

1-1 By: Hughes, Springer S.B. No. 1
1-2 (In the Senate - Filed July 8, 2021; July 8, 2021, read
1-3 first time and referred to Committee on State Affairs;
1-4 July 12, 2021, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 6, Nays 3; July 12, 2021,
1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
Hughes	X			
Birdwell	X			
Campbell	X			
Hall	X			
Lucio		X		
Nelson	X			
Powell		X		
Schwertner	X			
Zaffirini		X		

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 1 By: Hughes

1-19 A BILL TO BE ENTITLED
1-20 AN ACT

1-21 relating to election integrity and security, including by
1-22 preventing fraud in the conduct of elections in this state;
1-23 increasing criminal penalties; creating criminal offenses;
1-24 providing civil penalties.

1-25 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-26 ARTICLE 1. REGISTRATION OF VOTERS

1-27 SECTION 1.01. Section 13.002, Election Code, is amended by
1-28 adding Subsection (c-1) to read as follows:

1-29 (c-1) The information required under Subsections (c)(3),
1-30 (4), (5), (6), and (8) must be supplied by the person desiring to
1-31 register to vote.

1-32 SECTION 1.02. Section 15.021, Election Code, is amended by
1-33 amending Subsections (b) and (d) and adding Subsections (d-1) and
1-34 (d-2) to read as follows:

1-35 (b) Except as provided by Subsection (d), the [The] voter
1-36 shall use the registration certificate or a registration
1-37 application form as the notice, indicating the correct information
1-38 in the appropriate space on the certificate or application form
1-39 unless the voter does not have possession of the certificate or an
1-40 application form at the time of giving the notice.

1-41 (d) A voter [who continues to reside in the county in which
1-42 the voter is registered] may correct information under this section
1-43 by digital transmission of the information under a program
1-44 administered by the secretary of state and the Department of
1-45 Information Resources.

1-46 (d-1) If the notice indicates that a voter no longer resides
1-47 in the county in which the voter is registered, the registrar shall
1-48 forward the notice and the voter's original application for
1-49 registration to the registrar of the county in which the voter
1-50 resides. The registrars shall coordinate to ensure that the
1-51 voter's existing registration is canceled immediately after the
1-52 voter is registered in the county in which the voter resides in
1-53 accordance with Subsection (d-2).

1-54 (d-2) A registrar who receives a voter's notice and
1-55 application from another registrar under Subsection (d-1) shall
1-56 treat it as an original application for registration under Section
1-57 13.002, and shall register the voter if the voter resides in the
1-58 county and is otherwise eligible under Section 13.001.

1-59 SECTION 1.03. Section 15.028, Election Code, is amended to
1-60 read as follows:

2-1 Sec. 15.028. NOTICE OF UNLAWFUL VOTING OR REGISTRATION [TO
 2-2 PROSECUTOR]. [(a)] If the registrar determines that a person who
 2-3 is not eligible to vote registered to vote or [a registered voter]
 2-4 voted in an election, the registrar shall execute and deliver to the
 2-5 attorney general, the secretary of state, and the county or
 2-6 district attorney having jurisdiction in the territory covered by
 2-7 the election an affidavit stating the relevant facts.

2-8 [(b) If the election covers territory in more than one
 2-9 county, the registrar shall also deliver an affidavit to the
 2-10 attorney general.]

2-11 SECTION 1.04. Section 16.0332, Election Code, is amended by
 2-12 amending Subsection (a) and adding Subsections (a-1), (d), and (e)
 2-13 to read as follows:

2-14 (a) After the registrar receives notification [a list]
 2-15 under Subsection (a-1) of this section, Section 18.068 of this
 2-16 code, or Section 62.113, Government Code, of persons excused or
 2-17 disqualified from jury service because of citizenship status or
 2-18 notification of persons who indicate a lack of citizenship status
 2-19 in connection with a motor vehicle or Department of Public Safety
 2-20 record as provided by Subsection (a-1), the registrar shall deliver
 2-21 to each registered voter whose name appears on the list a written
 2-22 notice requiring the voter to submit to the registrar proof of
 2-23 United States citizenship in the form of a certified copy of the
 2-24 voter's birth certificate, United States passport, or certificate
 2-25 of naturalization or any other form prescribed by the secretary of
 2-26 state. The notice shall be delivered by forwardable mail to the
 2-27 mailing address on the voter's registration application and to any
 2-28 new address of the voter known to the registrar.

2-29 (a-1) The secretary of state shall enter into an agreement
 2-30 with the Department of Public Safety under which information in the
 2-31 existing statewide computerized voter registration list is
 2-32 compared against information in the database of the Department of
 2-33 Public Safety on a monthly basis to verify the accuracy of
 2-34 citizenship status information previously provided on voter
 2-35 registration applications. In comparing information under this
 2-36 subsection, the secretary of state shall consider only a voter's
 2-37 information in the database of the Department of Public Safety that
 2-38 was derived from documents presented by the voter to the department
 2-39 after the person's current voter registration became effective, and
 2-40 may not consider information derived from documents presented by
 2-41 the voter to the department before the person's current voter
 2-42 registration became effective.

2-43 (d) The secretary of state shall prescribe rules for the
 2-44 administration of this section.

2-45 (e) Not later than December 31 of each year, the secretary
 2-46 of state shall provide a report to the legislature of the number of
 2-47 voter registrations canceled under this section during the calendar
 2-48 year.

2-49 SECTION 1.05. Section 18.068, Election Code, is amended by
 2-50 amending Subsection (a) and adding Subsection (a-1) to read as
 2-51 follows:

2-52 (a) The secretary of state shall quarterly compare the
 2-53 information received under Section 16.001 of this code and Sections
 2-54 [Section] 62.113 and 62.114, Government Code, to the statewide
 2-55 computerized voter registration list. If the secretary determines
 2-56 that a voter on the registration list is deceased or has been
 2-57 excused or disqualified from jury service because the voter is not a
 2-58 citizen or a resident of the county in which the voter is registered
 2-59 to vote, the secretary shall send notice of the determination to:

2-60 (1) the voter registrar of the counties considered
 2-61 appropriate by the secretary; and

2-62 (2) the attorney general, who shall quarterly review
 2-63 the information to investigate whether a person has committed an
 2-64 offense under Section 13.007 or other law.

2-65 (a-1) The secretary of state is not required to send notice
 2-66 under Subsection (a) for a voter who is subject to an exemption from
 2-67 jury service under Section 62.106, Government Code, if that
 2-68 exemption is the only reason the voter is excused from jury service.

2-69 SECTION 1.06. Section 31.006, Election Code, is amended to

3-1 read as follows:

3-2 Sec. 31.006. REFERRAL [OF COMPLAINT] TO ATTORNEY GENERAL.
 3-3 (a) If, after receiving or discovering information indicating that
 3-4 [a complaint alleging] criminal conduct in connection with an
 3-5 election has occurred, the secretary of state determines that there
 3-6 is reasonable cause to suspect that [the alleged] criminal conduct
 3-7 occurred, the secretary shall promptly refer the information
 3-8 [complaint] to the attorney general. The secretary shall deliver
 3-9 to the attorney general all pertinent documents and information in
 3-10 the secretary's possession.

3-11 (b) The documents and information submitted under
 3-12 Subsection (a) are not considered public information until:

3-13 (1) the secretary of state makes a determination that
 3-14 the information [complaint] received does not warrant an
 3-15 investigation; or

3-16 (2) if referred to the attorney general, the attorney
 3-17 general has completed the investigation or has made a determination
 3-18 that the information [complaint] referred does not warrant an
 3-19 investigation.

