Senate Research Center   S.B. 1
By: Hughes
State Affairs
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Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

As efforts to identify and prosecute election crimes have intensified, we have gained a better understanding of the ways certain bad actors take advantage of holes in the electoral process to alter the balance of elections, especially at the local level. At the same time, advances in technology have increased the threat of electronic interference with elections, but also the tools available to prevent that interference.

S.B. 1 seeks to address these issues by strengthening poll watcher protection, bringing about transparency by utilizing technology throughout the electoral process, limiting the most common fraudulent practices and opportunities for fraudulent practices, and providing better and more timely evidence in investigations into alleged voter fraud.

(Original Author's / Sponsor's Statement of Intent)

S.B. 1 amends current law relating to election integrity and security, including by preventing fraud in the conduct of elections in this state; increases criminal penalties; and creates criminal offenses.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the secretary of state in SECTION 2.05 (Section 16.0332, Election Code), SECTION 2.06 (Section 18.065, Election Code), SECTION 2.09 (Section 87.028, Election Code), SECTION 3.08 (Section 66.004, Election Code), SECTION 3.19 (Section 127.351, Election Code), and SECTION 4.15 (Section 127.131, Election Code) of this bill.

SECTION BY SECTION ANALYSIS

ARTICLE 1. GENERAL PROVISIONS

SECTION 1.01. SHORT TITLE. Authorizes this Act to be cited as the Election Integrity Protection Act of 2021.

SECTION 1.02. PURPOSE. Provides that the purpose of this Act is to exercise the legislature's constitutional authority under Section 4 (Elections by Ballot; Purity of Elections; Registration of Voters), Article VI (Suffrage), Texas Constitution, to make all laws necessary to detect and punish fraud.

SECTION 1.03. FINDINGS. Provides that the legislature finds that:

> (1) full, free, and fair elections are the underpinnings of a stable constitutional democracy;

> (2) fraud in elections threatens the stability of a constitutional democracy by undermining public confidence in the legitimacy of public officers chosen by election;

> (3) reforms are needed to the election laws of this state to ensure that fraud does not undermine the public confidence in the electoral process;

(4) the reforms to the election laws of this state made by this Act are not intended to impair the right of free suffrage guaranteed to the people of Texas by the United States and Texas Constitutions, but are enacted solely to prevent fraud in the electoral process and ensure that all legally cast ballots are counted. Integral to the right to vote is the assurance of voter access and the right for all votes legally cast to be counted;

(5) additionally, preventing a valid vote from being counted violates the basic constitutional rights guaranteed to each citizen by the United States Constitution; and

(6) providing for voter access and increasing the stability of a constitutional democracy ensures public confidence in the legitimacy of public officers chosen by election.

SECTION 1.04. Amends Chapter 1, Election Code, by adding Section 1.0015, as follows:

Sec. 1.0015. LEGISLATIVE INTENT. Provides that it is the intent of the legislature that the application of this code and the conduct of elections be uniform and consistent throughout this state to reduce the likelihood of fraud in the conduct of elections, protect the secrecy of the ballot, promote voter access, and ensure that all legally cast ballots are counted.

SECTION 1.05. Amends Section 1.003, Election Code, by adding Subsection (a-1), to require election officials and other public officials to strictly construe the provisions of this code to effect the intent of the legislature under Section 1.0015.

SECTION 1.06. Amends Section 1.005, Election Code, by amending Subdivision (4-a) and adding Subdivision (4-b) to define "election official" and to make a nonsubstantive change.

SECTION 1.07. Amends Section 1.018, Election Code, as follows:

Sec. 1.018. APPLICABILITY OF PENAL CODE. Provides that in addition to Section 1.03 (Effect of Code), Penal Code, and to other titles of the Penal Code that may apply to this code, Titles 2 (General Principles of Criminal Responsibility) and 4 (Inchoate Offenses), Penal Code, rather than Title 4, Penal Code, apply to offenses prescribed by this code. Makes a nonsubstantive change.

SECTION 1.08. Amends Chapter 1, Election Code, by adding Section 1.022, as follows:

Sec. 1.022. REASONABLE ACCOMMODATION OR MODIFICATION. Prohibits a provision of this code from being interpreted to prohibit or limit the right of a qualified individual with a disability from requesting a reasonable accommodation or modification to any election standard, practice, or procedure mandated by law or rule that the individual is entitled to request under federal or state law.

ARTICLE 2. REGISTRATION OF VOTERS

SECTION 2.01. Amends Section 13.002, Election Code, by adding Subsection (c-1), to require that the information required under Subsections (c)(3) (relating to a statement that the applicant is a United States citizen), (4) (relating to a statement that the applicant is a resident of the county), (5) (relating to a statement that the applicant has not been determined by a court's final judgment to be mentally incapacitated in a certain manner), (6) (relating to a statement that the applicant has not been finally convicted of a felony or is a felon eligible for voter registration), and (8) (relating to certain information identifying the applicant) be supplied by the person desiring to register to vote.

SECTION 2.02. Amends Section 13.007, Election Code, as follows:

Sec. 13.007. FALSE STATEMENT ON APPLICATION. (a) Provides that a person commits an offense if the person knowingly or intentionally, rather than if the person knowingly:

(1) makes a nonsubstantive change to this subdivision; or

(2) requests, commands, coerces, or attempts, rather than requests, commands, or attempts, to induce another person to make a false statement on a registration application.

(b) Provides that an offense under this section is a Class A misdemeanor, except that an offense under this section is a state jail felony if the person:

(1) directly or through a third party offers or provides compensation or other benefit to a person for activity described by Subsection (a); or

(2) solicits, receives, or accepts compensation or other benefit for an activity described by Subsection (a).

Deletes existing text providing that an offense under this section is a Class B misdemeanor.

(c) Authorizes the actor, if conduct that constitutes an offense under this section also constitutes an offense under another law, to be prosecuted under this section, the other law, or both. Deletes existing text providing that for purposes of this code, an offense under this section is considered to be perjury, but is authorized to be prosecuted only under this section.

SECTION 2.03. Amends Section 15.021, Election Code, by amending Subsections (b) and (d) and adding Subsections (d-1) and (d-2), as follows:

(b) Creates an exception under Subsection (d) to the requirement that the voter use the registration certificate or a registration application form as the notice, indicating the correct information in the appropriate space on the certificate or application form unless the voter does not have possession of the certificate or an application form at the time of giving the notice. Makes a nonsubstantive change.

(d) Authorizes a voter, rather than a voter who continues to reside in the county in which the voter is registered, to correct information under Section 15.021 (Notice of Change in Registration Information by Voter) by digital transmission of the information under a program administered by the secretary of state (SOS) and the Department of Information Resources.

(d-1) Requires the voter registrar, if the notice indicates that a voter no longer resides in the county in which the voter is registered, to forward the notice and the voter's application for registration to the registrar of the county in which the voter resides. Requires the registrars to coordinate to ensure that the voter's existing registration is canceled immediately after the voter is registered in the county in which the voter resides in accordance with Subsection (d-2).

(d-2) Requires a voter registrar who receives a voter's notice and application from another registrar under Subsection (d-1) to treat it as an original application for registration under Section 13.002 (Application Required), and to register the voter if the voter resides in the county and is otherwise eligible under Section 13.001 (Eligibility for Registration).

SECTION 2.04. Amends Section 15.028, Election Code, as follows:

Sec. 15.028. New heading: NOTICE OF UNLAWFUL VOTING OR REGISTRATION. Requires the voter registrar, if the registrar determines that a person who is not eligible to vote registered to vote or voted in an election, rather than determines that a person who is not a registered voter voted in an election, to, within 72 hours not including weekends after making the determination, execute and deliver an affidavit stating the relevant facts to certain entities, including the attorney general and SOS. Deletes existing text requiring

the registrar, if the election covers territory in more than one county, to also deliver an affidavit to the attorney general. Makes nonsubstantive changes.

SECTION 2.05. Amends Section 16.0332, Election Code, by amending Subsection (a) and adding Subsections (a-1), (d), and (e), as follows:

(a) Requires the voter registrar, after the registrar receives notification under Subsection (a-1) of Section 16.0332 (Cancellation Because of Citizenship Status), Section 18.068 (Comparison of Information Regarding Ineligibility) of this code, or Section 62.113 (Compilation of List of Noncitizens), Government Code, of persons excused or disqualified from jury service because of citizenship status or notification of persons who indicate a lack of citizenship status in connection with a motor vehicle or Department of Public Safety of the State of Texas (DPS) record as provided by Subsection (a-1), rather than after the registrar receives a list under Section 18.068 of this code or Section 62.113, Government Code, of persons excused or disqualified from jury service because of citizenship status, to deliver to each registered voter whose name appears on the list a written notice requiring the voter to submit to the registrar certain information.

(a-1) Requires SOS to enter into an agreement with DPS under which information in the existing statewide computerized voter registration list is compared against information in the database of DPS on a monthly basis to verify the accuracy of citizenship status information previously provided on voter registration applications. Requires SOS, in comparing information under this subsection, to consider only a voter's information in the DPS database that was derived from documents presented by the voter to DPS after the person's current voter registration became effective, and prohibits SOS from considering information derived from documents presented by the voter to DPS before the person's current voter registration became effective.

