has been or may be assessed or when it would otherwise interfere  
15 with a constitutional right, the trial courts of this state shall  
16 prioritize over any other proceeding pending or filed in the court a  
17 proceeding for injunctive relief under Chapter 273, Election Code,  
18 pending or filed in the court on or after the 120th day before a  
19 general or special election.

20 ARTICLE 8. INELIGIBLE VOTERS AND RELATED REFORMS

21 SECTION 8.01. Chapter 42, Code of Criminal Procedure, is  
22 amended by adding Article 42.0194 to read as follows:

23 Art. 42.0194. FINDING REGARDING FELONY CONVICTION. In the  
24 trial of a felony offense, if the defendant is 18 years of age or  
25 older and is adjudged guilty of the offense, the court shall:

26 (1) make an affirmative finding that the person has  
27 been found guilty of a felony and enter the affirmative finding in

1 the judgment of the case; and

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

4 SECTION 8.02. Article 42.01, Code of Criminal Procedure, as  
5 effective September 1, 2021, is amended by amending Section 4 and  
6 adding Section 16 to read as follows:

7 Sec. 4. The Court of Criminal Appeals [~~Office of Court~~  
8 ~~Administration of the Texas Judicial System~~] shall promulgate a  
9 standardized felony judgment form that conforms to the requirements  
10 of Section 1 of this article. A court entering a felony judgment  
11 shall use the form promulgated under this section.

12 Sec. 16. In addition to the information described by  
13 Section 1, the judgment should reflect the affirmative finding and  
14 instruction entered pursuant to Article 42.0194.

15 ARTICLE 9. REPEALER; SEVERABILITY; TRANSITION; EFFECTIVE DATE

16 SECTION 9.01. The following provisions of the Election Code  
17 are repealed:

- 18 (1) Section 85.062(e);  
19 (2) Section 86.0105(b); and  
20 (3) Section 127.201(f).

21 SECTION 9.02. If any provision of this Act or its  
22 application to any person or circumstance is held invalid, the  
23 invalidity does not affect other provisions or applications of this  
24 Act that can be given effect without the invalid provision or  
25 application, and to this end the provisions of this Act are declared  
26 to be severable.

27 SECTION 9.03. (a) Except as otherwise provided by this Act,

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

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

13 (c) The changes in law made by this Act apply only to an  
14 election contest for which the associated election occurred after  
15 the effective date of this Act.

16 (d) The changes in law made by this Act apply only to an  
17 application to vote an early voting ballot by mail submitted on or  
18 after the effective date of this Act. An application to vote an  
19 early voting ballot by mail submitted before the effective date of  
20 this Act is governed by the law in effect when the application was  
21 submitted, and the former law is continued in effect for that  
22 purpose.

23 (e) The changes in law made by this Act apply only to an  
24 application for voter registration submitted on or after the  
25 effective date of this Act.

26 SECTION 9.04. This Act takes effect immediately if it  
27 receives a vote of two-thirds of all the members elected to each

S.B. No. 1

1 house, as provided by Section 39, Article III, Texas Constitution.  
2 If this Act does not receive the vote necessary for immediate  
3 effect, this Act takes effect on the 91st day after the last day of  
4 the legislative session.