



FLOOR AMENDMENT NO. \_\_\_\_\_

BY: **Schofield**

1 Amend C.S.S.B. No. 1 (house committee report) as follows:

2 ( ) Add the following appropriately numbered SECTIONS to  
3 ARTICLE 3 of the bill and renumber subsequent SECTIONS of ARTICLE  
4 3 accordingly.

5 SECTION 3.\_\_\_\_. Section 61.002, Election Code, is amended to  
6 read as follows:

7 Sec. 61.002. OPENING AND CLOSING POLLING PLACE FOR VOTING.

8 (a) Immediately before opening the polls for voting on the first  
9 day of early voting and on election day, the presiding election  
10 judge or alternate election judge shall confirm that each voting  
11 machine has any public counter reset to zero and shall print the  
12 tape that shows the counter was set to zero for each candidate or  
13 measure on the ballot.

14 (b) At the official time for opening the polls for voting,  
15 an election officer shall open the polling place entrance and admit  
16 the voters.

17 (c) Immediately after closing the polls for voting on  
18 election day, the presiding election judge or alternate election  
19 judge shall print the tape to show the number of votes cast for  
20 each candidate or ballot measure for each voting machine.

21 (d) Each election judge or alternate election judge present  
22 shall sign a tape printed under this section.

23 SECTION 3.\_\_\_\_. Section 87.002, Election Code, is amended to  
24 read as follows:

1           Sec. 87.002. COMPOSITION OF BOARD. (a) The early voting  
2 ballot board consists of a presiding judge, an alternate presiding  
3 judge, and at least one [~~two~~] other member [~~members~~].

4           (b) Except as provided by Subsection (d), the presiding  
5 judge and the alternate presiding judge are [~~is~~] appointed in the  
6 same manner as a presiding election judge and alternate presiding  
7 election judge, respectively. Except as provided by Subsection

8 (c), each [~~the~~] other member is [~~members are~~] appointed by the  
9 presiding judge in the same manner as the precinct election clerks.

10           (c) In the general election for state and county officers,  
11 each county chair of a political party with nominees on the general  
12 election ballot shall submit to the county election board a list  
13 of names of persons eligible to serve on the early voting ballot  
14 board in order of the county chair's preference. The county  
15 election board shall appoint at least one person from each list to  
16 serve as a member of the early voting ballot board. The same number  
17 of members must be appointed from each list. The county election  
18 board shall appoint persons as members of the early voting ballot  
19 board in the order of preference indicated on each list.

20           (d) In addition to the members appointed under Subsection  
21 (c), the county election board shall appoint as the presiding judge  
22 the highest-ranked person on [~~from~~] the list provided under that  
23 subsection by the political party whose nominee for governor  
24 received the most votes in the county in the most recent  
25 gubernatorial general election and as the alternate presiding  
26 judge the highest-ranked person on the list provided under that  
27 subsection by the political party whose nominee for governor  
28 received the second most votes in the county in the most recent  
29 gubernatorial general election.

30           SECTION 3.\_\_\_\_. Sections 127.006(a) and (c), Election Code,  
31 are amended to read as follows:

1 (a) The [Both the] manager, [and] the presiding judge, and  
2 the alternate presiding judge may appoint clerks to serve at the  
3 central counting station.

4 (c) A clerk appointed by the manager serves under the manager  
5 and shall perform the functions directed by the manager. A clerk  
6 appointed by the presiding judge or the alternate presiding judge  
7 serves under the presiding judge and shall perform the functions  
8 directed by the presiding judge.

9 ( ) Add the following appropriately numbered SECTIONS to  
10 ARTICLE 4 of the bill and renumbering subsequent SECTIONS of  
11 ARTICLE 4 accordingly:

12 SECTION 4.\_\_. Chapter 121, Election Code, is amended by  
13 adding Section 121.004 to read as follows:

14 Sec. 121.004. COMMUNICATIONS WITH VOTING SYSTEMS VENDOR  
15 PUBLIC INFORMATION. (a) Except as provided by Subsection (b), a  
16 written letter, e-mail, or other communication, including a  
17 communication made confidential by other law, between a public  
18 official and a voting systems vendor:

19 (1) is not confidential;

20 (2) is public information for purposes of Chapter 552,  
21 Government Code; and

22 (3) is not subject to an exception to disclosure  
23 provided by Chapter 552, Government Code other than Sections  
24 552.110 and 552.1101, Government Code.

