

By: Hughes, et al.

S.B. No. 1

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to election integrity and security, including by  
3 preventing fraud in the conduct of elections in this state;  
4 increasing criminal penalties; creating criminal offenses;  
5 providing civil penalties.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

7 ARTICLE 1. REGISTRATION OF VOTERS

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

10 (c-1) The information required under Subsections (c)(3),  
11 (4), (5), (6), and (8) must be supplied by the person desiring to  
12 register to vote.

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

16 (b) Except as provided by Subsection (d), the [The] voter  
17 shall use the registration certificate or a registration  
18 application form as the notice, indicating the correct information  
19 in the appropriate space on the certificate or application form  
20 unless the voter does not have possession of the certificate or an  
21 application form at the time of giving the notice.

22 (d) A voter [~~who continues to reside in the county in which~~  
23 ~~the voter is registered~~] may correct information under this section  
24 by digital transmission of the information under a program

1 administered by the secretary of state and the Department of  
2 Information Resources.

3 (d-1) If the notice indicates that a voter no longer resides  
4 in the county in which the voter is registered, the registrar shall  
5 forward the notice and the voter's application for registration to  
6 the registrar of the county in which the voter resides. The  
7 registrars shall coordinate to ensure that the voter's existing  
8 registration is canceled immediately after the voter is registered  
9 in the county in which the voter resides in accordance with  
10 Subsection (d-2).

11 (d-2) A registrar who receives a voter's notice and  
12 application from another registrar under Subsection (d-1) shall  
13 treat it as an original application for registration under Section  
14 13.002, and shall register the voter if the voter resides in the  
15 county and is otherwise eligible under Section 13.001.

16 SECTION 1.03. Section 15.028, Election Code, is amended to  
17 read as follows:

18 Sec. 15.028. NOTICE OF UNLAWFUL VOTING OR REGISTRATION [~~TO~~  
19 ~~PROSECUTOR~~]. [~~(a)~~] If the registrar determines that a person who  
20 is not eligible to vote registered to vote or [a registered voter]  
21 voted in an election, the registrar shall execute and deliver to the  
22 attorney general, the secretary of state, and the county or  
23 district attorney having jurisdiction in the territory covered by  
24 the election an affidavit stating the relevant facts.

25 [~~(b) If the election covers territory in more than one~~  
26 ~~county, the registrar shall also deliver an affidavit to the~~  
27 ~~attorney general.~~]

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

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

19 (a-1) The secretary of state shall enter into an agreement  
20 with the Department of Public Safety under which information in the  
21 existing statewide computerized voter registration list is  
22 compared against information in the database of the Department of  
23 Public Safety on a monthly basis to verify the accuracy of  
24 citizenship status information previously provided on voter  
25 registration applications. In comparing information under this  
26 subsection, the secretary of state shall consider only a voter's  
27 information in the database of the Department of Public Safety that

1 was derived from documents presented by the voter to the department  
2 after the person's current voter registration became effective, and  
3 may not consider information derived from documents presented by  
4 the voter to the department before the person's current voter  
5 registration became effective.

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

8 (e) Not later than December 31 of each year, the secretary  
9 of state shall provide a report to the legislature of the number of  
10 voter registrations canceled under this section during the calendar  
11 year.

12 SECTION 1.05. Section 18.068, Election Code, is amended by  
13 amending Subsection (a) and adding Subsection (a-1) to read as  
14 follows:

15 (a) The secretary of state shall quarterly compare the  
16 information received under Section 16.001 of this code and Sections  
17 [Section] 62.113 and 62.114, Government Code, to the statewide  
18 computerized voter registration list. If the secretary determines  
19 that a voter on the registration list is deceased or has been  
20 excused or disqualified from jury service because the voter is not a  
21 citizen or a resident of the county in which the voter is registered  
22 to vote, the secretary shall send notice of the determination to:

23 (1) the voter registrar of the counties considered  
24 appropriate by the secretary; and

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

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

5        SECTION 1.06. Section 31.006, Election Code, is amended to  
6 read as follows:

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

8        (a) If, after receiving or discovering information indicating that  
9 [a complaint alleging] criminal conduct in connection with an  
10 election has occurred, the secretary of state determines that there  
11 is reasonable cause to suspect that [~~the alleged~~] criminal conduct  
12 occurred, the secretary shall promptly refer the information  
13 [complaint] to the attorney general. The secretary shall deliver  
14 to the attorney general all pertinent documents and information in  
15 the secretary's possession.

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

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

21                (2) if referred to the attorney general, the attorney  
22 general has completed the investigation or has made a determination  
23 that the information [~~complaint~~] referred does not warrant an  
24 investigation.