3-20 SECTION 1.07. Section 62.113(b), Government Code, is
 3-21 amended to read as follows:

3-22 (b) On the third business day of each month, the clerk shall
 3-23 send a copy of the list of persons excused or disqualified because
 3-24 of citizenship in the previous month to:

3-25 (1) the voter registrar of the county;
 3-26 (2) the secretary of state; and
 3-27 (3) the attorney general and the county or district
 3-28 attorney[, as applicable,] for an investigation of whether the
 3-29 person committed an offense under Section 13.007, Election Code, or
 3-30 other law.

3-31 SECTION 1.08. Sections 62.114(b) and (c), Government Code,
 3-32 are amended to read as follows:

3-33 (b) On the third business day of each month, the clerk shall
 3-34 send [to the voter registrar of the county] a copy of the list of
 3-35 persons excused or disqualified in the previous month because the
 3-36 persons do not reside in the county to:

3-37 (1) the voter registrar of the county;
 3-38 (2) the secretary of state; and
 3-39 (3) the attorney general and the county or district
 3-40 attorney for an investigation of whether the person committed an
 3-41 offense under Section 13.007, Election Code, or other law.

3-42 (c) A list compiled under this section may not be used for a
 3-43 purpose other than a purpose described by Subsection (b) or Section
 3-44 15.081 or 18.068, Election Code.

3-45 ARTICLE 2. CONDUCT AND SECURITY OF ELECTIONS

3-46 SECTION 2.01. Section 43.031(b), Election Code, is amended
 3-47 to read as follows:

3-48 (b) Each polling place shall be located inside a building.
 3-49 A polling place may not be located in a tent or similar temporary
 3-50 moveable structure or in a facility primarily designed for motor
 3-51 vehicles. No voter may cast a vote from inside a motor vehicle
 3-52 unless the voter meets the requirements of Section 64.009.

3-53 SECTION 2.02. Section 61.002, Election Code, is amended to
 3-54 read as follows:

3-55 Sec. 61.002. OPENING AND CLOSING POLLING PLACE FOR VOTING.
 3-56 (a) Immediately before opening the polls for voting on the first
 3-57 day of early voting and on election day, the presiding election
 3-58 judge or alternate election judge shall confirm that each voting
 3-59 machine has any public counter reset to zero and shall print the
 3-60 tape that shows the counter was set to zero for each candidate or
 3-61 measure on the ballot.

3-62 (b) At the official time for opening the polls for voting,
 3-63 an election officer shall open the polling place entrance and admit
 3-64 the voters.

3-65 (c) Immediately after closing the polls for voting on
 3-66 election day, the presiding election judge or alternate election
 3-67 judge shall print the tape to show the number of votes cast for each
 3-68 candidate or ballot measure for each voting machine.

3-69 (d) Each election judge or alternate election judge present

4-1 shall sign a tape printed under this section.

4-2 SECTION 2.03. Section 64.007(c), Election Code, is amended
4-3 to read as follows:

4-4 (c) An election officer shall maintain a register of spoiled
4-5 ballots at the polling place, including spoiled ballots from a
4-6 direct recording electronic voting unit. An election officer shall
4-7 enter on the register the name of each voter who returns a spoiled
4-8 ballot and the spoiled ballot's number. The secretary of state
4-9 shall create and promulgate a form to be used for this purpose.

4-10 SECTION 2.04. Subchapter A, Chapter 65, Election Code, is
4-11 amended by adding Section 65.017 to read as follows:

4-12 Sec. 65.017. VOTE TABULATING EQUIPMENT. Beginning January
4-13 1, 2024, equipment to tabulate votes may not be used if any wireless
4-14 connectivity capability of the equipment has not been disabled or
4-15 removed.

4-16 SECTION 2.05. Subchapter A, Chapter 66, Election Code, is
4-17 amended by adding Section 66.004 to read as follows:

4-18 Sec. 66.004. CLOSING POLLING PLACE. The secretary of state
4-19 shall adopt rules and create a checklist or similar guidelines to
4-20 assist the presiding judge of a polling place in processing forms
4-21 and conducting procedures required by this code at the closing of
4-22 the polling place.

4-23 SECTION 2.06. Section 66.052, Election Code, is amended to
4-24 read as follows:

4-25 Sec. 66.052. DELIVERY BY ELECTION CLERK; CHAIN OF CUSTODY.
4-26 (a) A delivery of election records or supplies that is to be
4-27 performed by the presiding judge may be performed by an election
4-28 clerk designated by the presiding judge.

4-29 (b) If the presiding judge of a polling place designates a
4-30 clerk to deliver election supplies, the presiding judge shall
4-31 attest to the designation, and the clerk shall attest to the clerk's
4-32 acceptance of the responsibility. The secretary of state shall
4-33 create and promulgate a form to facilitate compliance with this
4-34 section.

4-35 SECTION 2.07. Section 85.005, Election Code, is amended to
4-36 read as follows:

4-37 Sec. 85.005. REGULAR DAYS AND HOURS FOR VOTING. (a) Except
4-38 as provided by Subsection (c), in an election in which a county
4-39 clerk [or city secretary] is the early voting clerk under Section
4-40 83.002 [or 83.005], early voting by personal appearance at the main
4-41 early voting polling place shall be conducted on each weekday of
4-42 [the weekdays of] the early voting period that is not a legal state
4-43 holiday and for a period of at least nine hours, except that voting
4-44 may not be conducted earlier than 6 a.m. or later than 9 p.m.
4-45 [during the hours that the county clerk's or city secretary's main
4-46 business office is regularly open for business.]

4-47 (b) In an election to which Subsection (a) does not apply,
4-48 early voting by personal appearance at the main early voting
4-49 polling place shall be conducted at least nine [eight] hours each
4-50 weekday of the early voting period that is not a legal state holiday
4-51 unless the territory covered by the election has fewer than 1,000
4-52 registered voters. In that case, the voting shall be conducted at
4-53 least four [three] hours each day. The authority ordering the
4-54 election, or the county clerk if that person is the early voting
4-55 clerk, shall determine which hours the voting is to be conducted.

4-56 (c) In a county with a population of 30,000 [100,000] or
4-57 more, the voting in a primary election or the general election for
4-58 state and county officers shall be conducted at the main early
4-59 voting polling place for at least 12 hours on each weekday of the
4-60 last week of the early voting period, and the voting in a special
4-61 election ordered by the governor shall be conducted at the main
4-62 early voting polling place for at least 12 hours on each of the last
4-63 two days of the early voting period. Voting under this subsection
4-64 may not be conducted earlier than 6 a.m. or later than 9 p.m. Voting
4-65 shall be conducted in accordance with this subsection in those
4-66 elections in a county with a population under 30,000 [100,000] on
4-67 receipt by the early voting clerk of a written request for the
4-68 extended hours submitted by at least 15 registered voters of the
4-69 county. The request must be submitted in time to enable compliance

5-1 with Section 85.067.

5-2 (d) A voter who has not voted before the scheduled time for
 5-3 closing a polling place is entitled to vote after that time if the
 5-4 voter is in line at the polling place by closing time. The
 5-5 secretary of state shall promulgate any materials and provide any
 5-6 training to presiding judges necessary to properly process voters
 5-7 under this subsection [In an election ordered by a city, early
 5-8 voting by personal appearance at the main early voting polling
 5-9 place shall be conducted for at least 12 hours.]

5-10 [(1) on one weekday, if the early voting period
 5-11 consists of less than six weekdays; or
 5-12 [(2) on two weekdays, if the early voting period
 5-13 consists of six or more weekdays].

5-14 SECTION 2.08. Sections 85.006(b) and (e), Election Code,
 5-15 are amended to read as follows:

5-16 (b) In an election in which a county clerk [~~or city~~
 5-17 ~~secretary~~] is the early voting clerk under Section 83.002 [~~or~~
 5-18 ~~83.005~~], only the early voting clerk may order voting on a Saturday
 5-19 or Sunday. The clerk must do so by written order.

