



FLOOR AMENDMENT NO. _____

BY: Jetton

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

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

5 SECTION 2.__. Section 16.0332, Election Code, is amended by
6 amending Subsection (a) and adding Subsections (a-1), (d), and (e)
7 to read as follows:

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

23 (a-1) The secretary of state shall enter into an agreement
24 with the Department of Public Safety under which information in
25 the existing statewide computerized voter registration list is

1 compared against information in the database of the Department of
2 Public Safety on a monthly basis to verify the accuracy of
3 citizenship status information previously provided on voter
4 registration applications. In comparing information under this
5 subsection, the secretary of state shall consider only a voter's
6 information in the database of the Department of Public Safety
7 that was derived from documents presented by the voter to the
8 department after the person's current voter registration became
9 effective, and may not consider information derived from documents
10 presented by the voter to the department before the person's
11 current voter registration became effective.

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

14 (e) Not later than December 31 of each year, the secretary
15 of state shall provide a report to the legislature of the number
16 of voter registrations canceled under this section during the
17 calendar year.

18 SECTION 2. __. Section 18.065, Election Code, is amended by
19 adding Subsections (e), (f), (g), (h), and (i) to read as follows:

20 (e) If the secretary of state determines that a voter
21 registrar is not in substantial compliance with a requirement
22 imposed on the registrar by a provision or rule described in
23 Subsection (a), the secretary of state shall:

24 (1) for the first violation, require the registrar to
25 attend a training course under Subsection (h);

26 (2) for the second violation, audit the voter
27 registration list for the county in which the registrar serves to

1 determine the actions needed to achieve substantial compliance
2 under Subsection (a) and provide the results of the audit to the
3 registrar; or

4 (3) for a third or subsequent violation, if the
5 secretary of state determines that the registrar has not performed
6 any overt actions in pursuance of compliance with the actions
7 identified under Subdivision (2) as necessary for the registrar to
8 achieve substantial compliance under Subsection (a) within 14 days
9 of receiving the results of the audit conducted under that
10 subsection, inform the attorney general that the county which the
11 registrar serves may be subject to a civil penalty under Subsection
12 (f).

13 (f) A county is liable to this state for a civil penalty of
14 \$1,000 for each day after the 14th day following the receipt of
15 the results of the audit conducted under Subsection (e)(2) that
16 the county's voter registrar fails to take overt action to comply
17 with the actions identified under that subsection as necessary for
18 the registrar to achieve substantial compliance under Subsection
19 (a). The attorney general may bring an action to recover a civil
20 penalty imposed under this section.

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

24 (h) The secretary of state shall develop and implement a
25 training course for registrars on substantial compliance with
26 Sections 15.083, 16.032, and 18.061 and with rules implementing
27 the statewide computerized voter registration list.

1 (i) The secretary of state shall adopt rules and prescribe
2 procedures for the implementation of this section.

3 SECTION 2.__. Section 18.068, Election Code, is amended by
4 amending Subsection (a) and adding Subsection (a-1) to read as
5 follows:

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

16 (a-1) The secretary of state is not required to send notice
17 under Subsection (a) for a voter who is subject to an exemption
18 from jury service under Section 62.106, Government Code, if that
19 exemption is the only reason the voter is excused from jury
20 service.

21 SECTION 2.__. Section 31.006, Election Code, is amended to
22 read as follows:

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

24 (a) If, after receiving or discovering information indicating
25 that [~~a complaint alleging~~] criminal conduct in connection with an
26 election has occurred, the secretary of state determines that there
27 is reasonable cause to suspect that [~~the alleged~~] criminal conduct

1 occurred, the secretary shall promptly refer the information
2 [~~complaint~~] to the attorney general. The secretary shall deliver
3 to the attorney general all pertinent documents and information in
4 the secretary's possession.

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

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

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

14 SECTION 2.__. Section 62.113(b), Government Code, is amended
15 to read as follows:

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

19 (1) the voter registrar of the county;

20 (2) the secretary of state; and

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

24 SECTION 2.__. Sections 62.114(b) and (c), Government Code,
25 are amended to read as follows:

26 (b) On the third business day of each month, the clerk shall
27 send [~~to the voter registrar of the county~~] a copy of the list of

1 persons excused or disqualified in the previous month because the
2 persons do not reside in the county to:

3 (1) the voter registrar of the county; and

4 (2) the secretary of state.

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

8 (2) Add the following appropriately numbered SECTION to
9 ARTICLE 3 of the bill and renumber subsequent SECTIONS of ARTICLE
10 3 accordingly:

11 SECTION 3.__. Section 127.1232, Election Code, is amended to
12 read as follows:

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

18 (b) The general custodian of election records in a county
19 with a population of 100,000 or more shall implement a video
20 surveillance system that retains a record of all areas containing
21 voted ballots:

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

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

1 (c) A video from a system implemented under Subsection (b)
2 shall be made available to the public by a livestream.

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

8 (3) Add the following appropriately numbered SECTION to
9 ARTICLE 4 of the bill and renumber subsequent SECTIONS of ARTICLE
10 4 accordingly:

11 SECTION 4.____. Section 127.1301, Election Code, is amended
12 to read as follows:

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

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

24 (c) An authority that purchases system components in order to
25 comply with this section is eligible to have 100 percent of the
26 cost of those system components reimbursed.

27 (d) Subsection (b) applies starting on the earlier of:

1 (1) the date on which the state certifies the first
2 centrally counted optical ballot scan system under this section;
3 or

4 (2) September 1, 2026.

5 (e) This subsection and Subsection (d) expire October 1, 2026.