25        SECTION 1.07. Section 62.113(b), Government Code, is  
26 amended to read as follows:

27        (b) On the third business day of each month, the clerk shall

1 send a copy of the list of persons excused or disqualified because  
2 of citizenship in the previous month to:

- 3 (1) the voter registrar of the county;  
4 (2) the secretary of state; and  
5 (3) the attorney general and the county or district  
6 attorney~~[, as applicable,]~~ for an investigation of whether the  
7 person committed an offense under Section 13.007, Election Code, or  
8 other law.

9 SECTION 1.08. Sections 62.114(b) and (c), Government Code,  
10 are amended to read as follows:

11 (b) On the third business day of each month, the clerk shall  
12 send ~~[to the voter registrar of the county]~~ a copy of the list of  
13 persons excused or disqualified in the previous month because the  
14 persons do not reside in the county to:

- 15 (1) the voter registrar of the county;  
16 (2) the secretary of state; and  
17 (3) the attorney general and the county or district  
18 attorney for an investigation of whether the person committed an  
19 offense under Section 13.007, Election Code, or other law.

20 (c) A list compiled under this section may not be used for a  
21 purpose other than a purpose described by Subsection (b) or Section  
22 15.081 or 18.068, Election Code.

23 ARTICLE 2. CONDUCT AND SECURITY OF ELECTIONS

24 SECTION 2.01. Section 43.031, Election Code, is amended by  
25 amending Subsection (b) and adding Subsections (b-1) and (b-2) to  
26 read as follows:

27 (b) Each polling place shall be located inside a building.

1 Except as provided by Subsection (b-1), a polling place may not be  
2 located in a tent or similar temporary moveable structure or in a  
3 facility primarily designed for motor vehicles. No voter may cast a  
4 vote from inside a motor vehicle unless the voter meets the  
5 requirements of Section 64.009.

6 (b-1) A polling place may be located in a tent or similar  
7 temporary moveable structure if:

8 (1) a building selected for a polling place is later  
9 determined by the county commissioners court to be not reasonably  
10 accessible due to fire, flood, or other natural disaster rendering  
11 the building unsafe for public use;

12 (2) a suitable substitute building is not available;  
13 and

14 (3) the tent or similar temporary moveable structure  
15 is adjacent to the building described by Subdivision (1).

16 (b-2) If the county commissioners court makes a  
17 determination described by Subsection (b-1)(1):

18 (1) the determination is valid only for the next  
19 scheduled election; and

20 (2) the court shall send a record of that  
21 determination to the secretary of state as soon as practicable.

22 SECTION 2.02. Section 61.002, Election Code, is amended to  
23 read as follows:

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

25 (a) Immediately before opening the polls for voting on the first  
26 day of early voting and on election day, the presiding election  
27 judge or alternate election judge shall confirm that each voting

1 machine has any public counter reset to zero and shall print the  
2 tape that shows the counter was set to zero for each candidate or  
3 measure on the ballot.

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

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

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

13 SECTION 2.03. Section 64.007(c), Election Code, is amended  
14 to read as follows:

15 (c) An election officer shall maintain a register of spoiled  
16 ballots at the polling place, including spoiled ballots from a  
17 direct recording electronic voting unit. An election officer shall  
18 enter on the register the name of each voter who returns a spoiled  
19 ballot and the spoiled ballot's number. The secretary of state  
20 shall create and promulgate a form to be used for this purpose.

21 SECTION 2.04. Subchapter A, Chapter 66, Election Code, is  
22 amended by adding Section 66.004 to read as follows:

23 Sec. 66.004. POLLING PLACE CHECKLISTS. The secretary of  
24 state shall adopt rules and create a checklist or similar  
25 guidelines to assist the presiding judge of a polling place in  
26 processing forms and conducting procedures required by this code at  
27 the opening and closing of the polling place.



1 SECTION 2.05. Section 66.052, Election Code, is amended to  
2 read as follows:

3 Sec. 66.052. DELIVERY BY ELECTION CLERK; CHAIN OF CUSTODY.

4 (a) A delivery of election records or supplies that is to be  
5 performed by the presiding judge may be performed by an election  
6 clerk designated by the presiding judge.

7 (b) If the presiding judge of a polling place designates a  
8 clerk to deliver election supplies, the presiding judge shall  
9 attest to the designation, and the clerk shall attest to the clerk's  
10 acceptance of the responsibility. The secretary of state shall  
11 create and promulgate a form to facilitate compliance with this  
12 section.