5-20 (e) In a primary election or the general election for state
 5-21 and county officers in a county with a population of 30,000
 5-22 [~~100,000~~] or more, the early voting clerk shall order voting by
 5-23 personal appearance [~~voting~~] at the main early voting polling place
 5-24 to be conducted on the last Saturday of the early voting period for
 5-25 at least 12 hours, except that voting may not be conducted earlier
 5-26 than 6 a.m. or later than 9 p.m., [~~on the last Saturday~~] and on the
 5-27 last Sunday of the early voting period for at least six [~~five~~]
 5-28 hours, except that voting may not be conducted earlier than 6 a.m.
 5-29 or later than 9 p.m. [~~on the last Sunday of the early voting period~~].
 5-30 The early voting clerk shall order voting to be conducted at those
 5-31 times in those elections in a county with a population under 30,000
 5-32 [~~100,000~~] on receipt of a written request for those hours submitted
 5-33 by at least 15 registered voters of the county. The request must be
 5-34 submitted in time to enable compliance with Section 85.007. This
 5-35 subsection supersedes any provision of this subchapter to the
 5-36 extent of any conflict.

5-37 SECTION 2.09. Section 85.010(a-1), Election Code, is
 5-38 amended to read as follows:

5-39 (a-1) In this section, "eligible county polling place"
 5-40 means an early voting polling place[~~, other than a polling place~~
 5-41 ~~established under Section 85.062(e)~~] established by a county.

5-42 SECTION 2.10. Section 85.061(a), Election Code, is amended
 5-43 to read as follows:

5-44 (a) In a countywide election in which the county clerk is
 5-45 the early voting clerk under Section 83.002, an early voting
 5-46 polling place shall be located inside [~~at~~] each branch office that
 5-47 is regularly maintained for conducting general clerical functions
 5-48 of the county clerk, except as provided by Subsection (b). If a
 5-49 suitable room is unavailable inside the branch office, the polling
 5-50 place may be located in another room inside the same building as the
 5-51 branch office. The polling place may not be located in a tent or
 5-52 similar temporary movable structure or a parking garage, parking
 5-53 lot, or similar facility designed primarily for motor vehicles.

5-54 SECTION 2.11. Section 85.062, Election Code, is amended by
 5-55 amending Subsection (b) and adding Subsection (f-1) to read as
 5-56 follows:

5-57 (b) A polling place established under this section may be
 5-58 located, subject to Subsection (d), at any place in the territory
 5-59 served by the early voting clerk and may be located inside [~~in~~] any
 5-60 building [~~stationary structure~~] as directed by the authority
 5-61 establishing the branch office. The polling place may not be
 5-62 located in a tent or similar temporary movable structure or a
 5-63 parking garage, parking lot, or similar facility designed primarily
 5-64 for motor vehicles in the general election for state and county
 5-65 officers, general primary election, or runoff primary election.
 5-66 Ropes or other suitable objects may be used at the polling place to
 5-67 ensure compliance with Section 62.004. Persons who are not
 5-68 expressly permitted by law to be in a polling place shall be
 5-69 excluded from the polling place to the extent practicable.

6-1 (f-1) Notwithstanding any other provision of this section
 6-2 concerning the location of temporary branch polling places, in an
 6-3 election in which countywide polling places are used, the
 6-4 commissioners court of a county shall employ the same methodology
 6-5 it uses to determine the location of countywide polling places to
 6-6 determine the location of temporary branch polling places.

6-7 SECTION 2.12. Section 124.002, Election Code, is amended by
 6-8 adding Subsection (c) to read as follows:

6-9 (c) Voting system ballots may not be arranged in a manner
 6-10 that allows a political party's candidates to be selected in one
 6-11 motion or gesture.

6-12 SECTION 2.13. Section 127.1232, Election Code, is amended
 6-13 to read as follows:

6-14 Sec. 127.1232. SECURITY OF VOTED BALLOTS. (a) The general
 6-15 custodian of election records shall post a licensed peace officer
 6-16 [guard] to ensure the security of ballot boxes containing voted
 6-17 ballots throughout the period of tabulation at the central counting
 6-18 station.

6-19 (b) The general custodian of election records in a county
 6-20 with a population of less than 100,000 may, and the general
 6-21 custodian of election records in a county with a population of
 6-22 100,000 or more shall, implement a video surveillance system that
 6-23 retains a record of all areas containing voted ballots:

6-24 (1) from the time the voted ballots are delivered to
 6-25 the central counting station until the canvass of precinct election
 6-26 returns; and

6-27 (2) from the time the voted ballots are delivered to
 6-28 the signature verification committee or early voting ballot board
 6-29 until the canvass of precinct election returns.

6-30 (c) A video from a system implemented under Subsection (b)
 6-31 may be made available to the public by a livestream in a county with
 6-32 a population of less than 100,000, and shall be made available to
 6-33 the public by a livestream in a county with a population of 100,000
 6-34 or more.

6-35 (d) The video recorded is an election record under Section
 6-36 1.012 and shall be retained by the general custodian of election
 6-37 records until the end of the calendar year in which an election is
 6-38 held or until an election contest filed in the county has been
 6-39 resolved, whichever is later.

ARTICLE 3. ELECTION OFFICERS AND OBSERVERS

6-40 SECTION 3.01. Section 33.051, Election Code, is amended by
 6-41 adding Subsections (g) and (h) to read as follows:

6-42 (g) An election officer commits an offense if the officer
 6-43 intentionally or knowingly refuses to accept a watcher for service
 6-44 when acceptance of the watcher is required by this section. An
 6-45 offense under this subsection is a Class A misdemeanor.

6-46 (h) Before accepting a watcher, the officer presented with a
 6-47 watcher's certificate of appointment shall require the watcher to
 6-48 take the following oath, administered by the officer: "I swear (or
 6-49 affirm) that I will not disrupt the voting process or harass voters
 6-50 in the discharge of my duties."

6-51 SECTION 3.02. Section 33.056, Election Code, is amended by
 6-52 amending Subsection (a) and adding Subsections (e) and (f) to read
 6-53 as follows:

6-54 (a) Except as provided by Section 33.057, a watcher is
 6-55 entitled to observe any activity conducted at the location at which
 6-56 the watcher is serving. A watcher is entitled to sit or stand
 6-57 [conveniently] near enough to see and hear the election officers
 6-58 conducting the observed activity, except as otherwise prohibited by
 6-59 this chapter.

6-60 (e) Except as provided by Section 33.057(b), a watcher may
 6-61 not be denied free movement where election activity is occurring
 6-62 within the location at which the watcher is serving.

6-63 (f) In this code, a watcher who is entitled to "observe" an
 6-64 election activity is entitled to sit or stand near enough to see and
 6-65 hear the activity.

6-66 SECTION 3.03. Subchapter C, Chapter 33, Election Code, is
 6-67 amended by adding Section 33.0605 to read as follows:

6-68 Sec. 33.0605. OBSERVING DATA STORAGE SEALING AND TRANSFER.

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

(b) Notwithstanding any other provision of this code, a watcher duly accepted for service at a polling location is entitled to follow the transfer of election materials from the polling place at which the watcher was accepted to a regional tabulating center, the central counting station, or any other location designated to process election materials. The authority responsible for administering a regional tabulating center or another location where election materials are processed must accept duly appointed watchers for service in the same manner a watcher is accepted for service under Section 33.051 and must accept the same number of watchers that may serve under Section 33.007(a).

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

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

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

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

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

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

(3) any other remedy available under law.

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

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

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

(1) mail;
(2) common or contract carrier; or
(3) subject to Subsections [Subsection] (a-1) and (a-2), in-person delivery by the voter who voted the ballot.