(d) Requires SOS to prescribe rules for the administration of this section.

(e) Requires SOS, not later than December 31 of each year, to provide a report to the legislature of the number of voter registrations canceled under this section during the calendar year.

SECTION 2.06. Amends Section 18.065, Election Code, by adding Subsections (e), (f), (g), (h), and (i), as follows:

(e) Requires SOS, if SOS determines that a voter registrar is not in substantial compliance with a requirement imposed on the registrar by a provision or rule described in Subsection (a) (relating to requiring SOS to monitor each registrar for substantial compliance with certain sections and with rules implementing the statewide computerized voter registration list), to:

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

(2) for the second violation, audit the voter registration list for the county in which the registrar serves to determine the actions needed to achieve substantial compliance under Subsection (a) and provide the results of the audit to the registrar; or

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

(f) Provides that a county is liable to this state for a civil penalty of $1,000 for each day after the 14th day following the receipt of the results of the audit conducted under Subsection (e)(2) that the county's voter registrar fails to take overt action to comply with the actions identified under that subsection as necessary for the registrar to achieve substantial compliance under Subsection (a). Authorizes the attorney general to bring an action to recover a civil penalty imposed under Section 18.065 (Secretary of State to Monitor Registrar's Compliance).

(g) Requires that a civil penalty collected by the attorney general under this section be deposited in the state treasury to the credit of the general revenue fund.

(h) Requires SOS to develop and implement a training course for registrars on substantial compliance with Sections 15.083 (Delivery of List to Secretary of State), 16.032 (Cancellation Following End of Suspense List Period), and 18.061 (Statewide Computerized Voter Registration List) and with rules implementing the statewide computerized voter registration list.

(i) Requires SOS to adopt rules and prescribe procedures for the implementation of this section.

SECTION 2.07. Amends Section 18.068, Election Code, by amending Subsection (a) and adding Subsection (a-1), as follows:

(a) Requires SOS to quarterly compare the information received under certain sections, including under Section 62.114 (Compilation of List of Nonresidents), Government Code, to the statewide computerized voter registration list. Requires SOS, if SOS determines that a voter on the registration list meets certain criteria, including if a voter has been excused or disqualified from jury service because the voter is not a resident of the county in which the voter is registered to vote, to send notice of the determination to the voter registrar of the counties considered appropriate by SOS. Makes a nonsubstantive change.

(a-1) Provides that SOS is not required to send notice under Subsection (a) for a voter who is subject to an exemption from jury service under Section 62.106 (Exemption From Jury Service), Government Code, if that exemption is the only reason the voter is excused from jury service.

SECTION 2.08. Amends Section 31.006, Election Code, as follows:

Sec. 31.006. New heading: REFERRAL TO ATTORNEY GENERAL. (a) Requires SOS, if, after receiving or discovering information indicating that criminal conduct in connection with an election has occurred, SOS determines that there is reasonable cause to suspect that criminal conduct occurred, to promptly refer the information to the attorney general. Requires SOS to deliver to the attorney general all pertinent documents and information, rather than all pertinent documents, in SOS's possession. Deletes existing text requiring SOS, if, after receiving a complaint alleging criminal conduct in connection with an election, SOS determines that there is reasonable cause to suspect that the alleged criminal conduct occurred, to promptly refer the complaint to the attorney general.

(b) Makes conforming changes to this subsection.

SECTION 2.09. Amends Subchapter B, Chapter 87, Election Code, by adding Section 87.028, as follows:

Sec. 87.028. ACCESS TO INFORMATION. (a) Requires a county election official, on request, to provide to a member of an early voting ballot board all available information necessary to fulfilling the functions of the board, including any information from the statewide computerized voter registration list under Section 18.061.

(b) Requires a county election official, on request, to provide to a member of a signature verification committee all available information necessary to fulfilling the functions of the committee, including any information from the statewide computerized voter registration list under Section 18.061.

(c) Requires SOS to adopt rules as necessary to prevent a member of an early voting ballot board or signature verification committee from retaining or sharing personally identifiable information from the statewide computerized voter registration list under Section 18.061 obtained under this section for any reason unrelated to the official's official duties.

SECTION 2.10. Amends Section 62.113(b), Government Code, to make a nonsubstantive change.

SECTION 2.11. Amends Sections 62.114(b) and (c), Government Code, as follows:

(b) Requires a clerk of the court, on the third business day of each month, to send a copy of the list of persons excused or disqualified in the previous month because the persons do not reside in the county to the voter registrar of the county and to SOS.

(c) Prohibits a list compiled under this section from being used for a purpose other than a purpose described by certain sections, including Section 18.068 (Comparison of Information Regarding Ineligibility), Election Code.

ARTICLE 3. CONDUCT AND SECURITY OF ELECTIONS

SECTION 3.01. Amends Section 2.053(a), Election Code, to require, rather than authorize, the governing body of the political subdivision by order or ordinance, on receipt of the certification, to declare each unopposed candidate elected to the office.

SECTION 3.02. Amends Section 2.056(c), Election Code, to require, rather than authorize, a certifying authority to 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 3.03. Amends Sections 43.007(c) and (d), Election Code, as follows:

(c) Requires SOS, in conducting the Countywide Polling Place Program (program), to provide for an audit of the voting system equipment, rather than an audit of the direct recording electronic voting units, before and after the election, and during the election to the extent such an audit is practicable.

(d) Requires SOS to select to participate in the program each county that:

(1)-(3) makes no changes to these subdivisions;

(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 SOS determines is capable of processing votes for each type of ballot to be voted in the county; and

(5) makes no changes to this subdivision.

SECTION 3.04. Amends Section 43.031(b), Election Code, to prohibit any voter from casting a vote from inside a motor vehicle unless the voter meets the requirements of Section 64.009 (Voter Unable to Enter Polling Place).

SECTION 3.05. Amends Section 52.092(a), Election Code, to create exceptions under Section 2.053(c) (relating to requiring that the ballots used at a separate election held at the same time as an election that would have been held if the candidates were not declared elected include the

offices and names of the candidates declared elected listed separately after the measures or contested races in the separate election under a certain heading) or 2.056(e) (relating to requiring that the offices and names of any unopposed candidates declared elected be listed separately after the contested races in the election under a certain heading) to the requirement that, 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 be listed in a certain order. Makes a nonsubstantive change.

SECTION 3.06. Amends Section 61.002, Election Code, as follows:

Sec. 61.002. New heading: OPENING AND CLOSING POLLING PLACE FOR VOTING. (a) Requires the presiding election judge or alternate election judge, immediately before opening the polls for voting on the first day of early voting and on election day, to confirm that each voting machine has any public counter reset to zero and to print the tape that shows the counter was set to zero for each candidate or measure on the ballot.

(b) Creates this subsection from existing text and makes no further changes.

(c) Requires the presiding election judge or alternate election judge, immediately after closing the polls for voting on election day, to print the tape to show the number of votes cast for each candidate or ballot measure for each voting machine.

(d) Requires each election judge or alternate election judge present to sign a tape printed under this section.

SECTION 3.07. Amends Section 64.007(c), Election Code, to require SOS to create and promulgate a form to be used for the purpose of maintaining a register of spoiled ballots at the polling place.

SECTION 3.08. Amends Subchapter A, Chapter 66, Election Code, by adding Section 66.004, as follows:

Sec. 66.004. POLLING PLACE CHECKLISTS. Requires SOS to adopt rules and create a checklist or similar guidelines to assist the presiding judge of a polling place in processing forms and conducting procedures required by this code at the opening and closing of the polling place.

SECTION 3.09. Amends Section 85.005, Election Code, as follows:

Sec. 85.005. REGULAR DAYS AND HOURS FOR VOTING. (a) Provides that, except as provided by Subsection (c), in an election in which a county clerk is the early voting clerk under Section 83.002 (County Clerk as Early Voting Clerk), early voting by personal appearance at the main early voting polling place is required to be conducted on each weekday of the early voting period that is not a legal state holiday and for a period of at least nine hours, except that voting is prohibited from being conducted earlier than 6 a.m. or later than 10 p.m.

Deletes existing text providing that, except as provided by Subsection (c), in an election in which a county clerk or city secretary is the early voting clerk under Section 83.002 or 83.005 (Clerk for City Elections), early voting by personal appearance at the main early voting polling place is required to be conducted on the weekdays of the early voting period and during the hours that the county clerk's or city secretary's main business office is regularly open for business.

(b) Requires that early voting by personal appearance at the main early voting polling place, in an election to which Subsection (a) does not apply, be conducted at least nine hours, rather than eight hours, each weekday of the early voting period that is not a legal state holiday unless the territory covered by the election

has fewer than 1,000 registered voters. Requires that the voting in that case be conducted at least four hours, rather than three hours, each day.

