

Amend CSSB 1 (senate committee printing) by adding the following appropriately numbered ARTICLES to the bill and renumbering subsequent ARTICLES of the bill accordingly:

ARTICLE __. BARBARA JORDAN FAIR ELECTIONS ACT: GENERAL PROVISIONS

SECTION __.01. FINDINGS. The legislature finds that maximizing the potential for safe, secure, and accessible elections and enhancing the opportunities to vote strengthen our constitutional democracy and provide for wide-scale confidence in elections.

SECTION __.02. Chapter 1, Election Code, is amended by adding Section 1.0015 to read as follows:

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

SECTION __.03. Section 1.003, Election Code, is amended by adding Subsection (a-2) to read as follows:

(a-2) A public official shall construe the provisions of this code broadly to effect the intent of the legislature under Section 1.0015.

ARTICLE __. BARBARA JORDAN FAIR ELECTIONS ACT: VOTER REGISTRATION

SECTION __.01. Subchapter A, Chapter 13, Election Code, is amended by adding Sections 13.009 and 13.010 to read as follows:

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

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

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

and

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

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

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

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

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

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

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

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

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

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

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

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

application; and

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

Sec. 13.010. VOTER REGISTRATION THROUGH DEPARTMENT OF PUBLIC SAFETY. (a) The voter registrar of each county shall automatically register any county resident who is eligible to vote as provided by Section 13.001 and:

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

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

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

SECTION __.02. Section 20.061, Election Code, is amended to read as follows:

Sec. 20.061. APPLICABILITY OF OTHER PROVISIONS. The other provisions of this chapter apply to the Department of Public Safety except provisions that conflict with this subchapter or Section 13.010.

SECTION __.03. Section 20.062(b), Election Code, is amended to read as follows:

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

SECTION __.04. Section 20.063, Election Code, is amended to read as follows:

Sec. 20.063. REGISTRATION PROCEDURES. (a) The Department of Public Safety shall consider an application made in person, by mail, or online at the department's Internet website ~~[provide to each person who applies in person at the department's offices]~~ for an original or renewal of a driver's license, a personal

identification card, or a duplicate or corrected license or card by a person who is eligible to vote as provided by Section 13.001 an application for ~~[opportunity to complete a]~~ voter registration. The date of application is considered to be the date of submission to the voter registrar for the purpose of determining the effective date of registration ~~[application form]~~.

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

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

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

SECTION __.05. Section 20.065(b), Election Code, is amended to read as follows:

(b) Each weekday the department is regularly open for business, the department shall electronically transfer to the secretary of state the name and information designated by the secretary of state for ~~[of each person who completes a]~~ voter

registration for each individual who is eligible to vote as provided by Section 13.001 and applies in person, by mail, or online at the department's Internet website for an original or renewal of a driver's license, a personal identification card, or a duplicate or corrected license or card [application submitted to the department]. The secretary shall prescribe procedures necessary to implement this subsection.

SECTION __.06. Chapter 63, Election Code, is amended by adding Section 63.010 to read as follows:

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

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

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

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

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

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

(e) An election officer serving at a polling place, whether on election day or during the early voting period, is a deputy voter registrar and has the same authority as a regular deputy registrar.

SECTION __.07. Section 85.031(a), Election Code, is amended

to read as follows:

(a) For each person entitled to vote an early voting ballot by personal appearance or entitled to register at a polling place, the early voting clerk shall follow the procedure for accepting or registering a regular voter on election day, with the modifications necessary for the conduct of early voting.

ARTICLE __. BARBARA JORDAN FAIR ELECTIONS ACT: VOTE BY MAIL

SECTION __.01 Section 13.002(e), Election Code, is amended to read as follows:

(e) Notwithstanding Section 82.005, a [A] person who is certified for participation in the address confidentiality program administered by the attorney general under Subchapter B, Chapter 58, Code of Criminal Procedure, is not eligible for early voting by mail [~~under Section 82.007~~] unless the person submits an application under this section by personal delivery. The secretary of state may adopt rules to implement this subsection.