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

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

Sec. 121.004. COMMUNICATIONS WITH VOTING SYSTEMS VENDOR PUBLIC INFORMATION. Except as provided by Sections 552.110 and 552.1101, Government Code, a written letter, e-mail, or other communication, including a communication made confidential by other law, between a public official and a voting systems vendor:

(1) is not confidential;
(2) is public information for purposes of Chapter 552, Government Code; and

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

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

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

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

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

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

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

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

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

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

returns and results. SECTION 3.11. Section 129.023, Election Code, is amended by adding Subsections (b-2) and (c-1) to read as follows:

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

(c-1) A test conducted under this section must also require the general custodian of election records to demonstrate, using a representative sample of voting system equipment, that the source code of the equipment has not been altered.

ARTICLE 4. VOTING BY MAIL

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

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

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

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

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

(a) An early voting ballot application must include:

(a) An early voting ballot application must include:

9-1 (1) the applicant's name and the address at which the
 9-2 applicant is registered to vote;

9-3 (1-a) the following information:

9-4 (A) the number of the applicant's driver's
 9-5 license or personal identification card issued by the Department of
 9-6 Public Safety;

9-7 (B) if the applicant has not been issued a number
 9-8 described by Paragraph (A), the last four digits of the applicant's
 9-9 social security number; or

9-10 (C) a statement by the applicant that the
 9-11 applicant has not been issued a number described by Paragraph (A) or
 9-12 (B);

9-13 (2) for an application for a ballot to be voted by mail
 9-14 on the ground of absence from the county of residence, the address
 9-15 outside the applicant's county of residence to which the ballot is
 9-16 to be mailed;

9-17 (3) for an application for a ballot to be voted by mail
 9-18 on the ground of age or disability, the address of the hospital,
 9-19 nursing home or other long-term care facility, or retirement
 9-20 center, or of a person related to the applicant within the second
 9-21 degree by affinity or the third degree by consanguinity, as
 9-22 determined under Chapter 573, Government Code, if the applicant is
 9-23 living at that address and that address is different from the
 9-24 address at which the applicant is registered to vote;

9-25 (4) for an application for a ballot to be voted by mail
 9-26 on the ground of confinement in jail, the address of the jail or of a
 9-27 person related to the applicant within the degree described by
 9-28 Subdivision (3);

9-29 (5) for an application for a ballot to be voted by mail
 9-30 on any ground, an indication of each election for which the
 9-31 applicant is applying for a ballot;

9-32 (6) an indication of the ground of eligibility for
 9-33 early voting; and

9-34 (7) for an application for a ballot to be voted by mail
 9-35 on the ground of involuntary civil commitment, the address of the
 9-36 facility operated by or under contract with the Texas Civil
 9-37 Commitment Office or of a person related to the applicant within the
 9-38 degree of consanguinity described by Subdivision (3).

9-39 (b-1) A person may use the number of a driver's license or
 9-40 personal identification card that has expired for the purpose of
 9-41 fulfilling the requirement under Subsection (a)(1-a) if the license
 9-42 or identification is otherwise valid.

9-43 SECTION 4.04. Section 84.011(a), Election Code, as
 9-44 effective September 1, 2021, is amended to read as follows:

9-45 (a) The officially prescribed application form for an early
 9-46 voting ballot must include:

9-47 (1) immediately preceding the signature space the
 9-48 statement: "I certify that the information given in this
 9-49 application is true, and I understand that giving false information
 9-50 in this application is a crime.";

9-51 (2) a statement informing the applicant of the
 9-52 offenses prescribed by Sections 84.003 and 84.004;

9-53 (3) spaces for entering an applicant's voter
 9-54 registration number and county election precinct of registration,
 9-55 with a statement informing the applicant that failure to furnish
 9-56 that information does not invalidate the application;

9-57 (3-a) a space for entering the information required
 9-58 under Section 84.002(a)(1-a); and

9-59 (4) on an application for a ballot to be voted by mail:

9-60 (A) a space for an applicant applying on the
 9-61 ground of absence from the county of residence to indicate the date
 9-62 on or after which the applicant can receive mail at the address
 9-63 outside the county;

9-64 (B) a space for indicating the fact that an
 9-65 applicant whose application is signed by a witness cannot make the
 9-66 applicant's mark and a space for indicating the relationship or
 9-67 lack of relationship of the witness to the applicant;

9-68 (C) a space for entering an applicant's telephone
 9-69 number, with a statement informing the applicant that failure to

10-1 furnish that information does not invalidate the application;
 10-2 (D) a space or box for an applicant applying on
 10-3 the ground of age or disability to indicate that the address to
 10-4 which the ballot is to be mailed is the address of a facility or
 10-5 relative described by Section 84.002(a)(3), if applicable;

10-6 (E) a space or box for an applicant applying on
 10-7 the ground of confinement in jail or involuntary civil commitment
 10-8 to indicate that the address to which the ballot is to be mailed is
 10-9 the address of a relative described by Section 84.002(a)(4) or (7),
 10-10 if applicable;

10-11 (F) a space for an applicant applying on the
 10-12 ground of age or disability to indicate if the application is an
 10-13 application under Section 86.0015;

10-14 (G) spaces for entering the signature, printed
 10-15 name, and residence address of any person assisting the applicant;

10-16 (H) a statement informing the applicant of the
 10-17 condition prescribed by Section 81.005; and

10-18 (I) a statement informing the applicant of the
 10-19 requirement prescribed by Section 86.003(c).

10-20 SECTION 4.05. Subchapter A, Chapter 84, Election Code, is
 10-21 amended by adding Section 84.0111 to read as follows:

10-22 Sec. 84.0111. DISTRIBUTION OF APPLICATION FORM. (a)
 10-23 Except as provided by Subsection (c) or as otherwise authorized by
 10-24 this code, an officer or employee of this state or of a political
 10-25 subdivision of this state may not distribute an application form
 10-26 for an early voting ballot to a person who did not request an
 10-27 application under Section 84.001.

10-28 (b) An officer or employee of this state or of a political
 10-29 subdivision of this state may not use public funds to facilitate the
 10-30 distribution by another person of an application form for an early
 10-31 voting ballot to a person who did not request an application under
 10-32 Section 84.001.

10-33 (c) A political party or a candidate for office may
 10-34 distribute an application form for an early voting ballot to a
 10-35 person who did not request an application under Section 84.001.

10-36 SECTION 4.06. Section 84.032(c), Election Code, is amended
 10-37 to read as follows:

10-38 (c) An applicant may submit a request after the close of
 10-39 early voting by personal appearance by appearing in person and:

10-40 (1) returning the ballot to be voted by mail to the
 10-41 early voting clerk; or

10-42 (2) executing an affidavit that the applicant:
 10-43 (A) has not received the ballot to be voted by
 10-44 mail; [or]

10-45 (B) never requested a ballot to be voted by mail;
 10-46 or

10-47 (C) received notice of a defect under Section
 10-48 87.0271(b) or 87.0411(b).

10-49 SECTION 4.07. Section 84.035, Election Code, is amended to
 10-50 read as follows:

10-51 Sec. 84.035. BALLOT SENT TO APPLICANT. (a) If the early
 10-52 voting clerk cancels an application by an applicant to whom an early
 10-53 voting ballot has been sent, the clerk shall:

10-54 (1) remove the applicant's name from the early voting
 10-55 roster; and

10-56 (2) make any other entries in the records and take any
 10-57 other action necessary to prevent the ballot from being counted if
 10-58 returned.

10-59 (b) An election judge may permit a person to whom an early
 10-60 voting ballot has been sent who cancels the person's application
 10-61 for a ballot to be voted by mail in accordance with Section 84.032
 10-62 but fails to return the ballot to be voted by mail to the early
 10-63 voting clerk, deputy early voting clerk, or presiding judge as
 10-64 provided by that section to vote only a provisional ballot under
 10-65 Section 63.011.