(c) Requires that the voting in a primary election or the general election for state and county officers, in a county with a population of 55,000 or more, rather than a population of 100,000 or more, 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 requires that the voting in a special election ordered by the governor 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. Prohibits voting under this subsection from being conducted earlier than 6 a.m. or later than 10 p.m. Makes a conforming change.

(d) Provides that a voter who has not voted before the scheduled time for closing a polling place is entitled to vote after that time if the voter is in line at the polling place by closing time. Requires SOS to promulgate any materials and provide any training to presiding judges necessary to properly process voters under this subsection.

Deletes existing text requiring that early voting by personal appearance at the main early voting polling place, in an election ordered by a city, be conducted for at least 12 hours on one weekday, if the early voting period consists of less than six weekdays, or on two weekdays, if the early voting period consists of six or more weekdays.

SECTION 3.10. Amends Sections 85.006(b) and (e), Election Code, as follows:

(b) Authorizes only the early voting clerk to order voting on a Saturday or Sunday in an election in which a county clerk is the early voting clerk under Section 83.002, rather than in an election in which a county clerk or city secretary is the early voting clerk under Section 83.002 or 83.005.

(e) Requires the early voting clerk, in a primary election or the general election for state and county officers in a county with a population of 55,000 or more, to order voting by personal appearance at the main early voting polling place to be conducted on the last Saturday of the early voting period for at least 12 hours, except that voting is prohibited from being conducted earlier than 6 a.m. or later than 10 p.m., and on the last Sunday of the early voting period for at least six hours, except that voting is prohibited from being conducted earlier than 9 a.m. or later than 10 p.m.

Deletes existing text requiring the early voting clerk, in a primary election or the general election for state and county officers in a county with a population of 100,000 or more, to order personal appearance voting at the main early voting polling place to be conducted for at least 12 hours on the last Saturday and for at least five hours on the last Sunday of the early voting period. Makes a conforming change.

SECTION 3.11. Amends Section 85.010(a-1), Election Code, to redefine "eligible county polling place" for Section 85.010 (Early Voting Polling Place for Certain Elections Held by Political Subdivisions).

SECTION 3.12. Amends Section 85.061(a), Election Code, to authorize a polling place, if a suitable room is unavailable inside the branch office, to be located in another room inside the same building as the branch office. Makes a nonsubstantive change.

SECTION 3.13. Amends Section 85.062, Election Code, by amending Subsection (b) and adding Subsection (f-1), as follows:

(b) Authorizes an early voting polling place established under Section 85.062 (Temporary Branch Polling Place) to be located, subject to Subsection (d) (relating to requiring the commissioners courts of counties with certain populations to establish a certain number

of early voting polling places), at any place in the territory served by the early voting clerk and to be located inside any building, rather than in any stationary structure, as directed by the authority establishing the branch office. Prohibits the polling place from being located in a movable structure in the general election for state and county officers, general primary election, or runoff primary election. Makes nonsubstantive changes.

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

SECTION 3.14. Amends Section 87.002, Election Code, as follows:

Sec. 87.002. COMPOSITION OF BOARD. (a) Provides that the early voting ballot board consists of a presiding judge, an alternate presiding judge, and at least one other member, rather than consists of a presiding judge and at least two other members.

(b) Provides that, except as provided by Subsection (d), the presiding judge and the alternate presiding judge are appointed in the same manner as a presiding election judge and alternate presiding election judge, respectively, rather than provides that, except as provided by Subsection (d), the presiding judge is appointed in the same manner as a presiding election judge. Makes nonsubstantive changes.

(c) Requires each county chair of a political party with nominees on the general election ballot, in the general election for state and county officers, to submit to the county election board a list of names of persons eligible to serve on the early voting ballot board in order of the county chair's preference, rather than a list of names of persons eligible to serve on the early voting ballot board. Requires the county election board to appoint persons as members of the early voting ballot board in the order of preference indicated on each list.

(d) Requires the county election board, in addition to the members appointed under Subsection (c), to appoint as the presiding judge the highest-ranked person on the list provided under that subsection by the political party whose nominee for governor received the most votes in the county in the most recent gubernatorial general election and as the alternate presiding judge the highest-ranked person on the list provided under that subsection by the political party whose nominee for governor received the second most votes in the county in the most recent gubernatorial general election, rather than requires the county election board, in addition to the members appointed under Subsection (c), to appoint the presiding judge from the list provided under that subsection by the political party whose nominee for governor received the most votes in the county in the most recent gubernatorial general election.

SECTION 3.15. Amends Section 124.002, Election Code, by adding Subsection (c), to prohibit voting system ballots from being arranged in a manner that allows a political party's candidates to be selected in one motion or gesture.

SECTION 3.16. Amends Sections 127.006(a) and (c), Election Code, as follows:

(a) Authorizes the manager, the presiding judge, and the alternate presiding judge, rather than both the manager and the presiding judge, to appoint clerks to serve at the central counting station.

(c) Provides that a clerk appointed by the presiding judge or the alternate presiding judge, rather than a clerk appointed by the presiding judge, serves under the presiding judge and is required to perform the functions directed by the presiding judge.

SECTION 3.17. Amends Subchapter A, Chapter 127, Election Code, by adding Section 127.009, as follows:

Sec. 127.009. ELECTRONIC DEVICES IN CENTRAL COUNTING STATION. (a) Requires a counting station manager and the presiding judge of the counting station to 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) Requires the counting station manager and the presiding judge of the counting station to ensure that the input and activity tracked by the software is delivered to SOS not later than the fifth day after vote counting is complete.

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

SECTION 3.18. Amends Section 127.1232, Election Code, as follows:

Sec. 127.1232. SECURITY OF VOTED BALLOTS. (a) Creates this subsection from existing text. Requires the general custodian of election records to post a licensed peace officer, rather than a guard, to ensure the security of ballot boxes containing voted ballots throughout the period of tabulation at the central counting station.

(b) Requires the general custodian of election records in a county with a population of 100,000 or more to implement a video surveillance system that retains a record of all areas containing voted ballots:

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

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

(c) Requires that a video from a system implemented under Subsection (b) be made available to the public by a livestream.

(d) Provides that the video recorded is an election record under Section 1.012 (Public Inspection of Election Records) and is required to be retained by the general custodian of election records until the end of the calendar year in which an election is held or until an election contest filed in the county has been resolved, whichever is later.

SECTION 3.19. Amends Chapter 127, Election Code, as effective September 1, 2021, by adding Subchapter J, as follows:

SUBCHAPTER J. RANDOMIZED AUDITS

Sec. 127.351. RANDOMIZED COUNTY AUDITS. (a) Requires SOS, immediately after the uniform election date in November of an even-numbered year, to conduct an audit of the elections held in four counties during the previous two years.

(b) Requires SOS to select the counties to be audited under Subsection (a) at random, except that:

(1) two of the counties selected are required to have a total population of less than 300,000;

(2) two of the counties selected are required to have a total population of 300,000 or more; and

(3) a county selected in the most recent audit cycle is prohibited from being selected in the current audit cycle.

(c) Prohibits a county selected to be audited from paying the cost of performing an audit under this section.

(d) Requires SOS to adopt rules as necessary to implement this section.

ARTICLE 4. ELECTION OFFICERS AND OBSERVERS

SECTION 4.01. Amends Section 32.075, Election Code, by adding Subsections (g) and (h), as follows:

(g) Prohibits a presiding judge from having a watcher duly accepted for service under Subchapter A (Appointment), Chapter 33 (Watchers), removed from the polling place for violating a provision of this code or any other provision of law relating to the conduct of elections, other than a violation of the Penal Code, unless the violation was observed by an election judge or clerk.

(h) Authorizes a presiding judge, notwithstanding Subsection (g), to call a law enforcement officer to request that a poll watcher be removed if the poll watcher commits a breach of the peace or a violation of law.

SECTION 4.02. Amends Subchapter A, Chapter 33, Election Code, by adding Section 33.0015, as follows:

Sec. 33.0015. CHAPTER PURPOSE AND WATCHER DUTY. Provides that the purpose of Chapter 33 is to preserve the integrity of the ballot box in accordance with Section 4, Article VI, Texas Constitution, by providing for the appointment of watchers. Provides that it is the intent of the legislature that watchers duly accepted for service under this chapter be allowed to observe and report on irregularities in the conduct of any election, but are prohibited from interfering in the orderly conduct of an election. Requires a watcher appointed under this chapter, to effect that purpose, to observe without obstructing the conduct of an election and call to the attention of an election officer any observed or suspected irregularity or violation of law in the conduct of the election.

SECTION 4.03. Amends Subchapter A, Chapter 33, Election Code, by adding Section 33.0016, as follows:

Sec. 33.0016. REFERENCES TO EARLY VOTING BALLOT BOARD IN THIS CHAPTER. Provides that a reference in Chapter 33 to an early voting ballot board includes a signature verification committee.

SECTION 4.04. Amends Subchapter A, Chapter 33, Election Code, by adding Section 33.008, as follows:

Sec. 33.008. TRAINING PROGRAM. Requires SOS to develop and maintain a training program for watchers. Requires that the training program be available entirely via the Internet and at any time, without a requirement for prior registration, and provide a watcher who completes the training with a certificate of completion.