SECTION __.02 Section 82.005, Election Code, is amended to read as follows:

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

SECTION __.03. Section 82.007, Election Code, is amended to read as follows:

Sec. 82.007. PARTICIPATION IN ADDRESS CONFIDENTIALITY PROGRAM. Notwithstanding Section 82.005, a [A] qualified voter who, [~~is eligible for early voting by mail if:~~

~~(1) the voter submitted a registration application by personal delivery as required by Section 13.002(e), and~~

~~(2)]~~ at the time the voter's early voting ballot application is submitted, [~~the voter~~] is certified for participation in the address confidentiality program administered by the attorney general under Subchapter B, Chapter 58, Code of Criminal Procedure, is eligible for early voting by mail only if the voter submitted a registration application by personal delivery as required by Section 13.002(e).

SECTION __.04. Sections 84.001(a), (b), and (d), Election Code, are amended to read as follows:

(a) To be entitled to vote an early voting ballot by mail, a person [~~who is eligible for early voting~~] must make an application for an early voting ballot to be voted by mail as provided by this title.

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

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

SECTION __.05. Section 84.002(a), Election Code, as effective September 1, 2021, is amended to read as follows:

(a) An early voting ballot application must include:

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

(2) for an application for a ballot to be voted by mail by an applicant who will be absent from the applicant's [~~on the ground of absence from the~~] county of residence on election day, the address outside the applicant's county of residence to which the ballot is to be mailed;

(3) for an application for a ballot to be voted by mail by an applicant who is 65 years of age or older on election day or has a sickness or physical condition that requires the applicant to reside in a hospital or nursing home or other long-term care facility, or with a relative [~~on the ground of age or disability~~], the address of the hospital, nursing home or other long-term care facility, or retirement center, or of a person related to the applicant within the second degree by affinity or the third degree by consanguinity, as determined under Chapter 573, Government Code, if the applicant is living at that address and that address is different from the address at which the applicant is registered to vote;

(4) for an application for a ballot to be voted by mail by an applicant who is confined [~~on the ground of confinement~~] in jail as described by Section 84.009(a), the address of the jail or of a person related to the applicant within the degree described by Subdivision (3);

(5) [~~for an application for a ballot to be voted by mail on any ground,~~] an indication of each election for which the applicant is applying for a ballot; and

(6) [~~an indication of the ground of eligibility for early voting, and~~

~~(7)]~~ for an application for a ballot to be voted by mail by an applicant who is civilly committed as a sexually violent predator under Chapter 841, Health and Safety Code, and is ordered as a condition of civil commitment to reside in a facility operated by or under contract with the Texas Civil Commitment Office [~~on the ground of involuntary civil commitment~~], the address of the facility operated by or under contract with the Texas Civil Commitment Office or of a person related to the applicant within the degree of consanguinity described by Subdivision (3).

SECTION __.06. Section 84.007(a), Election Code, is amended to read as follows:

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

SECTION __.07. Section 84.009, Election Code, is amended by amending Subsection (a) and adding Subsection (b) to read as follows:

(a) This section applies only to an applicant who, at the time the application for a ballot to be voted by mail is submitted, is confined in jail:

(1) serving a misdemeanor sentence for a term that ends on or after election day;

(2) pending trial after denial of bail;

(3) without bail pending an appeal of a felony conviction; or

(4) pending trial or appeal on a bailable offense for which release on bail before election day is unlikely.

(b) On request of the applicant, an application for a ballot to be voted by mail [~~on the ground of confinement in jail~~] may be submitted to the early voting clerk, at the discretion of the authority in charge of the jail, by personal delivery by the jail authority or by a designated subordinate of the authority.