10-66 SECTION 4.08. Section 86.001, Election Code, is amended by
 10-67 adding Subsection (f) to read as follows:

10-68 (f) If the information required under Section
 10-69 84.002(a)(1-a) included on the application does not match the

information on the applicant's application for voter registration under Section 13.002(c)(8), the clerk shall reject the application.

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

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

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

(2) if the voter has not been issued a number described by Subdivision (1), the last four digits of the voter's social security number; or

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

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

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

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

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

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

(i) The signature verification committee shall compare the signature on each carrier envelope certificate, except those signed for a voter by a witness, with the signature on the voter's ballot application to determine whether the signatures are those of the voter. The committee may also compare the signatures with any known signature [two or more signatures] of the voter [made within the preceding six years and] on file with the county clerk or voter registrar to determine whether the signatures are those of the voter. Except as provided by Subsection (1), a determination under this subsection that the signatures are not those of the voter must be made by a majority vote of the committee's membership. The committee shall place the jacket envelopes, carrier envelopes, and applications of voters whose signatures are not those of the voter in separate containers from those of voters whose signatures are those of the voter. The committee chair shall deliver the sorted materials to the early voting ballot board at the time specified by the board's presiding judge.

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

Sec. 87.0271. OPPORTUNITY TO CORRECT DEFECT: SIGNATURE VERIFICATION COMMITTEE. (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;

(3) missing any required statement of residence; or

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

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

(1) return the carrier envelope to the voter by mail, if the signature verification committee determines that it would be possible to correct the defect and return the carrier envelope before the time the polls are required to close on election day; or

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

(A) correct the defect; or
(B) request to have the voter's application to
vote by mail canceled under Section 84.032.

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

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

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

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

(b) A ballot may be accepted only if:

(1) the carrier envelope certificate is properly executed;

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

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

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

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

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

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

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

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

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

SECTION 4.14. 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;

(3) missing any required statement of residence; or

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

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

(1) return the carrier envelope to the voter by mail,

if the early voting ballot board determines that it would be possible to correct the defect and return the carrier envelope before the time the polls are required to close on election day; or

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

(A) correct the defect; or

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

vote by mail canceled under Section 84.032.

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

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

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

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

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

(1) the voter was deceased;

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

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

(4) the carrier envelope certificate lacked a witness signature; [or]

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

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

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

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

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

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

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

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

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

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

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

Sec. 87.128. NOTES. Each member of an early voting ballot

14-1 board and each member of a signature verification committee is
 14-2 entitled to take and keep any notes reasonably necessary to perform
 14-3 the member's duties under this chapter.

14-4 ARTICLE 5. ASSISTANCE OF VOTERS

14-5 SECTION 5.01. Section 64.009, Election Code, is amended by
 14-6 amending Subsection (b) and adding Subsections (b-1), (e), (f),
 14-7 (f-1), (g), and (h) to read as follows:

14-8 (b) The regular voting procedures, except those in
 14-9 Subchapter B, may be modified by the election officer to the extent
 14-10 necessary to conduct voting under this section.

14-11 (b-1) A person other than a voter is only permitted to be
 14-12 inside a motor vehicle while a voter votes from the motor vehicle if
 14-13 the person would be entitled to accompany the voter to the voting
 14-14 station under other law.

14-15 (e) Except as provided by Section 33.057, a poll watcher is
 14-16 entitled to observe any activity conducted under this section.

14-17 (f) A person who simultaneously assists three or more voters
 14-18 voting under this section by providing the voters with
 14-19 transportation to the polling place must complete and sign a form,
 14-20 provided by an election officer, that contains the person's name
 14-21 and address and whether the person is providing assistance solely
 14-22 under this section or under both this section and Subchapter B.

14-23 (f-1) Subsection (f) does not apply if the person is related
 14-24 to each voter within the second degree by affinity or the third
 14-25 degree by consanguinity, as determined under Subchapter B, Chapter
 14-26 573, Government Code.

14-27 (g) A form completed under Subsection (f) shall be delivered
 14-28 to the secretary of state as soon as practicable. The secretary
 14-29 shall retain a form delivered under this section for the period for
 14-30 preserving the precinct election records and shall make the form
 14-31 available to the attorney general for inspection upon request.

14-32 (h) The secretary of state shall prescribe the form
 14-33 described by Subsection (f).

14-34 SECTION 5.02. Section 64.031, Election Code, is amended to
 14-35 read as follows:

14-36 Sec. 64.031. ELIGIBILITY FOR ASSISTANCE. A voter is
 14-37 eligible to receive assistance in marking or reading the ballot, as
 14-38 provided by this subchapter, if the voter cannot prepare or read the
 14-39 ballot because of:

14-40 (1) a physical disability that renders the voter
 14-41 unable to write or see; or

14-42 (2) an inability to read the language in which the
 14-43 ballot is written.

14-44 SECTION 5.03. Subchapter B, Chapter 64, Election Code, is
 14-45 amended by adding Section 64.0322 to read as follows:

14-46 Sec. 64.0322. SUBMISSION OF FORM BY ASSISTANT. (a) A
 14-47 person, other than an election officer, who assists a voter in
 14-48 accordance with this chapter is required to complete a form
 14-49 stating:

14-50 (1) the name and address of the person assisting the
 14-51 voter;

14-52 (2) the relationship to the voter of the person
 14-53 assisting the voter; and

14-54 (3) whether the person assisting the voter received or
 14-55 accepted any form of compensation or other benefit from a
 14-56 candidate, campaign, or political committee.

14-57 (b) The secretary of state shall prescribe the form required
 14-58 by this section. The form must be incorporated into the official
 14-59 carrier envelope if the voter is voting an early voting ballot by
 14-60 mail and receives assistance under Section 86.010, or must be
 14-61 submitted to an election officer at the time the voter casts a
 14-62 ballot if the voter is voting at a polling place or under Section
 14-63 64.009.

14-64 SECTION 5.04. Section 64.034, Election Code, is amended to
 14-65 read as follows:

14-66 Sec. 64.034. OATH. A person, other than an election
 14-67 officer, selected to provide assistance to a voter must take the
 14-68 following oath, administered by an election officer at the polling
 14-69 place, before providing assistance:

15-1 "I swear (or affirm) under penalty of perjury that the voter I
 15-2 am assisting represented to me they are eligible to receive
 15-3 assistance because of a physical disability that renders the voter
 15-4 unable to write or see or an inability to read the language in which
 15-5 the ballot is written; I will not suggest, by word, sign, or
 15-6 gesture, how the voter should vote; I will confine my assistance to
 15-7 reading the ballot to the voter, directing the voter to read the
 15-8 ballot, marking the voter's ballot, or directing the voter to mark
 15-9 the ballot; [answering the voter's questions, to stating
 15-10 propositions on the ballot, and to naming candidates and, if
 15-11 listed, their political parties,] I will prepare the voter's ballot
 15-12 as the voter directs; I did not encourage, pressure, or coerce the
 15-13 voter into choosing me to provide assistance; [and] I am not the
 15-14 voter's employer, an agent of the voter's employer, or an officer or
 15-15 agent of a labor union to which the voter belongs; I will not
 15-16 communicate information about how the voter has voted to another
 15-17 person; and I understand that if assistance is provided to a voter
 15-18 who is not eligible for assistance, the voter's ballot may not be
 15-19 counted."

15-20 SECTION 5.05. Sections 86.010(e), (h), and (i), Election
 15-21 Code, are amended to read as follows:

15-22 (e) A person who assists a voter to prepare a ballot to be
 15-23 voted by mail shall enter on the official carrier envelope of the
 15-24 voter:

15-25 (1) the person's signature, printed name, and
 15-26 residence address;

15-27 (2) the relationship of the person providing the
 15-28 assistance to the voter; and

15-29 (3) whether the person received or accepted any form
 15-30 of compensation or other benefit from a candidate, campaign, or
 15-31 political committee in exchange for providing assistance [on the
 15-32 official carrier envelope of the voter].