SECTION 4.05. Amends Section 33.031, Election Code, by adding Subsection (b), to require a person, in addition to the requirements of Subsection (a) (relating to requiring a person to meet certain criteria to be eligible to serve as a watcher), to be eligible to serve as a watcher, to complete training under Section 33.008.

SECTION 4.06. Amends Section 33.051, Election Code, by amending Subsections (a), (b), (d), and (e) and adding Subsections (a-1), (g), and (h), as follows:

(a) Requires a watcher appointed to serve at a precinct polling place, a meeting place for an early voting ballot board, or a central counting station to deliver the following materials, rather than a certificate of appointment, to the presiding judge at the time the watcher reports for service:

> (1) a certificate of appointment; and

> (2) a certificate of completion from training completed by the watcher under Section 33.008.

(a-1) Creates this subsection from existing text. Requires a watcher appointed to serve at an early voting polling place to deliver the certificates under Subsection (a), rather than a certificate of appointment, to the early voting clerk or deputy clerk in charge of the polling place when the watcher first reports for service.

(b) Requires the officer presented with a watcher's certificates, rather than a watcher's certificate of appointment, to require the watcher to countersign the certificate of appointment, rather than the certificate, to ensure that the watcher is the same person who signed the certificate of appointment. Makes conforming changes.

(d) and (e) Makes conforming changes to these subsections.

(g) Provides that an election officer commits an offense if the officer intentionally or knowingly refuses to accept a watcher for service when acceptance of the watcher is required by Section 33.051 (Acceptance of Watcher). Provides that an offense under this subsection is a Class A misdemeanor.

(h) Requires the officer presented with a watcher's certificate of appointment, before accepting a watcher, to require the watcher to take a certain oath, administered by the officer.

SECTION 4.07. Amends Section 33.056, Election Code, by amending Subsection (a) and adding Subsections (e) and (f), as follows:

(a) Entitles a watcher to sit or stand near enough to see and hear the election officers conducting the observed activity, except as otherwise prohibited by Chapter 33 (Watchers), rather than entitles a watcher to sit or stand conveniently near the election officers conducting the observed activity.

(e) Prohibits a watcher, except as provided by Section 33.057(b) (relating to prohibiting a watcher from being present at the voting station when a voter is preparing the voter's ballot or is being assisted by a person of the voter's choice), from being denied free movement where election activity is occurring within the location at which the watcher is serving.

(f) Provides that in this code, a watcher who is entitled to "observe" an election activity is entitled to sit or stand near enough to see and hear the activity.

SECTION 4.08. Amends Subchapter C, Chapter 33, Election Code, by adding Section 33.0605, as follows:

Sec. 33.0605. OBSERVING DATA STORAGE SEALING AND TRANSFER. (a) Authorizes a watcher appointed to serve at a polling place in an election who is available at the time of the action to 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) Provides that, 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. Requires the authority responsible for administering a regional tabulating center or another location where election materials are processed to accept duly appointed watchers for service in the same manner a watcher is accepted for service under Section 33.051 and to accept the same number of watchers that are authorized to serve under Section 33.007(a) (relating to authorizing each appointing authority to appoint not more than two watchers for each precinct polling place, meeting place for an early voting ballot board, or central counting station involved in the election).

SECTION 4.09. Amends Section 33.061(a), Election Code, to provide that a person commits an offense of unlawfully obstructing a watcher 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 4.10. Amends Subchapter C, Chapter 33, Election Code, by adding Section 33.063, as follows:

Sec. 33.063. RELIEF. Authorizes the appointing authority for a watcher who believes that the watcher was unlawfully prevented or obstructed from the performance of the watcher's duties to seek injunctive relief under Section 273.081 (Injunction), including issuance of temporary orders; a writ of mandamus under Section 161.009 (Party Officer Subject to Mandamus) or 273.061 (Jurisdiction); and any other remedy available under law.

SECTION 4.11. Amends Section 34.005, Election Code, as follows:

Sec. 34.005. ACTION BY SECRETARY OF STATE. (a) Creates this subsection from existing text and makes no further changes.

(b) Authorizes SOS, if SOS believes that a state inspector was unlawfully prevented or obstructed from the performance of the inspector's duties, to seek injunctive relief under Section 273.081 (Injunction), including issuance of temporary orders, to seek a writ of mandamus under Section 161.009 (Party Officer Subject to Mandamus) or 273.061 (Jurisdiction), and to seek any other remedy available under law.

SECTION 4.12. Amends Section 86.006, Election Code, by amending Subsection (a) and adding Subsection (a-2), as follows:

(a) Authorizes the carrier envelope for a marked ballot voted under Chapter 86 (Conduct of Voting by Mail) to be delivered in another envelope and requires that it be transported and delivered only by certain methods, including, subject to Subsections (a-1) (relating to authorizing a voter to deliver a marked ballot in person to the early voting clerk's office only while the polls are open on election day) and (a-2), rather than subject to Subsection (a-1), in-person delivery by the voter who voted the ballot.

(a-2) Requires that an in-person delivery of a marked ballot voted under this chapter be received by an election official at the time of delivery. Requires the receiving official to record the voter's name, signature, and type of identification provided under Section 63.0101 (Documentation of Proof of Identification) on a roster prescribed by SOS. Requires the receiving official to attest on the roster that the delivery complies with Section 86.006 (Method of Returning Marked Ballot).

SECTION 4.13. Amends Chapter 121, Election Code, by adding Section 121.004, as follows:

Sec. 121.004. COMMUNICATIONS WITH VOTING SYSTEMS VENDOR PUBLIC INFORMATION. (a) Provides that, except as provided by Subsection (b), 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 is not confidential, is public information for purposes of Chapter 552 (Public Information), Government Code, and is not subject to an exception to disclosure provided by Chapter 552, Government Code, other than Sections 552.110 (Exception: Confidentiality of Trade Secrets; Confidentiality of Certain Commercial or Financial Information) and 552.1101 (Exception: Confidentiality of Proprietary Information), Government Code.

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

SECTION 4.14. Amends Section 127.1301, Election Code, as follows:

>Sec. 127.1301. New heading: CENTRALLY COUNTED OPTICAL SCAN BALLOTS. (a) Creates this subsection from existing text and makes no further changes.

>>(b) Prohibits an authority operating a central counting station under Chapter 127 (Processing Electronic Voting System Results) from purchasing or using a centrally counted optical ballot scan system that uses a data storage disc on which information, once written, is capable of being modified.

>>(c) Provides that an authority that purchases system components in order to comply with this section is eligible to have 100 percent of the cost of those system components reimbursed.

>>(d) Provides that Subsection (b) applies starting on the earlier of the date on which the state certifies the first centrally counted optical ballot scan system under this section or September 1, 2026.

>>(e) Provides that this subsection and Subsection (d) expire October 1, 2026.

SECTION 4.15. Amends Section 127.131, Election Code, by adding Subsection (f), to require the presiding judge of the central counting station to 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. Requires SOS to create and promulgate rules and a form to facilitate compliance with this subsection. Requires that the form be posted on a website maintained by the county along with election returns and results.

SECTION 4.16. Amends Section 129.023, Election Code, by adding Subsections (b-2) and (c-1), as follows:

>(b-2) Requires the general custodian of election records, if the test is being conducted for an election in which a county election board has been established under Section 51.002 (County Election Board), to notify each member of the board of the test at least 48 hours before the date of the test. Requires each member of the county election board, if the board chooses to witness the test, to sign the statement required by Subsection (e)(1) (relating to requiring the testing board and general custodian of election records to sign a written statement attesting to certain information to provide a full and accurate account of each voting machine's condition).

>(c-1) Requires that a test conducted under Section 129.023 (Public Test of Logic and Accuracy) 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 5. VOTING BY MAIL

SECTION 5.01. Amends Section 84.001(b), Election Code, to require that an application for an early voting ballot to be voted by mail, subject to Section 1.011 (Signing Document by Witness), be submitted in writing and signed by the applicant using ink on paper. Provides that an electronic signature or photocopied signature is not permitted. Makes a nonsubstantive change.

SECTION 5.02. Amends Section 84.002, Election Code, as effective September 1, 2021, by amending Subsection (a) and adding Subsection (b-1), as follows:

> (a) Requires that an early voting ballot application include:
>
>> (1) makes no changes to this subdivision;
>>
>> (1-a) the following information:
>>
>>> (A) the number of the applicant's driver's license, election identification certificate, or personal identification card issued by DPS;
>>>
>>> (B) if the applicant has not been issued a number described by Paragraph (A), the last four digits of the applicant's social security number; or
>>>
>>> (C) a statement by the applicant that the applicant has not been issued a number described by Paragraph (A) or (B);
>>
>> (2)-(7) makes no changes to these subdivisions.
>
> (b-1) Authorizes a person to use the number of a driver's license, election identification certificate, or personal identification card that has expired for the purpose of fulfilling the requirement under Subsection (a)(1-a) if the license or identification is otherwise valid.