SECTION __.08. Subchapter A, Chapter 84, Election Code, is amended by adding Section 84.0091 to read as follows:

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

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

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

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

SECTION __.09. Section 84.011(a), Election Code, as effective September 1, 2021, is amended to read as follows:

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

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

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

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

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

(A) a space for an applicant [~~applying on the ground of absence from the county of residence~~] to indicate whether the applicant will be absent from the applicant's county of residence on election day and, if applicable, the date on or after which the applicant can receive mail at the address outside the county;

(B) a space for indicating the fact that an applicant whose application is signed by a witness cannot make the

applicant's mark and a space for indicating the relationship or lack of relationship of the witness to the applicant;

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

(D) a space or box for an applicant who is 65 years of age or older on election day or has a sickness or physical condition that requires the applicant to reside in a hospital or nursing home or other long-term care facility, or with a relative, [~~applying on the ground of age or disability~~] to indicate that the address to which the ballot is to be mailed is the address of a facility or relative described by Section 84.002(a)(3), if applicable;

(E) a space or box for an applicant who is confined [~~applying on the ground of confinement~~] in jail as described by Section 84.009(a) or who is civilly committed as a sexually violent predator under Chapter 841, Health and Safety Code, and ordered as a condition of civil commitment to reside in a facility operated by or under contract with the Texas Civil Commitment Office, [~~involuntary civil commitment~~] to indicate that the address to which the ballot is to be mailed is the address of a relative described by Section 84.002(a)(4) or (6) [~~(7)~~], if applicable;

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

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

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

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

SECTION __.10. Sections 84.032(c) and (d), Election Code, are amended to read as follows:

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

(1) returning the ballot to be voted by mail to the

early voting clerk; or

(2) executing an affidavit that the applicant:

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

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

(C) received a notice of defect under Section 87.0411(b).

(d) An applicant may also submit a request by appearing in person and returning the ballot to be voted by mail or presenting a notice received under Section 86.006(h) or 87.0411(b) to:

(1) the early voting clerk or deputy early voting clerk at any polling place that is open for early voting by personal appearance; or

(2) the presiding election judge on election day at the applicant's precinct polling place.

SECTION __.11. Sections 86.001(b) and (c), Election Code, are amended to read as follows:

(b) If the application complies with the applicable requirements prescribed by this title ~~[applicant is entitled to vote an early voting ballot by mail]~~, the clerk shall provide an official ballot to the applicant as provided by this chapter.

(c) Except as provided by Section 86.008, if the applicant is not entitled to vote in the election ~~[by mail]~~, the clerk shall reject the application, enter on the application "rejected" and the reason for and date of rejection, and deliver written notice of the reason for the rejection to the applicant at both the residence address and mailing address on the application. A ballot may not be provided to an applicant whose application is rejected.

SECTION __.12. Section 86.0015(a), Election Code, is amended to read as follows:

(a) This section applies only to an application for a ballot to be voted by mail that ~~[+~~

~~[(1) indicates the ground of eligibility is age or disability, and~~

~~[(2)]~~ does not specify the election for which a ballot is requested or has been marked by the applicant as an application

for more than one election.

SECTION __.13. Section 86.003(c), Election Code, as effective September 1, 2021, is amended to read as follows:

(c) The address to which the balloting materials must be addressed is the address at which the voter is registered to vote, or the registered mailing address if different, unless the application to vote early by mail indicates that the voter [~~ground for voting by mail is~~]:

(1) will be absent from the voter's [~~absence from the~~] county of residence on election day, in which case the address must be an address outside the voter's county of residence;

(2) is confined [~~confinement~~] in jail as described by Section 84.009(a), in which case the address must be the address of the jail or of a relative described by Section 84.002(a)(4);

(3) is 65 years of age or older on election day or has a sickness or physical condition that requires the applicant to reside in a hospital or nursing home or other long-term care facility, or with a relative, [~~age or disability~~] and [~~the voter~~] is living at a hospital, nursing home or other long-term care facility, or retirement center, or with a relative described by Section 84.002(a)(3), in which case the address must be the address of that facility or relative; or

(4) is civilly committed as a sexually violent predator under Chapter 841, Health and Safety Code, and ordered as a condition of civil commitment to reside in a facility operated by or under contract with the Texas Civil Commitment Office [~~involuntary civil commitment~~], in which case the address must be the address of the facility or of a relative described by Section 84.002(a)(6) [~~84.002(a)(7)~~].