15-33 (h) Subsection (f) does not apply to:

15-34 (1) a violation of Subsection (c), if the person is
 15-35 related to the voter within the second degree by affinity or the
 15-36 third degree by consanguinity, as determined under Subchapter B,
 15-37 Chapter 573, Government Code, or was physically living in the same
 15-38 dwelling as the voter at the time of the event; or

15-39 (2) a violation of Subsection (e), if the person is
 15-40 related to the voter within the second degree by affinity or the
 15-41 third degree by consanguinity, as determined under Subchapter B,
 15-42 Chapter 573, Government Code.

15-43 (i) An offense under this section for a violation of
 15-44 Subsection (c) is increased to the next higher category of offense
 15-45 if it is shown on the trial of an offense under this section that:

15-46 (1) the defendant was previously convicted of an
 15-47 offense under this code;

15-48 (2) the offense involved a voter 65 years of age or
 15-49 older; or

15-50 (3) the defendant committed another offense under this
 15-51 section in the same election.

15-52 SECTION 5.06. Section 86.013(b), Election Code, is amended
 15-53 to read as follows:

15-54 (b) Spaces must appear on the reverse side of the official
 15-55 carrier envelope for:

15-56 (1) indicating the identity and date of the election;
 15-57 [and]

15-58 (2) entering the signature, printed name, and
 15-59 residence address of a person other than the voter who deposits the
 15-60 carrier envelope in the mail or with a common or contract carrier;
 15-61 and

15-62 (3) indicating the relationship of that person to the
 15-63 voter.

ARTICLE 6. FRAUD AND OTHER UNLAWFUL PRACTICES

15-65 SECTION 6.01. Chapter 63, Election Code, is amended by
 15-66 adding Section 63.0111 to read as follows:

15-67 Sec. 63.0111. OFFENSES RELATED TO PROVISIONAL VOTING. (a)
 15-68 An election judge commits an offense if the judge knowingly
 15-69 provides a voter with a form for an affidavit required by Section

16-1 63.001 if the form contains information that the judge entered on
 16-2 the form knowing it was false.

16-3 (b) An offense under this section is a state jail felony.

16-4 SECTION 6.02. Sections 276.004(a) and (b), Election Code,
 16-5 are amended to read as follows:

16-6 (a) A person commits an offense if, with respect to another
 16-7 person over whom the person has authority in the scope of
 16-8 employment, the person knowingly:

16-9 (1) refuses to permit the other person to be absent
 16-10 from work on election day or while early voting is in progress for
 16-11 the purpose of attending the polls to vote; or

16-12 (2) subjects or threatens to subject the other person
 16-13 to a penalty for attending the polls on election day or while early
 16-14 voting is in progress to vote.

16-15 (b) It is an exception to the application of this section
 16-16 that the person's conduct occurs in connection with an election in
 16-17 which the polls are open on election day or while early voting is in
 16-18 progress for voting for two consecutive hours outside of the
 16-19 voter's working hours.

16-20 SECTION 6.03. Chapter 276, Election Code, is amended by
 16-21 adding Sections 276.015, 276.016, and 276.017 to read as follows:

16-22 Sec. 276.015. VOTE HARVESTING. (a) In this section and in
 16-23 Section 276.016:

16-24 (1) "Benefit" means anything reasonably regarded as a
 16-25 gain or advantage, including a promise or offer of employment, a
 16-26 political favor, or an official act of discretion, whether to a
 16-27 person or another party whose welfare is of interest to the person.

16-28 (2) "Vote harvesting services" means in-person
 16-29 interaction with one or more voters, involving an official ballot,
 16-30 a ballot voted by mail, or an application for ballot by mail,
 16-31 intended to deliver votes for a specific candidate or measure.

16-32 (b) A person commits an offense if the person, directly or
 16-33 through a third party, knowingly provides or offers to provide vote
 16-34 harvesting services in exchange for compensation or other benefit.

16-35 (c) A person commits an offense if the person, directly or
 16-36 through a third party, knowingly provides or offers to provide
 16-37 compensation or other benefit to another person in exchange for
 16-38 vote harvesting services.

16-39 (d) A person commits an offense if the person knowingly
 16-40 collects or possesses a mail ballot or official carrier envelope in
 16-41 connection with vote harvesting services.

16-42 (e) This section does not apply to:

16-43 (1) an activity not performed in exchange for
 16-44 compensation or a benefit;

16-45 (2) interactions that do not directly involve an
 16-46 official ballot, ballot by mail, or an application for ballot by
 16-47 mail;

16-48 (3) interactions that are not conducted in-person with
 16-49 a voter; or

16-50 (4) activity that is not designed to deliver votes for
 16-51 or against a specific candidate or measure.

16-52 (f) In this section, compensation in exchange for vote
 16-53 harvesting services is inferred if a person who performed vote
 16-54 harvesting services for a candidate or campaign solicits, receives,
 16-55 or is offered compensation from the candidate or campaign, directly
 16-56 or through a third party, for services other than vote harvesting
 16-57 services provided.

16-58 (g) An offense under this section is a felony of the third
 16-59 degree.

16-60 (h) If conduct that constitutes an offense under this
 16-61 section also constitutes an offense under any other law, the actor
 16-62 may be prosecuted under this section, the other law, or both.

16-63 (i) Records necessary to investigate an offense under this
 16-64 section or any other section of this code shall be provided by an
 16-65 election officer in an unredacted form to a law enforcement officer
 16-66 upon request. Records obtained under this subsection are not
 16-67 subject to public disclosure.

16-68 Sec. 276.016. CIVIL LIABILITY FOR VOTE HARVESTING. (a) A
 16-69 person who is shown by a preponderance of the evidence to have

17-1 violated Section 276.015 is civilly liable to any candidate or
 17-2 political party who suffers harm from the vote harvesting services
 17-3 for damages and penalties that may be awarded under Subsection (c).

17-4 (b) A person is harmed by the vote harvesting services if
 17-5 the person can demonstrate that:

- 17-6 (1) the person has standing to seek relief; and
 17-7 (2) the liable party violated Section 276.015.

17-8 (b-1) To establish standing under this section, a person is
 17-9 not required to demonstrate that the vote harvesting services
 17-10 successfully delivered votes for a specific candidate or measure,
 17-11 but must demonstrate that:

17-12 (1) the vote harvesting services were intended to
 17-13 deliver votes for a specific candidate or measure; and
 17-14 (2) the person opposed the candidate or measure in the
 17-15 person's capacity as a candidate or political party.

17-16 (c) A party who prevails in an action under this section may
 17-17 recover damages in an amount including any or all of:

17-18 (1) the amount of compensation paid to or received by a
 17-19 party in exchange for vote harvesting services;

17-20 (2) the fair market value of any benefit given or
 17-21 received in exchange for vote harvesting services;

17-22 (3) a penalty in the amount of \$35,000; or

17-23 (4) reasonable and necessary attorney's fees, court
 17-24 costs, witness fees, and discovery costs.

17-25 (d) A party who is a candidate for office who prevails in an
 17-26 action under this section and shows that the number of voters
 17-27 contacted by the vote harvesting activity exceeds the number of
 17-28 votes by which the party lost the election shall recover damages in
 17-29 an amount including any or all of:

17-30 (1) the party's campaign expenditures properly filed
 17-31 on a campaign finance report in connection with the election; or
 17-32 (2) any fees and expenses incurred by the party in
 17-33 filing and securing a place on the ballot.

17-34 (e) A person who commits an offense under Section 276.015
 17-35 and is found civilly liable, including by vicarious liability,
 17-36 under this chapter or other law for any amount of damages arising
 17-37 from the vote harvesting services is jointly liable with any other
 17-38 defendant for the entire amount of damages arising from the vote
 17-39 harvesting services.