SECTION 5.03. Amends Section 84.011(a), Election Code, as effective September 1, 2021, to require that the officially prescribed application form for an early voting ballot include certain criteria, including a space for entering the information required under Section 84.002(a)(1-a).

SECTION 5.04. Amends Subchapter A, Chapter 84, Election Code, by adding Section 84.0111, as follows:

> Sec. 84.0111. DISTRIBUTION OF APPLICATION FORM. (a) Prohibits an officer or employee of this state or of a political subdivision of this state, except as provided by Subsection (c) or as otherwise authorized by this code, from distributing an application form for an early voting ballot to a person who did not request an application under Section 84.001 (Application Required).
>
>> (b) Prohibits an officer or employee of this state or of a political subdivision of this state from using public funds to facilitate the distribution by another person of an application form for an early voting ballot to a person who did not request an application under Section 84.001.
>>
>> (c) Authorizes a political party or a candidate for office to distribute an application form for an early voting ballot to a person who did not request an application under Section 84.001.

SECTION 5.05. Amends Section 84.032(c), Election Code, as follows:

> (c) Authorizes an applicant for a ballot to be voted by mail to submit a request after the close of early voting by personal appearance by appearing in person and:
>
>> (1) makes no changes to this subdivision; or

(2) executing an affidavit that the applicant:

(A) and (B) makes nonsubstantive changes to these paragraphs; or

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

SECTION 5.06. Amends Section 84.035, Election Code, as follows:

Sec. 84.035. BALLOT SENT TO APPLICANT. (a) Creates this subsection from existing text and makes no further changes.

(b) Authorizes an election judge to permit a person to whom an early voting ballot has been sent who cancels the person's application for a ballot to be voted by mail in accordance with Section 84.032 (Request for Cancellation) but fails to return the ballot to be voted by mail to the early voting clerk, deputy early voting clerk, or presiding judge as provided by that section to vote only a provisional ballot under Section 63.011 (Provisional Voting).

SECTION 5.07. Amends Section 86.001, Election Code, by adding Subsections (f), (f-1), and (f-2), as follows:

(f) Requires the early voting clerk to reject the application for a ballot to be voted by mail if the information required under Section 84.002(a)(1-a) included on the application does not identify the same voter identified on the applicant's application for voter registration under Section 13.002(c)(8) (relating to requiring that a voter registration application provide the applicant's driver's license or personal identification number, the applicant's social security number, or a certain statement).

(f-1) Requires the clerk, if an application is rejected under Subsection (f), to provide notice of the rejection in accordance with Subsection (c) (relating to requiring the early voting clerk to execute certain actions if an applicant for a ballot to be voted by mail is not entitled to voted by mail). Requires that the notice include information regarding the ability to correct or add information required under Section 84.002(a)(1-a) through the online tool described by Section 86.015(c).

(f-2) Requires the clerk, if an applicant corrects an application for a ballot to be voted by mail online and that application subsequently identifies the same voter identified on the applicant's application for voter registration, to provide a ballot to the applicant as provided by Chapter 86 (Conduct of Voting by Mail).

SECTION 5.08. Amends Section 86.002, Election Code, by adding Subsections (g), (h), and (i), as follows:

(g) Requires that the carrier envelope provided with each ballot to be voted by mail 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, election identification certificate, or personal identification card issued by DPS;

(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) Authorizes a person to use the number of a driver's license, election identification certificate, or personal identification card that has expired for purposes of Subsection (g) if the license or identification is otherwise valid.

(i) Prohibits any record associating an individual voter with a ballot from being created.

SECTION 5.09. Amends Section 86.011(c), Election Code, to require the early voting clerk, if the return is not timely, to 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.

SECTION 5.10. Amends Section 86.015(c), Election Code, as effective September 1, 2021, to require that an online tool used under Section 86.015 perform certain actions, including allowing a voter to add or correct information required under Section 84.002(a)(1-a) or Section 86.002(g).

SECTION 5.11. Amends Sections 87.027(d), (e), and (i), Election Code, as follows:

(d) Requires each county chair of a political party with a nominee or aligned candidate on the ballot, in an election in which party alignment is indicated on the ballot, to submit to the appointing authority a list of names of persons eligible to serve on the signature verification committee in order of the county chair's preference, rather than a list of names of persons eligible to serve on the signature verification committee. Requires the authority to appoint at least two persons from each list in the order of preference indicated on each list, rather than at least two persons from each list, to serve as members of the committee. Requires the authority to appoint as chair of the committee the highest-ranked person on the list provided by the political party whose nominee for governor received the most votes in the county in the most recent gubernatorial general election, rather than to appoint the chair of the committee from the list provided by the political party whose nominee for governor received the most votes in the county in the most recent gubernatorial general election. Requires the authority to appoint as vice chair of the committee the highest-ranked person on the list provided by the political party whose nominee for governor received the second most votes in the county in the most recent gubernatorial general election.

(e) Requires a person, to be eligible to serve on a signature verification committee, to be eligible under Subchapter C (Eligibility), Chapter 32 (Election Judges and Clerks), for service as a presiding election judge, except that the person is required to be a qualified voter:

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

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

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

(i) Authorizes the signature verification committee to also compare the signatures on the carrier envelope certificates with any known signature of the voter, rather than with any two or more signatures of the voter made within the preceding six years, on file with the county clerk or voter registrar to determine whether the signatures are those of the voter.

SECTION 5.12. Amends Subchapter B, Chapter 87, Election Code, by adding Section 87.0271, as follows:

Sec. 87.0271. OPPORTUNITY TO CORRECT DEFECT: SIGNATURE VERIFICATION COMMITTEE. (a) Provides that 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;

(4) missing information or containing incorrect information required under Section 84.002(a)(1-a) or Section 86.002; or

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

(b) Requires a signature verification committee, not later than the second business day after the committee discovers a defect described by Subsection (a) and before the committee decides whether to accept or reject a timely delivered ballot under Section 87.027 (Signature Verification Committee), to:

(1) determine if it would be possible for the voter to correct the defect and return the carrier envelope before the time the polls are required to close on election day; and

(2) return the carrier envelope to the voter by mail, if the committee determines that it would be possible for the voter to correct the defect and return the carrier envelope before the time the polls are required to close on election day.

(c) Authorizes the signature verification committee, if the committee determines under Subsection (b)(1) that it would not be possible for the voter to correct the defect and return the carrier envelope before the time the polls are required to close on election day, to notify the voter of the defect by telephone or e-mail and inform the voter that the voter is authorized to request to have the voter's application to vote by mail canceled in the manner described by Section 84.032 or come to the early voting clerk's office in person not later than the sixth day after election day to correct the defect.

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

(e) Entitles a poll watcher to observe an action taken under Subsection (b) or (c).

(f) Authorizes SOS to prescribe any procedures necessary to implement this section.

(g) Prohibits a ballot, notwithstanding any other law, from being finally rejected for a reason listed in Section 87.041(b)(1) (relating to authorizing an early voting ballot to be accepted if the carrier envelope certificate is properly executed), (2) (relating to authorizing an early voting ballot to be accepted if 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), or (6) (relating to authorizing an early voting ballot to be accepted if, for a voter to whom a statement of residence form was required to be sent, the statement of residence is returned in the carrier envelope and indicates that the voter satisfies certain residence requirements) before the seventh day after election day.

SECTION 5.13. Amends Section 87.041, Election Code, by amending Subsections (b) and (e) and adding Subsection (d-1), as follows:

(b) Authorizes an early voting ballot to be accepted only if certain criteria are met, including if the information required under Section 86.002(g) provided by the voter identifies the same voter identified on the voter's application for voter registration under Section 13.002(c)(8). Makes nonsubstantive changes.

(d-1) Requires that the signature on the early voting ballot application and on the carrier envelope certificate be rebuttably presumed to be the signatures of the voter if a voter provides the information required under Section 86.002(g) and it identifies the same voter identified on the voter's application for voter registration under Section 13.002(c)(8).

(e) Authorizes the early voting ballot board, in making the determination under Subsection (b)(2), to determine whether the signatures are those of the voter, to also compare the signatures with any known signature of the voter on file with the county clerk or voter registrar. Deletes existing text authorizing the board, in making the determination under Subsection (b)(2), to 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.

SECTION 5.14. Amends Subchapter C, Chapter 87, Election Code, by adding Section 87.0411, as follows:

Sec. 87.0411. OPPORTUNITY TO CORRECT DEFECT: EARLY VOTING BALLOT BOARD. (a) Provides that 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;

(4) missing information or containing incorrect information required under Section 84.002(a)(1-a) or Section 86.002; or

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

(b) Requires an early voting ballot board, not later than the second business day after the board discovers a defect described by Subsection (a) and before the board decides whether to accept or reject a timely delivered ballot under Section 87.041 (Accepting Voter), to:

(1) determine if it would be possible for the voter to correct the defect and return the carrier envelope before the time the polls are required to close on election day; and

(2) return the carrier envelope to the voter by mail, if the board determines that it would be possible for the voter to correct the defect and return the carrier envelope before the time the polls are required to close on election day.