6 (4) Add the following appropriately numbered SECTION to
7 ARTICLE 6 of the bill and renumber subsequent SECTIONS of ARTICLE
8 6 accordingly:

9 SECTION 6.__. Section 64.009, Election Code, is amended by
10 amending Subsection (b) and adding Subsections (e), (f), (f-1),
11 (g), and (h) to read as follows:

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

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

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

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

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

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

8 (5) Add the following appropriately numbered SECTIONS to
9 ARTICLE 8 of the bill and renumber subsequent SECTIONS of ARTICLE
10 8 accordingly:

11 SECTION 8.____. Subchapter E, Chapter 31, Election Code, is
12 amended by adding Sections 31.128, 31.129, and 31.130 to read as
13 follows:

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

16 (1) a county clerk;

17 (2) a permanent or temporary deputy county clerk;

18 (3) an elections administrator;

19 (4) a permanent or temporary employee of an elections
20 administrator;

21 (5) an election judge;

22 (6) an alternate election judge;

23 (7) an early voting clerk;

24 (8) a deputy early voting clerk;

25 (9) an election clerk;

26 (10) the presiding judge of an early voting ballot
27 board;

1 (11) the alternate presiding judge of an early voting
2 ballot board;

3 (12) a member of an early voting ballot board;

4 (13) the chair of a signature verification committee;

5 (14) the vice chair of a signature verification
6 committee;

7 (15) a member of a signature verification committee;

8 (16) the presiding judge of a central counting station;

9 (17) the alternate presiding judge of a central
10 counting station;

11 (18) a central counting station manager;

12 (19) a central counting station clerk;

13 (20) a tabulation supervisor; and

14 (21) an assistant to a tabulation supervisor.

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

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

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

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

23 (2) violates a provision of this code.

24 (c) A civil penalty imposed under this section may include
25 termination of the person's employment and loss of the person's
26 employment benefits.

27 Sec. 31.130. SUIT AGAINST ELECTION OFFICER. An action,

1 including an action for a writ of mandamus, alleging that an
2 election officer violated a provision of this code while acting in
3 the officer's official capacity may only be brought against the
4 officer in the officer's official capacity.

5 SECTION 8.____. Sections 232.008(b), (c), and (d), Election
6 Code, are amended to read as follows:

7 (b) Except as provided by Subsection (c), a contestant must
8 file the petition not later than the later of the 45th [~~30th~~] day
9 after the date the election records are publicly available under
10 Section 1.012 or the official result of the contested election is
11 determined.

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

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

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

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

23 SECTION 8.____. Title 14, Election Code, is amended by adding
24 Subtitle D to read as follows:

25 SUBTITLE D. OTHER ELECTION LAWSUITS

26 CHAPTER 247. LAWSUIT ALLEGING IMPROPER ELECTION ACTIVITIES

27 Sec. 247.001. PETITION ALLEGING FRAUD. This chapter applies

1 to a civil suit in which a candidate in an election alleges in the
2 petition that an opposing candidate, an agent of the opposing
3 candidate, or a person acting on behalf of the opposing candidate
4 with the candidate's knowledge violated any of the following
5 sections of this code:

6 (1) Section 13.007;

7 (2) Section 64.012;

8 (3) Section 64.036;

9 (4) Section 84.003;

10 (5) Section 84.0041;

11 (6) Section 86.0051;

12 (7) Section 86.006;

13 (8) Section 86.010;

14 (9) Section 276.013; and

15 (10) Section 276.015.

16 Sec. 247.002. PROCEDURE. A candidate in an election may
17 file a petition for an action under this chapter in any county
18 where a defendant resided at the time of the election. If the
19 election is for a statewide office, the candidate may also file
20 the petition in a district court in Travis County.

21 Sec. 247.003. FILING PERIOD FOR PETITION. A candidate in an
22 election may file a petition for an action under this chapter not
23 earlier than the day after the date the election is certified and
24 not later than the 45th day after the later of that date or the
25 date election records are made publicly available under Section
26 1.012.

27 Sec. 247.004. DAMAGES. (a) If it is shown by a

1 preponderance of the evidence that a defendant, an agent of the
2 defendant, or a person acting on behalf of the defendant with the
3 defendant's knowledge committed one or more violations of a section
4 described by Section 247.001, the defendant is liable to the
5 plaintiff for damages in an amount of \$1,000 for each violation.

6 (b) Notwithstanding Section 41.004, Civil Practice and
7 Remedies Code, a court shall award damages under Subsection (a) to
8 the plaintiff irrespective of whether the plaintiff is awarded
9 actual damages.

10 Sec. 247.005. ATTORNEY'S FEES. In an action under this
11 chapter, the court may award reasonable attorney's fees to the
12 prevailing party.

13 SECTION 8.____. Section 273.061, Election Code, is amended to
14 read as follows:

15 Sec. 273.061. JURISDICTION. (a) The supreme court or a
16 court of appeals may issue a writ of mandamus to compel the
17 performance of any duty imposed by law in connection with the
18 holding of an election or a political party convention, regardless
19 of whether the person responsible for performing the duty is a
20 public officer.

21 (b) The court of criminal appeals may issue a writ of
22 mandamus to compel the performance of any duty imposed by law in
23 connection with the provision, sequestration, transfer, or
24 impoundment of evidence in or records relating to a criminal
25 investigation conducted under this code or conducted in connection
26 with the conduct of an election or political party convention. If
27 a writ of mandamus is issued under this subsection, it shall

1 include an order requiring the provision, sequestration, transfer,
2 or impoundment of the evidence or record.

3 (6) On page 47, between lines 7 and 8, insert the following:

4 (e) Chapter 247, Election Code, as added by this Act, applies
5 only to an election contest for which the associated election
6 occurred after the effective date of this Act.