17-40 (f) The cause of action created by this section is
 17-41 cumulative of any other remedy provided by common law or statute.

17-42 (g) Rules applicable to a party's access to election records
 17-43 under Chapter 231 or 232 apply to a cause of action under this
 17-44 section.

17-45 (h) The expedited actions process created by Rule 169, Texas
 17-46 Rules of Civil Procedure, does not apply to an action under this
 17-47 section.

17-48 (i) Chapter 27, Civil Practice and Remedies Code, does not
 17-49 apply to a cause of action under this section.

17-50 (j) A cause of action under this section may be brought in
 17-51 the county where any element of a violation under Section 276.015
 17-52 occurred, or where any part of the vote harvesting services
 17-53 occurred.

17-54 (k) This section shall be liberally construed and applied to
 17-55 promote its underlying purpose to protect candidates and the voting
 17-56 public from unlawful vote harvesting and provide an efficient and
 17-57 economical remedy to secure that protection.

17-58 Sec. 276.017. UNLAWFUL ALTERING OF ELECTION PROCEDURES. A
 17-59 public official may not create, alter, modify, waive, or suspend
 17-60 any election standard, practice, or procedure mandated by law or
 17-61 rule in a manner not expressly authorized by this code.

ARTICLE 7. ENFORCEMENT

17-63 SECTION 7.01. Section 18.065, Election Code, is amended by
 17-64 amending Subsection (a) and adding Subsections (e), (f), and (g) to
 17-65 read as follows:

17-66 (a) The secretary of state shall monitor each registrar for
 17-67 substantial compliance with Sections 15.083, 16.032, 16.0332, and
 17-68 18.061 and with rules implementing the statewide computerized voter
 17-69 registration list.

18-1 (e) A registrar shall correct a violation within 30 days of
 18-2 a notice under Subsection (b). If a registrar fails to correct the
 18-3 violation within 30 days of a notice under Subsection (b), the
 18-4 secretary of state shall:

18-5 (1) correct the violation on behalf of the registrar;
 18-6 and

18-7 (2) notify the attorney general that the registrar
 18-8 failed to correct a violation under this subsection.

18-9 (f) A county served by a registrar who fails to correct a
 18-10 violation under Subsection (e) is liable to this state for a civil
 18-11 penalty of \$1,000 for each violation corrected by the secretary of
 18-12 state under that subsection. The attorney general may bring an
 18-13 action to recover a civil penalty imposed under this section.

18-14 (g) A civil penalty collected by the attorney general under
 18-15 this section shall be deposited in the state treasury to the credit
 18-16 of the general revenue fund.

18-17 SECTION 7.02. Subchapter E, Chapter 31, Election Code, is
 18-18 amended by adding Sections 31.128 and 31.129 to read as follows:

18-19 Sec. 31.128. RESTRICTION ON ELIGIBILITY. (a) In this
 18-20 section, "election official" means:

18-21 (1) a county clerk;
 18-22 (2) a permanent or temporary deputy county clerk;
 18-23 (3) an elections administrator;
 18-24 (4) a permanent or temporary employee of an elections
 18-25 administrator;

18-26 (5) an election judge;
 18-27 (6) an alternate election judge;
 18-28 (7) an early voting clerk;
 18-29 (8) a deputy early voting clerk;
 18-30 (9) an election clerk;
 18-31 (10) the presiding judge of an early voting ballot

18-32 board;
 18-33 (11) the alternate presiding judge of an early voting
 18-34 ballot board;

18-35 (12) a member of an early voting ballot board;
 18-36 (13) the chair of a signature verification committee;
 18-37 (14) the vice chair of a signature verification
 18-38 committee;

18-39 (15) a member of a signature verification committee;
 18-40 (16) the presiding judge of a central counting
 18-41 station;

18-42 (17) the alternate presiding judge of a central
 18-43 counting station;
 18-44 (18) a central counting station manager;
 18-45 (19) a central counting station clerk;

18-46 (20) a tabulation supervisor; and
 18-47 (21) an assistant to a tabulation supervisor.

18-48 (b) A person may not serve as an election official if the
 18-49 person has been finally convicted of an offense under this code.

18-50 Sec. 31.129. CIVIL PENALTY. (a) In this section, "election
 18-51 official" has the meaning assigned by Section 31.128.

18-52 (b) An election official may be liable to this state for a
 18-53 civil penalty if the official:

18-54 (1) is employed by or is an officer of this state or a
 18-55 political subdivision of this state; and

18-56 (2) violates a provision of this code.

18-57 (c) A civil penalty imposed under this section may include
 18-58 termination of the person's employment and loss of the person's
 18-59 employment benefits.

18-60 SECTION 7.03. Section 232.006(a), Election Code, is amended
 18-61 to read as follows:

18-62 (a) The venue of an election contest for a statewide office
 18-63 is in Travis County or any county where a contestee resided at the
 18-64 time of the election. For purposes of this section, a contestee's
 18-65 residence is determined under Section 411.0257, Government Code.

18-66 SECTION 7.04. Sections 232.008(b), (c), and (d), Election
 18-67 Code, are amended to read as follows:

18-68 (b) Except as provided by Subsection (c), a contestant must
 18-69 file the petition not later than the later of the 45th [30th] day

19-1 after the date the election records are publicly available under
 19-2 Section 1.012 or the official result of the contested election is
 19-3 determined.

19-4 (c) A contestant must file the petition not later than the
 19-5 later of the 15th [10th] day after the date the election records are
 19-6 publicly available under Section 1.012 or the official result is
 19-7 determined in a contest of:

19-8 (1) a primary or runoff primary election; or
 19-9 (2) a general or special election for which a runoff is
 19-10 necessary according to the official result or will be necessary if
 19-11 the contestant prevails.

19-12 (d) A contestant must deliver, electronically or otherwise,
 19-13 a copy of the petition to the secretary of state by the same
 19-14 deadline prescribed for the filing of the petition.

19-15 SECTION 7.05. Chapter 232, Election Code, is amended by
 19-16 adding Subchapter C to read as follows:

19-17 SUBCHAPTER C. CONTEST INVOLVING ALLEGED FRAUD

19-18 Sec. 232.061. PETITION ALLEGING FRAUD. This subchapter
 19-19 applies to an election contest in which the contestant alleges in
 19-20 the petition that an opposing candidate, an agent of the opposing
 19-21 candidate, or a person acting on behalf of the opposing candidate
 19-22 with the candidate's knowledge violated any of the following
 19-23 sections of this code:

- 19-24 (1) Section 13.007;
- 19-25 (2) Section 64.012;
- 19-26 (3) Section 64.036;
- 19-27 (4) Section 84.003;
- 19-28 (5) Section 84.0041;
- 19-29 (6) Section 86.0051;
- 19-30 (7) Section 86.006;
- 19-31 (8) Section 86.010; or
- 19-32 (9) Section 276.013.

19-33 Sec. 232.062. DAMAGES. (a) If it is shown by a
 19-34 preponderance of the evidence that a contestee, an agent of the
 19-35 contestee, or a person acting on behalf of the contestee with the
 19-36 contestee's knowledge committed one or more violations of a section
 19-37 described by Section 232.061, the contestee is liable to the
 19-38 contestant for damages in an amount of \$1,000 for each violation.

19-39 (b) Notwithstanding Section 41.004(a), Civil Practice and
 19-40 Remedies Code, a court shall award damages under Subsection (a) to
 19-41 the contestant irrespective of whether the contestant is awarded
 19-42 actual damages.

19-43 Sec. 232.063. ATTORNEY'S FEES. In an election contest to
 19-44 which this subchapter applies, the court may award reasonable
 19-45 attorney's fees to the prevailing party.