SECTION __.14. Section 86.004(b), Election Code, is amended to read as follows:

(b) For an election to which Section 101.104 applies, the balloting materials for a voter who indicates on the application for a ballot to be voted by mail or the federal postcard application that the voter seeks [~~is eligible~~] to vote early by mail as a consequence of the voter's being outside the United States shall be mailed on or before the later of the 45th day before election day or

the seventh calendar day after the date the clerk receives the application. However, if it is not possible to mail the ballots by the deadline of the 45th day before election day, the clerk shall notify the secretary of state within 24 hours of knowing that the deadline will not be met. The secretary of state shall monitor the situation and advise the clerk, who shall mail the ballots as soon as possible in accordance with the secretary of state's guidelines.

SECTION __.15. 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 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 (l), 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. As soon as practicable, but in no event more than one business day, after the committee discovers that a voter did not sign the carrier envelope certificate or determines that the signature on the voter's ballot application or certificate is not that of the voter, the committee chair shall deliver the jacket envelope, carrier envelope, and application of the voter to the early voting ballot board. The committee chair shall deliver the jacket envelopes, carrier envelopes, and applications of voters whose signatures are those of the voter [~~sorted materials~~] to the early voting ballot board at the time specified by the board's presiding judge.

SECTION __.16. Sections 87.041(b) and (d), Election Code, are amended to read as follows:

(b) Except as provided by Section 87.0411(h), a [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;

~~(4) [(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

~~(5) [(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.

(d) Except as provided by Section 87.0411(h), a [A] ballot shall be rejected if any requirement prescribed by Subsection (b) is not satisfied. In that case, the board shall indicate the rejection by entering "rejected" on the carrier envelope and on the corresponding jacket envelope.

SECTION __.17. Subchapter C, Chapter 87, Election Code, is amended by adding Section 87.0411 to read as follows:

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

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

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

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

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

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

(A) the following identification:

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

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

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

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

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

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

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

(1) personal delivery;

(2) mail;

(3) e-mail; or

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

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

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

election;

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

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

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

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

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

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

(i) The secretary of state shall:

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

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

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

(k) The signature provided by the voter on a cure

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

SECTION __.18. Section 102.001(a), Election Code, is amended to read as follows:

(a) A qualified voter is eligible to vote a late ballot as provided by this chapter if the voter has a sickness or physical condition [~~described by Section 82.002~~] that prevents the voter from appearing at the polling place on election day without a likelihood of needing personal assistance or of injuring the voter's health and originates on or after the day before the last day for submitting an application for a ballot to be voted by mail.

ARTICLE __. BARBARA JORDAN FAIR ELECTIONS ACT: POLLING PLACES

SECTION __.01. Sections 43.007(c) and (d), Election Code, are amended to read as follows:

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

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

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

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

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

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

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

SECTION __.02. Subchapter A, Chapter 43, Election Code, is amended by adding Section 43.008 to read as follows:

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

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

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

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

SECTION __.03. Section 85.005(c), Election Code, is amended to read as follows:

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

ARTICLE __. BARBARA JORDAN FAIR ELECTIONS ACT: VOTING BY PERSONAL APPEARANCE

SECTION __.01. Section 13.002(i), Election Code, as effective September 1, 2021, is amended to read as follows:

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

(1) written documentation:

(A) from the United States Social Security

Administration evidencing the applicant has been determined to have a disability; or

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

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

SECTION __.02. Sections 63.001(b) and (i), Election Code, are amended to read as follows:

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

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

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

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

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

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

(1) a notice that a person is subject to prosecution

for perjury under Chapter 37, Penal Code, or Section 63.0013 for a false statement or false information on the declaration;

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

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

(A) lack of transportation;

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

(C) work schedule;

(D) lost or stolen identification;

(E) disability or illness;

(F) family responsibilities; and

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

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

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

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

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

SECTION __.03. Sections 63.0101(a) and (b), Election Code, are amended to read as follows:

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

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

presentation;

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

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

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

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

(6) an official Native American tribal document that:

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

and

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

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

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

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

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

(A) a copy of a current utility bill;

(B) a bank or credit union statement;

(C) a government check; or

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

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

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

voter:

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

(B) a Department of Defense identification card;

(C) a social security identification card;

(D) a credit or debit card;

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

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

(G) a fishing or hunting license;

(H) a lease or mortgage for real property;

(I) a motor vehicle title;

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

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

(L) a property tax assessment;

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

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

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

(iii) a shelter.