(c) Authorizes the early voting ballot board, if the board determines under Subsection (b)(1) that it would not be possible for the voter to correct the defect and return the carrier envelope before the time the polls are required to close on election day, to notify the voter of the defect by telephone or e-mail and inform the voter that the voter is authorized to request to have the voter's application to vote by mail canceled in the manner described by Section 84.032 or come to the early voting clerk's office in person not later than the sixth day after election day to correct the defect.

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

(e) Entitles a poll watcher to observe an action taken under Subsection (b) or (c).

(f) Authorizes SOS to prescribe any procedures necessary to implement this section.

(g) Prohibits a ballot, notwithstanding any other law, from being finally rejected for a reason listed in Section 87.041(b)(1), (2), or (6) before the seventh day after election day.

SECTION 5.15. Amends Section 87.0431(b), Election Code, to require the early voting clerk, not later than the 30th day after election day, to deliver notice to the attorney general, including certified copies of the carrier envelope and corresponding ballot application, of any ballot rejected for certain reasons, including because the early voting ballot board or the signature verification committee determined that another violation of the Election Code occurred. Makes nonsubstantive changes.

SECTION 5.16. Amends Sections 87.062(a) and (c), Election Code, as follows:

(a) Makes nonsubstantive changes to this subsection.

(c) Requires that ballots voted by mail be tabulated and stored separately from the ballots voted by personal appearance and be separately reported on the returns. Deletes existing text requiring that the results of all early voting ballots counted by the early voting ballot board under Subchapter D (Processing Manually Counted Ballots) be included in the same return.

SECTION 5.17. Amends Section 87.103, Election Code, as follows:

Sec. 87.103. COUNTING BALLOTS AND PREPARING RETURNS. (a) Requires that 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 be tabulated separately and be separately reported on the returns. Makes a nonsubstantive change.

(b) Requires that the early voting returns prepared at the central counting station include any early voting results obtained by the early voting ballot board under Subchapter D, rather than under Subchapters D and E.

SECTION 5.18. Amends Section 87.126, Election Code, by adding Subsection (a-1), to require that electronic records made under Section 87.126 (Electronic Recording of Ballot Materials and Applications) record both sides of any application, envelope, or ballot recorded, and that all such records be provided to the early voting ballot board, the signature verification committee, or both.

SECTION 5.19. Amends Subchapter G, Chapter 87, Election Code, by adding Section 87.128, as follows:

Sec. 87.128. NOTES. (a) Entitles each member of an early voting ballot board and each member of a signature verification committee to take any notes reasonably necessary to perform the member's duties under Chapter 87 (Processing Early Voting Results).

(b) Prohibits notes taken under this section from containing personally identifiable information.

(c) Requires each member who takes notes under this section to sign the notes and deliver them to the presiding judge or committee chair, as applicable, for delivery to the custodian of election records.

(d) Requires that notes collected under this section be preserved in the same manner as precinct election records under Section 66.058 (Preservation of Precinct Election Records).

ARTICLE 6. ASSISTANCE OF VOTERS

SECTION 6.01. Amends Section 64.009, Election Code, by amending Subsection (b) and adding Subsections (e), (f), (f-1), (g), and (h), as follows:

(b) Authorizes the regular voting procedures, except those in Subchapter B (Assisting Voter), to be modified by the election officer to the extent necessary to conduct voting under this section.

(e) Provides that except as provided by Section 33.057, a poll watcher is entitled to observe any activity conducted under this section.

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

(f-1) Provides that Subsection (f) does not apply if the person is related to each voter within the second degree by affinity or the third degree by consanguinity, as determined under Subchapter B (Relationships by Consanguinity or by Affinity), Chapter 573 (Degrees of Relationship; Nepotism Prohibitions), Government Code.

(g) Requires that a form completed under Subsection (f) be delivered to SOS as soon as practicable. Requires SOS to retain a form delivered under this section for the period for preserving the precinct election records and to make the form available to the attorney general for inspection upon request.

(h) Requires SOS to prescribe the form described by Subsection (f).

SECTION 6.02. Amends Section 64.031, Election Code, as follows:

Sec. 64.031. ELIGIBILITY FOR ASSISTANCE. Provides that a voter is eligible to receive assistance in marking or reading the ballot, rather than assistance in marking the ballot, as provided by Subchapter B, if the voter cannot prepare or read the ballot, rather than prepare the ballot, because of a physical disability that renders the voter unable to write or see or an inability to read the language in which the ballot is written.

SECTION 6.03. Amends Subchapter B, Chapter 64, Election Code, by adding Section 64.0322, as follows:

Sec. 64.0322. SUBMISSION OF FORM BY ASSISTANT. (a) Requires a person, other than an election officer, who assists a voter in accordance with Chapter 64 (Voting Procedures) to complete a form stating the name and address of the person assisting the voter, the relationship to the voter of the person assisting the voter, and whether the person assisting the voter received or accepted any form of compensation or other benefit from a candidate, campaign, or political committee.

(b) Requires SOS to prescribe the form required by this section. Requires that the form be incorporated into the official carrier envelope if the voter is voting an early voting ballot by mail and receives assistance under Section 86.010 (Unlawfully Assisting Voter Voting Ballot by Mail), or be submitted to an election officer at the time the voter casts a ballot if the voter is voting at a polling place or under Section 64.009.

SECTION 6.04. Amends Section 64.034, Election Code, as follows:

Sec. 64.034. OATH. Requires a person, other than an election officer, selected to provide assistance to a voter to take a certain oath, administered by an election officer at the polling place, before providing assistance. Sets forth the required language of the oath.

SECTION 6.05. Amends Sections 86.010(e), (h), and (i), Election Code, as follows:

(e) Requires a person who assists a voter to prepare a ballot to be voted by mail to enter certain information on the official carrier envelope of the voter, including the relationship of the person providing the assistance to the voter and whether the person received or accepted any form of compensation or other benefit from a candidate, campaign, or political committee in exchange for providing assistance. Makes conforming changes.

(h) Provides that Subsection (f) (relating to providing that a person who assists a voter commits an offense if the person knowingly fails to comply with certain requirements) does not apply:

(1) to a violation of Subsection (c) (relating to requiring a person assisting a voter to sign a certain written oath that is part of the certificate on the official carrier envelope), if the person is related to the voter within the second degree by affinity or the third degree by consanguinity, as determined under Subchapter B, Chapter 573, Government Code, or was physically living in the same dwelling as the voter at the time of the event; or

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

Makes nonsubstantive changes.

(i) Provides that an offense under this section for a violation of Subsection (c), rather than an offense under this section, is increased to the next higher category of offense if it is shown on the trial of an offense under this section that the defendant was previously convicted of an offense under this code, the offense involved a voter 65 years of age or older, or the defendant committed another offense under this section in the same election.

SECTION 6.06. Amends Section 86.0105, Election Code, by amending Subsections (a), (c), and (e) and adding Subsection (f), as follows:

(a) Provides that a person commits an offense if the person:

(1) compensates or offers to compensate another person for assisting voters as provided by Section 86.010; or

(2) solicits, receives, or accepts compensation for an activity described by Subdivision (1).

Deletes existing text providing that a person commits an offense if the person:

(1) compensates another person for assisting voters as provided by Section 86.010, as part of any performance-based compensation scheme based on the number of voters assisted or in which another person is presented with a quota of voters to be assisted as provided by Section 86.010;

(2) engages in another practice that causes another person's compensation from or employment status with the person to be dependent on the number of voters assisted as provided by Section 86.010; or

(3) with knowledge that accepting compensation for such activity is illegal, accepts compensation for an activity described by Subdivision (1) or (2).

(c) Provides that an offense under Section 86.0105 (Compensation for Assisting Voters Prohibited) is a state jail felony, rather than that an offense under this section is a state jail felony if it is shown on the trial of an offense under this section that the defendant was previously convicted two or more times under this section.

(e) Provides that for purposes of this section, compensation means an economic benefit as defined by Section 38.01 (Definitions), Penal Code, rather than any form of monetary payment, goods, services, benefits, or promises or offers of employment, or any other form of consideration offered to another person in exchange for assisting voters.

(f) Provides that this section does not apply if the person assisting a voter is an attendant or caregiver previously known to the voter.

SECTION 6.07. Amends Section 86.013(b), Election Code, to require that spaces appear on the reverse side of the official carrier envelope for providing certain information, including for indicating the relationship of the person who deposits the carrier envelope in the mail or with a common or contract carrier to the voter. Makes nonsubstantive changes.

SECTION 6.08. (a) Requires SOS to conduct a study regarding the implementation of educational programs, including the production and publication on SOS's Internet website of instructional videos, to help voters with disabilities understand how to use voting systems used in this state.

(b) Requires SOS, not later than December 1, 2022, to submit to the standing committees of the legislature with jurisdiction over elections a report on the study required by this section.

(c) Authorizes SOS, using existing resources, to contract with a qualified vendor to conduct the study required by this section.

(d) Provides that this section expires December 1, 2023.