19-46 SECTION 7.06. Section 273.061, Election Code, is amended to
 19-47 read as follows:

19-48 Sec. 273.061. JURISDICTION. (a) The supreme court or a
 19-49 court of appeals may issue a writ of mandamus to compel the
 19-50 performance of any duty imposed by law in connection with the
 19-51 holding of an election or a political party convention, regardless
 19-52 of whether the person responsible for performing the duty is a
 19-53 public officer.

19-54 (b) The court of criminal appeals may issue a writ of
 19-55 mandamus to compel the performance of any duty imposed by law in
 19-56 connection with the provision, sequestration, transfer, or
 19-57 impoundment of evidence in or records relating to a criminal
 19-58 investigation conducted under this code or conducted in connection
 19-59 with the conduct of an election or political party convention. If a
 19-60 writ of mandamus is issued under this subsection, it shall include
 19-61 an order requiring the provision, sequestration, transfer, or
 19-62 impoundment of the evidence or record.

19-63 SECTION 7.07. Subchapter D, Chapter 22, Government Code, is
 19-64 amended by adding Section 22.304 to read as follows:

19-65 Sec. 22.304. PRIORITY OF CERTAIN ELECTION PROCEEDINGS. (a)
 19-66 The supreme court, the court of criminal appeals, or a court of
 19-67 appeals shall prioritize over any other proceeding pending or filed
 19-68 in the court a proceeding for injunctive relief or for a writ of
 19-69 mandamus under Chapter 273, Election Code, pending or filed in the

20-1 court on or after the 120th day before a general or special
 20-2 election.

20-3 (b) If granted, oral argument for a proceeding described by
 20-4 Subsection (a) may be given in person or through electronic means.

20-5 SECTION 7.08. Section 23.101, Government Code, is amended
 20-6 by amending Subsection (a) and adding Subsection (b-1) to read as
 20-7 follows:

20-8 (a) Except as provided by Subsection (b-1), the [The] trial
 20-9 courts of this state shall regularly and frequently set hearings
 20-10 and trials of pending matters, giving preference to hearings and
 20-11 trials of the following:

20-12 (1) temporary injunctions;

20-13 (2) criminal actions, with the following actions given
 20-14 preference over other criminal actions:

20-15 (A) criminal actions against defendants who are
 20-16 detained in jail pending trial;

20-17 (B) criminal actions involving a charge that a
 20-18 person committed an act of family violence, as defined by Section
 20-19 71.004, Family Code;

20-20 (C) an offense under:

20-21 (i) Section 21.02 or 21.11, Penal Code;

20-22 (ii) Chapter 22, Penal Code, if the victim
 20-23 of the alleged offense is younger than 17 years of age;

20-24 (iii) Section 25.02, Penal Code, if the
 20-25 victim of the alleged offense is younger than 17 years of age;

20-26 (iv) Section 25.06, Penal Code;

20-27 (v) Section 43.25, Penal Code; or

20-28 (vi) Section 20A.02(a)(7), 20A.02(a)(8),
 20-29 or 20A.03, Penal Code;

20-30 (D) an offense described by Article 62.001(6)(C)
 20-31 or (D), Code of Criminal Procedure; and

20-32 (E) criminal actions against persons who are
 20-33 detained as provided by Section 51.12, Family Code, after transfer
 20-34 for prosecution in criminal court under Section 54.02, Family Code;

20-35 (3) election contests and suits under the Election
 20-36 Code;

20-37 (4) orders for the protection of the family under
 20-38 Subtitle B, Title 4, Family Code;

20-39 (5) appeals of final rulings and decisions of the
 20-40 division of workers' compensation of the Texas Department of
 20-41 Insurance regarding workers' compensation claims and claims under
 20-42 the Federal Employers' Liability Act and the Jones Act;

20-43 (6) appeals of final orders of the commissioner of the
 20-44 General Land Office under Section 51.3021, Natural Resources Code;

20-45 (7) actions in which the claimant has been diagnosed
 20-46 with malignant mesothelioma, other malignant asbestos-related
 20-47 cancer, malignant silica-related cancer, or acute silicosis; and

20-48 (8) appeals brought under Section 42.01 or 42.015, Tax
 20-49 Code, of orders of appraisal review boards of appraisal districts
 20-50 established for counties with a population of less than 175,000.

20-51 (b-1) Except for a criminal case in which the death penalty
 20-52 has been or may be assessed or when it would otherwise interfere
 20-53 with a constitutional right, the trial courts of this state shall
 20-54 prioritize over any other proceeding pending or filed in the court a
 20-55 proceeding for injunctive relief under Chapter 273, Election Code,
 20-56 pending or filed in the court on or after the 120th day before a
 20-57 general or special election.

ARTICLE 8. INELIGIBLE VOTERS AND RELATED REFORMS

20-58 SECTION 8.01. Chapter 42, Code of Criminal Procedure, is
 20-59 amended by adding Article 42.0194 to read as follows:

20-60 Art. 42.0194. FINDING REGARDING FELONY CONVICTION. In the
 20-61 trial of a felony offense, if the defendant is 18 years of age or
 20-62 older and is adjudged guilty of the offense, the court shall:

20-63 (1) make an affirmative finding that the person has
 20-64 been found guilty of a felony and enter the affirmative finding in
 20-65 the judgment of the case; and

20-66 (2) instruct the defendant regarding how the felony
 20-67 conviction will impact the defendant's right to vote in this state.

20-68 SECTION 8.02. Article 42.01, Code of Criminal Procedure, as

21-1 effective September 1, 2021, is amended by adding Section 16 to read
21-2 as follows:

21-3 Sec. 16. In addition to the information described by
21-4 Section 1, the judgment should reflect the affirmative finding and
21-5 instruction entered pursuant to Article 42.0194.

21-6 ARTICLE 9. REPEALER; SEVERABILITY; TRANSITION; EFFECTIVE DATE
21-7 SECTION 9.01. The following provisions of the Election Code
21-8 are repealed:

- 21-9 (1) Section 85.062(e); and
21-10 (2) Section 127.201(f).

21-11 SECTION 9.02. If any provision of this Act or its
21-12 application to any person or circumstance is held invalid, the
21-13 invalidity does not affect other provisions or applications of this
21-14 Act that can be given effect without the invalid provision or
21-15 application, and to this end the provisions of this Act are declared
21-16 to be severable.

21-17 SECTION 9.03. (a) Except as otherwise provided by this Act,
21-18 the changes in law made by this Act apply only to an offense
21-19 committed on or after the effective date of this Act. An offense
21-20 committed before the effective date of this Act is governed by the
21-21 law in effect when the offense was committed, and the former law is
21-22 continued in effect for that purpose. For purposes of this section,
21-23 an offense was committed before the effective date of this Act if
21-24 any element of the offense occurred before that date.

21-25 (b) The changes in law made by this Act apply only to an
21-26 election ordered on or after the effective date of this Act. An
21-27 election ordered before the effective date of this Act is governed
21-28 by the law in effect when the election was ordered, and the former
21-29 law is continued in effect for that purpose.

21-30 (c) The changes in law made by this Act apply only to an
21-31 election contest for which the associated election occurred after
21-32 the effective date of this Act.

21-33 (d) The changes in law made by this Act apply only to an
21-34 application to vote an early voting ballot by mail submitted on or
21-35 after the effective date of this Act. An application to vote an
21-36 early voting ballot by mail submitted before the effective date of
21-37 this Act is governed by the law in effect when the application was
21-38 submitted, and the former law is continued in effect for that
21-39 purpose.

21-40 (e) The changes in law made by this Act apply only to an
21-41 application for voter registration submitted on or after the
21-42 effective date of this Act.

21-43 SECTION 9.04. This Act takes effect immediately if it
21-44 receives a vote of two-thirds of all the members elected to each
21-45 house, as provided by Section 39, Article III, Texas Constitution.
21-46 If this Act does not receive the vote necessary for immediate
21-47 effect, this Act takes effect on the 91st day after the last day of
21-48 the legislative session.