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

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

SECTION __.04. Section 63.011(b), Election Code, is amended to read as follows:

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

(1) a space for entering the identification number of

the provisional ballot voted by the person; and

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

SECTION __.05. Section 64.012, Election Code, is amended by adding Subsection (c) to read as follows:

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

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

(2) did not know:

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

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

SECTION __.06. Section 65.0541(a), Election Code, is amended to read as follows:

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

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

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

SECTION __.07. Section 85.001(a), Election Code, is amended to read as follows:

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

SECTION __.08. Section 86.006(a-1), Election Code, is amended to read as follows:

(a-1) The voter may deliver a marked ballot in person to the early voting clerk's office only while the polls are open on election day. A voter who delivers a marked ballot in person must

present identification required by Section 63.001(b) in a [~~an acceptable~~] form [~~of identification~~] described by Section 63.0101.

SECTION __.09 Section 662.003(b), Government Code, is amended to read as follows:

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

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

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

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

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

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

(6) the Friday after Thanksgiving Day;

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

(8) the 26th day of December; and

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

SECTION __.10. Section 662.021, Government Code, is amended to read as follows:

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

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

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

ARTICLE __. BARBARA JORDAN FAIR ELECTIONS ACT: VOLUNTEER DEPUTY REGISTRARS

SECTION __.01. Section 13.031, Election Code, is amended by adding Subsection (f) to read as follows:

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

SECTION __.02. Section 13.033(b), Election Code, is amended to read as follows:

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

- (1) the date of appointment;
- (2) the statement: "I, _____, Voter Registrar for _____ County, do hereby appoint _____ as a volunteer deputy registrar [~~for _____ County~~].";
- (3) the person's residence address;
- (4) the person's voter registration number, if any;
- (5) a statement that the term of the appointment expires December 31 of an even-numbered year; and

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

SECTION __.03. Section 13.037(a), Election Code, is amended to read as follows:

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

SECTION __.04. Section 13.038, Election Code, is amended to read as follows:

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

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

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

ARTICLE __. BARBARA JORDAN FAIR ELECTIONS ACT: UNOPPOSED CANDIDATES

SECTION __.01. Section 2.053(a), Election Code, is amended to read as follows:

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

SECTION __.02. Section 2.056(c), Election Code, is amended to read as follows:

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

SECTION __.03. Section 52.092(a), Election Code, is amended to read as follows:

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

- (1) offices of the federal government;
- (2) offices of the state government:
 - (A) statewide offices;
 - (B) district offices;
- (3) offices of the county government:
 - (A) county offices;
 - (B) precinct offices.

ARTICLE __. BARBARA JORDAN FAIR ELECTIONS ACT: ELECTION OFFICIALS,
VOLUNTEERS, AND POLL WATCHERS

SECTION __.01. Subchapter D, Chapter 32, Election Code, is amended by adding Section 32.077 to read as follows:

Sec. 32.077. SUITS AGAINST ELECTION OFFICERS. A person may only bring a legal action, including a petition for a writ of mandamus, against an election officer in that officer's official capacity if the act that is the subject of the legal action is related to the exercise of an official duty of the election officer.

SECTION __.02. Subchapter B, Chapter 33, Election Code, is amended by adding Section 33.036 to read as follows:

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

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

SECTION __.03. Section 33.051, Election Code, is amended by adding Subsection (g) to read as follows:

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

ARTICLE __. BARBARA JORDAN FAIR ELECTIONS ACT: REPEALERS

SECTION __.01. The following provisions of the Election Code are repealed:

- (1) Section 43.007(i);
- (2) Section 82.001;
- (3) Section 82.002;
- (4) Section 82.003;
- (5) Section 82.004;
- (6) Section 82.008, as effective September 1, 2021;
- (7) Section 84.002(b);
- (8) Section 84.002(c), as effective September 1, 2021;

and

- (9) Section 112.002(b).