ARTICLE 7. FRAUD AND OTHER UNLAWFUL PRACTICES

SECTION 7.01. Amends Chapter 63, Election Code, by adding Section 63.0111, as follows:

Sec. 63.0111. OFFENSES RELATED TO PROVISIONAL VOTING. (a) Provides that an election judge commits an offense if the judge knowingly provides a voter with a form for an affidavit required by Section 63.001 (Regular Procedure for Accepting Voter) if the form contains information that the judge entered on the form knowing it was false.

(b) Provides that an offense under this section is a state jail felony.

SECTION 7.02. Amends Sections 276.004(a) and (b), Election Code, as follows:

(a) Provides that a person commits an offense of unlawfully prohibiting an employee from voting if, with respect to another person over whom the person has authority in the scope of employment, the person knowingly:

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

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

(b) Makes a conforming change to this subsection.

SECTION 7.03. Amends Sections 276.013(a) and (b), Election Code, as follows:

(a) Provides that a person commits an offense if the person knowingly or intentionally makes any effort to:

(1) influence the independent exercise of the vote of another in the presence of the ballot or during the voting process, including by altering the ballot of another or by otherwise causing a ballot to not reflect the intent of the voter;

(2) makes a nonsubstantive change to this subdivision;

(3) cause any false or intentionally misleading statement, representation, or information, rather than cause any intentionally misleading statement, representation, or information, to be provided to an election official or on an application for ballot by mail, carrier envelope, or any other official election-related form or document;

(4) prevent a voter from casting a legal ballot in an election in which the voter is eligible to vote;

(5) provide false information to a voter with the intent of preventing the voter from voting in an election in which the voter is eligible to vote;

(6) cause the ballot not to reflect the intent of the voter;

(7) cause a ballot to be voted for another person that the person knows to be deceased or otherwise knows not to be a qualified or registered voter;

(8) cause or enable a vote to be cast more than once in the same election; or

(9) discard or destroy a voter's completed ballot without the voter's consent.

(b) Provides that an offense under Section 276.013 (Election Fraud) is a Class A misdemeanor, unless:

(1) the person committed the offense while acting in the person's capacity as an elected official, in which case the offense is a state jail felony; or

(2) the person is convicted of an attempt, in which case the offense is a Class B misdemeanor.

SECTION 7.04. Amends Chapter 276, Election Code, by adding Sections 276.015, 276.016, 276.017, 276.018, and 276.019, as follows:

Sec. 276.015. VOTE HARVESTING. (a) Defines "benefit" and "vote harvesting services."

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

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

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

(e) Provides that this section does not apply to:

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

(2) interactions that do not occur in the presence of the ballot or during the voting process;

(3) interactions that do not directly involve an official ballot or ballot by mail;

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

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

(f) Provides that an offense under this section is a felony of the third degree.

(g) Authorizes the actor, if conduct that constitutes an offense under this section also constitutes an offense under any other law, to be prosecuted under this section, the other law, or both.

(h) Requires that records necessary to investigate an offense under this section or any other section of this code be provided by an election officer in an unredacted form to a law enforcement officer upon request. Provides that records obtained under this subsection are not subject to public disclosure.

Sec. 276.016. UNLAWFUL SOLICITATION AND DISTRIBUTION OF APPLICATION TO VOTE BY MAIL. (a) Provides that a public official or election official commits an offense if the official, while acting in an official capacity, knowingly:

(1) solicits the submission of an application to vote by mail from a person who did not request an application;

(2) distributes an application to vote by mail to a person who did not request the application unless the distribution is expressly authorized by another provision of this code;

(3) authorizes or approves the expenditure of public funds to facilitate third-party distribution of an application to vote by mail to a person who did not request the application; or

(4) completes any portion of an application to vote by mail and distributes the application to an applicant.

(b) Provides that an offense under this section is a state jail felony.

(c) Provides that Subsection (a)(2) does not apply if the public official or election official engaged in the conduct described by Subsection (a)(2) by providing access to an application to vote by mail from a publicly accessible Internet website.

(d) Provides that Subsection (a)(4) does not apply if the public official or election official engaged in the conduct described by Subsection (a)(4) while lawfully assisting the applicant under Section 84.003.

(e) Provides that Subsection (a) does not apply if the public official or election official:

(1) provided general information about voting by mail, the vote by mail process, or the timelines associated with voting to a person or the public; or

(2) engaged in the conduct described by Subsection (a) while acting in the official's capacity as a candidate for a public elective office.

(f) Provides that the remedy provided under Chapter 276 (Miscellaneous Offenses and Other Provisions) is cumulative, and does not restrict any other remedies provided by this code or by law. Provides that a violation of this section is subject to injunctive relief or mandamus as provided by this code.

Sec. 276.017. UNLAWFUL DISTRIBUTION OF EARLY VOTING BALLOTS AND BALLOTING MATERIALS. (a) Provides that the early voting clerk or other election official commits an offense if the clerk or official knowingly mails or otherwise provides an early voting ballot by mail or other early voting by mail ballot materials to a person who the clerk or official knows did not submit an application for a ballot to be voted by mail under Section 84.001 (Application Required).

(b) Provides that an offense under this section is a Class A misdemeanor.

Sec. 276.018. PERJURY IN CONNECTION WITH CERTAIN ELECTION PROCEDURES. (a) Provides that a person commits an offense if, with the intent to deceive, the person knowingly or intentionally makes a false statement or swears to the truth of a false statement on a voter registration application or previously made while making an oath, declaration, or affidavit described by this code.

(b) Provides that an offense under this section is a state jail felony.

Sec. 276.019. UNLAWFUL ALTERING OF ELECTION PROCEDURES. Prohibits a public official or election official from creating, altering, modifying, waiving, or suspending any election standard, practice, or procedure mandated by law or rule in a manner not expressly authorized by this code.

ARTICLE 8. ENFORCEMENT

SECTION 8.01. Amends Subchapter E, Chapter 31, Election Code, by adding Sections 31.128, 31.129, and 31.130, as follows:

Sec. 31.128. RESTRICTION ON ELIGIBILITY. (a) Defines "election official."

(b) Prohibits a person from serving as an election official if the person has been finally convicted of an offense under this code.

Sec. 31.129. CIVIL PENALTY. (a) Defines "election official."

(b) Provides that an election official may be liable to this state for a civil penalty if the official is employed by or is an officer of this state or a political subdivision of this state and violates a provision of this code.

(c) Authorizes a civil penalty imposed under this section to include termination of the person's employment and loss of the person's employment benefits.

Sec. 31.130. SUIT AGAINST ELECTION OFFICER. Authorizes an action, including an action for a writ of mandamus, alleging that an election officer violated a provision of this code while acting in the officer's official capacity to only be brought against the officer in the officer's official capacity.

SECTION 8.02. Amends Sections 232.008(b), (c), and (d), Election Code, as follows:

(b) Requires a contestant, except as provided by Subsection (c), to file the petition not later than the later of the 45th day, rather than the 30th day, after the date the election

records are publicly available under Section 1.012 or the official result of the contested election is determined.

(c) Requires a contestant to file the petition not later than the later of the 15th day, rather than the 10th day, after the date the election records are publicly available under Section 1.012 or the official result is determined in a contest of certain elections.

(d) Requires a contestant to deliver, electronically or otherwise, a copy of the petition to SOS by the same deadline prescribed for the filing of the petition.

SECTION 8.03. Amends Title 14, Election Code, by adding Subtitle D, as follows:

SUBTITLE D. OTHER ELECTION LAWSUITS

CHAPTER 247. LAWSUIT ALLEGING IMPROPER ELECTION ACTIVITIES

Sec. 247.001. PETITION ALLEGING FRAUD. Provides that this chapter applies to a civil suit in which a candidate in an election alleges in the petition that an opposing candidate, an agent of the opposing candidate, or a person acting on behalf of the opposing candidate with the candidate's knowledge violated any of certain sections of this code.

Sec. 247.002. PROCEDURE. Authorizes a candidate in an election to file a petition for an action under this chapter in any county where a defendant resided at the time of the election. Authorizes the candidate, if the election is for a statewide office, to also file the petition in a district court in Travis County.

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

Sec. 247.004. DAMAGES. (a) Provides that if it is shown by a preponderance of the evidence that a defendant, an agent of the defendant, or a person acting on behalf of the defendant with the defendant's knowledge committed one or more violations of a section described by Section 247.001, the defendant is liable to the plaintiff for damages in an amount of $1,000 for each violation.

(b) Requires a court, notwithstanding Section 41.004 (Factors Precluding Recovery), Civil Practice and Remedies Code, to award damages under Subsection (a) to the plaintiff irrespective of whether the plaintiff is awarded actual damages.

Sec. 247.005. ATTORNEY'S FEES. Authorizes the court, in an action under this chapter, to award reasonable attorney's fees to the prevailing party.

SECTION 8.04. Amends Section 273.061, Election Code, as follows:

Sec. 273.061. JURISDICTION. (a) Creates this subsection from existing text and makes no further changes.