25 (b) A written letter, e-mail, or other communication between  
26 a public official and a voting systems vendor is excepted from  
27 disclosure under Chapter 552, Government Code, if the  
28 communication discloses information, data, or records relating to  
29 the security of elections critical infrastructure.

30 SECTION 4.\_\_. Section 127.131, Election Code, is amended by  
31 adding Subsection (f) to read as follows:

32 (f) The presiding judge of the central counting station

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

9 ( ) Add the following appropriately numbered SECTIONS to  
10 ARTICLE 5 of the bill and renumbering subsequent SECTIONS of  
11 ARTICLE 5 accordingly:

12 SECTION 5.\_\_. Subchapter A, Chapter 84, Election Code, is  
13 amended by adding Section 84.0111 to read as follows:

14 Sec. 84.0111. DISTRIBUTION OF APPLICATION FORM. (a) Except  
15 as provided by Subsection (c) or as otherwise authorized by this  
16 code, an officer or employee of this state or of a political  
17 subdivision of this state may not distribute an application form  
18 for an early voting ballot to a person who did not request an  
19 application under Section 84.001.

20 (b) An officer or employee of this state or of a political  
21 subdivision of this state may not use public funds to facilitate  
22 the distribution by another person of an application form for an  
23 early voting ballot to a person who did not request an application  
24 under Section 84.001.

25 (c) A political party or a candidate for office may  
26 distribute an application form for an early voting ballot to a  
27 person who did not request an application under Section 84.001.

28 SECTION 5.\_\_. Section 84.035, Election Code, is amended to  
29 read as follows:

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

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

3 (2) make any other entries in the records and take any other  
4 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 ( ) On page 21, line 23, strike "87.027(i), Election Code,  
14 is" and substitute "87.027(d), (e), and (i), Election Code, are".

15 ( ) On page 21, between lines 24 and 25, insert the  
16 following:

17 (d) The early voting clerk shall determine the number of  
18 members who are to compose the signature verification committee  
19 and shall state that number in the order calling for the  
20 committee's appointment. A committee must consist of not fewer  
21 than five members. In an election in which party alignment is  
22 indicated on the ballot, each county chair of a political party  
23 with a nominee or aligned candidate on the ballot shall submit to  
24 the appointing authority a list of names of persons eligible to  
25 serve on the signature verification committee in order of the  
26 county chair's preference. The authority shall appoint at least  
27 two persons from each list in the order of preference indicated on  
28 each list to serve as members of the committee. The same number of  
29 members must be appointed from each list. The authority shall  
30 appoint as [the] chair of the committee the highest-ranked person  
31 on [from] the list provided by the political party whose nominee  
32 for governor received the most votes in the county in the most

1 recent gubernatorial general election. The authority shall appoint  
2 as vice chair of the committee the highest-ranked person on the  
3 list provided by the political party whose nominee for governor  
4 received the second most votes in the county in the most recent  
5 gubernatorial general election. A vacancy on the committee shall  
6 be filled by appointment from the original list or from a new list  
7 submitted by the appropriate county chair.

8 (e) To be eligible to serve on a signature verification  
9 committee, a person must be eligible under Subchapter C, Chapter  
10 32, for service as a presiding election judge, except that the  
11 person must be a qualified voter:

12 (1) of the county, in a countywide election ordered by  
13 the governor or a county authority or in a primary election;

14 (2) of the part of the county in which the election is  
15 held, for an election ordered by the governor or a county authority  
16 that does not cover the entire county of the person's residence;  
17 or

18 (3) of the political subdivision, in an election  
19 ordered by an authority of a political subdivision other than a  
20 county.