(b) Authorizes the court of criminal appeals to issue a writ of mandamus to compel the performance of any duty imposed by law in connection with the provision, sequestration, transfer, or impoundment of evidence in or records relating to a criminal investigation conducted under this code or conducted in connection with the conduct of an election or political party convention. Requires that, if a writ of mandamus is issued under this subsection, it include an order requiring the provision, sequestration, transfer, or impoundment of the evidence or record.

SECTION 8.05. Amends Subchapter D, Chapter 22, Government Code, by adding Sections 22.304 and 22.305, as follows:

Sec. 22.304. COURT SITTING IN PANELS FOR CERTAIN ELECTION PROCEEDINGS; CRIMINAL OFFENSE. (a) Defines "public official."

(b) Requires that a court proceeding entitled to priority under Section 22.305 and filed in a court of appeals, notwithstanding any other law or rule, be docketed by the clerk of the court and assigned to a panel of three justices determined using an automated assignment system.

(c) Provides that a person, including a public official, commits an offense if the person communicates with a court clerk with the intention of influencing or attempting to influence the composition of a three-justice panel assigned a specific proceeding under this section.

(d) Provides that an offense under this section is a Class A misdemeanor.

Sec. 22.305. PRIORITY OF CERTAIN ELECTION PROCEEDINGS. (a) Requires the Supreme Court of Texas (supreme court) or a court of appeals to prioritize over any other proceeding pending or filed in the court a proceeding for injunctive relief or for a writ of mandamus under Chapter 273 (Criminal Investigation and Other Enforcement Proceedings), Election Code, pending or filed in the court on or after the 70th day before a general or special election.

(b) Authorizes oral argument for a proceeding described by Subsection (a), if granted, to be given in person or through electronic means.

SECTION 8.06. Amends Section 23.101, Government Code, by amending Subsection (a) and adding Subsections (b-1) and (b-2), as follows:

(a) Creates an exception under Subsection (b-1) to the requirement that the trial courts of this state regularly and frequently set hearings and trials of pending matters, giving preference to hearings and trials of certain matters. Makes a nonsubstantive change.

(b-1) Requires the trial courts of this state, except for a criminal case in which the death penalty has been or may be assessed or when it would otherwise interfere with a constitutional right, to prioritize over any other proceeding pending or filed in the court a proceeding for injunctive relief under Chapter 273, Election Code, pending or filed in the court on or after the 70th day before a general or special election.

(b-2) Authorizes a hearing in a proceeding described by Subsection (b-1) to be held in person or through electronic means, as determined by the court.

SECTION 8.07. Amends Chapter 23, Government Code, by adding Subchapter D, as follows:

SUBCHAPTER D. GENERAL PROVISIONS

Sec. 23.301. ASSIGNMENT OF CERTAIN ELECTION PROCEEDINGS; CRIMINAL OFFENSE. (a) Requires the clerk of a district court in which a proceeding entitled to priority under Section 23.101(b-1) is filed, notwithstanding any other law or rule, to docket the proceeding and, if more than one district court in the county has jurisdiction over the proceeding, randomly assign the proceeding to a district court using an automated assignment system.

(b) Requires the clerk of a county court or statutory county court in which a proceeding entitled to priority under Section 23.101(b-1) is filed, notwithstanding any other law or rule, to docket the proceeding and, if more than one court in the county has jurisdiction over the proceeding, randomly assign the proceeding to a court using an automated assignment system.

(c) Provides that a person, including a public official, commits an offense if the person communicates with a county or district clerk with the intention of influencing or attempting to influence the court or judge assigned to a proceeding under this section.

(d) Provides that an offense under this section is a Class A misdemeanor, except that the offense is a state jail felony if it is shown on the trial of the offense that the person committed the offense while acting in the person's official capacity as an election official.

(e) Authorizes a person, if a district or county clerk does not comply with this section, to seek from the supreme court or a court of appeals a writ of mandamus as provided by Section 273.061, Election Code, to compel compliance with this section.

Sec. 23.302. DEADLINES IN CERTAIN ELECTION PROCEEDINGS. (a) Requires a judge to whom a case is assigned under Section 23.301(b) who wishes to be recused from the proceeding, not later than 24 hours after the proceeding is filed, to, before recusal, hear an application for any emergency temporary relief sought, grant or deny any emergency temporary relief sought, and set a scheduling order that provides a date for a hearing on any injunction sought not later than five days after the date on which the proceeding was filed and that provides discovery and deposition deadlines before the expiration of any emergency relief order entered.

(b) Requires the presiding judge of an administrative region to assign a new judge to a proceeding assigned under Section 23.301(b) not later than 12 hours after the original judge assigned to the proceeding is recused under Subsection (a).

(c) Requires that a final order in a proceeding filed under Section 273.081, Election Code, be submitted in writing to the parties not later than 24 hours after the judge makes a final determination in the proceeding.

(d) Authorizes a person, if a district judge does not comply with this section, to seek from the supreme court, the court of criminal appeals, or a court of appeals a writ of mandamus as provided by Section 273.061, Election Code, to compel compliance with this section.

(e) Authorizes a proceeding relating to a permanent injunction being sought in connection to a challenge under Section 141.034, Election Code, notwithstanding Section 23.101(b-1), to be heard after the primary election has been canvassed.

ARTICLE 9. INELIGIBLE VOTERS AND RELATED REFORMS

SECTION 9.01. Amends Chapter 42, Code of Criminal Procedure, by adding Article 42.0194, as follows:

Art. 42.0194. FINDING REGARDING FELONY CONVICTION. Requires the court, in the trial of a felony offense, if the defendant is adjudged guilty of the offense, to:

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

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

SECTION 9.02. Amends Article 42.01, Code of Criminal Procedure, as effective September 1, 2021, by adding Section 16, to provide that in addition to the information described by Section 1 (relating to the content of a judgment showing the conviction or acquittal of a defendant), the

judgment should reflect the affirmative finding and instruction entered pursuant to Article 42.0194.

SECTION 9.03. Amends Section 64.012, Election Code, by amending Subsections (a) and (b) and adding Subsections (c) and (d), as follows:

(a) Revises the conditions under which a person commits an offense of illegal voting to provide that a person commits an offense if the person knowingly or intentionally:

(1) votes or attempts to vote in an election in which the person knows the person is not eligible to vote;

(2) votes or attempts to vote more than once in an election;

(3) votes or attempts to vote a ballot belonging to another person, or by impersonating another person;

(4) marks or attempts to mark any portion of another person's ballot without the consent of that person, or without specific direction from that person how to mark the ballot; or

(5) votes or attempts to vote in an election in this state after voting in another state in an election in which a federal office appears on the ballot and the election day for both states is the same day.

(b) Provides that an offense under Section 64.012 is a Class A misdemeanor, rather than a felony of the second degree unless the person is convicted of an attempt. Deletes existing text providing that, in that case, the offense is a state jail felony.

(c) Prohibits a person from being convicted solely upon the fact that the person signed a provisional ballot affidavit under Section 63.011 unless corroborated by other evidence that the person knowingly committed the offense.

(d) Authorizes the actor, if conduct that constitutes an offense under this section also constitutes an offense under any other law, to be prosecuted under this section, the other law, or both.

SECTION 9.04. Provides that the change in law made by this article in adding Section 64.012(c), Election Code, applies to an offense committed before, on, or after the effective date of this Act, except that a final conviction for an offense under that section that exists on the effective date of this Act remains unaffected by this article.

ARTICLE 10. REPEALER; SEVERABILITY; TRANSITION; EFFECTIVE DATE

SECTION 10.01. Repealer: Section 85.062(e) (relating to authorizing a temporary branch polling place that is located in a movable structure to be established only with the approval of the county clerk and relating to implementation of the polling place), Election Code.

Repealer: Section 86.0105(b) (relating to providing that an offense under Section 86.0105 (Compensation for Assisting Voters Prohibited), except as otherwise provided by this section, is a misdemeanor punishable by confinement in jail for a term of not more than one year or less than 30 days or confinement and a fine not to exceed $4,000), Election Code.

Repealer: Section 127.201(f) (relating to authorizing SOS at any time to waive or reinstate the requirements of a partial count of electronic voting system ballots by the general custodian for a particular political subdivision), Election Code.

SECTION 10.02. Severability clause.

SECTION 10.03. (a) Provides that except as otherwise provided by this Act, the changes in law made by this Act apply only to an offense committed on or after the effective date of this Act. Provides that an offense committed before the effective date of this Act is governed by the law in effect when the offense was committed, and the former law is continued in effect for that purpose. Provides that for purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

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

> (c) Provides that the changes in law made by this Act apply only to an application to vote an early voting ballot by mail submitted on or after the effective date of this Act. Provides that an application to vote an early voting ballot by mail submitted before the effective date of this Act is governed by the law in effect when the application was submitted, and the former law is continued in effect for that purpose.

> (d) Provides that the changes in law made by this Act apply only to an application for voter registration submitted on or after the effective date of this Act.

> (e) Provides that Chapter 247, Election Code, as added by this Act, applies only to a cause of action for which the associated election occurred after the effective date of this Act.

SECTION 10.04. Effective date: the 91st day after the last day of the legislative session.