13 SECTION 2.06. Section 85.005, Election Code, is amended to  
14 read as follows:

15 Sec. 85.005. REGULAR DAYS AND HOURS FOR VOTING. (a) Except  
16 as provided by Subsection (c), in an election in which a county  
17 clerk [~~or city secretary~~] is the early voting clerk under Section  
18 83.002 [~~or 83.005~~], early voting by personal appearance at the main  
19 early voting polling place shall be conducted on each weekday of  
20 [~~the weekdays of~~] the early voting period that is not a legal state  
21 holiday and for a period of at least nine hours, except that voting  
22 may not be conducted earlier than 6 a.m. or later than 9 p.m.  
23 [~~during the hours that the county clerk's or city secretary's main~~  
24 business office is regularly open for business.]

25 (b) In an election to which Subsection (a) does not apply,  
26 early voting by personal appearance at the main early voting  
27 polling place shall be conducted at least nine [~~eight~~] hours each

1 weekday of the early voting period that is not a legal state holiday  
2 unless the territory covered by the election has fewer than 1,000  
3 registered voters. In that case, the voting shall be conducted at  
4 least four [~~three~~] hours each day. The authority ordering the  
5 election, or the county clerk if that person is the early voting  
6 clerk, shall determine which hours the voting is to be conducted.

7 (c) In a county with a population of 30,000 [~~100,000~~] or  
8 more, the voting in a primary election or the general election for  
9 state and county officers shall be conducted at the main early  
10 voting polling place for at least 12 hours on each weekday of the  
11 last week of the early voting period, and the voting in a special  
12 election ordered by the governor shall be conducted at the main  
13 early voting polling place for at least 12 hours on each of the last  
14 two days of the early voting period. Voting under this subsection  
15 may not be conducted earlier than 6 a.m. or later than 9 p.m. Voting  
16 shall be conducted in accordance with this subsection in those  
17 elections in a county with a population under 30,000 [~~100,000~~] on  
18 receipt by the early voting clerk of a written request for the  
19 extended hours submitted by at least 15 registered voters of the  
20 county. The request must be submitted in time to enable compliance  
21 with Section [85.067](#).

22 (d) A voter who has not voted before the scheduled time for  
23 closing a polling place is entitled to vote after that time if the  
24 voter is in line at the polling place by closing time. The  
25 secretary of state shall promulgate any materials and provide any  
26 training to presiding judges necessary to properly process voters  
27 under this subsection [~~In an election ordered by a city, early~~

1 ~~voting by personal appearance at the main early voting polling~~  
2 ~~place shall be conducted for at least 12 hours.~~

3 ~~[(1) on one weekday, if the early voting period~~  
4 ~~consists of less than six weekdays, or~~

5 ~~[(2) on two weekdays, if the early voting period~~  
6 ~~consists of six or more weekdays].~~

7 SECTION 2.07. Sections 85.006(b) and (e), Election Code,  
8 are amended to read as follows:

9 (b) In an election in which a county clerk [~~or city~~  
10 ~~secretary~~] is the early voting clerk under Section 83.002 [~~or~~  
11 ~~83.005~~], only the early voting clerk may order voting on a Saturday  
12 or Sunday. The clerk must do so by written order.

13 (e) In a primary election or the general election for state  
14 and county officers in a county with a population of 30,000  
15 [~~100,000~~] or more, the early voting clerk shall order voting by  
16 personal appearance [~~voting~~] at the main early voting polling place  
17 to be conducted on the last Saturday of the early voting period for  
18 at least 12 hours, except that voting may not be conducted earlier  
19 than 6 a.m. or later than 9 p.m., [~~on the last Saturday~~] and on the  
20 last Sunday of the early voting period for at least six [~~five~~]  
21 hours, except that voting may not be conducted earlier than 6 a.m.  
22 or later than 9 p.m. [~~on the last Sunday of the early voting period~~].

23 The early voting clerk shall order voting to be conducted at those  
24 times in those elections in a county with a population under 30,000  
25 [~~100,000~~] on receipt of a written request for those hours submitted  
26 by at least 15 registered voters of the county. The request must be  
27 submitted in time to enable compliance with Section 85.007. This

1 subsection supersedes any provision of this subchapter to the  
2 extent of any conflict.

3 SECTION 2.08. Section 85.010(a-1), Election Code, is  
4 amended to read as follows:

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

8 SECTION 2.09. Section 85.061, Election Code, is amended by  
9 amending Subsection (a) and adding Subsections (a-1) and (a-2) to  
10 read as follows:

11 (a) In a countywide election in which the county clerk is  
12 the early voting clerk under Section 83.002, an early voting  
13 polling place shall be located inside [~~at~~] each branch office that  
14 is regularly maintained for conducting general clerical functions  
15 of the county clerk, except as provided by Subsection (b). If a  
16 suitable room is unavailable inside the branch office, the polling  
17 place may be located in another room inside the same building as the  
18 branch office. Except as provided by Subsection (a-1), the polling  
19 place may not be located in a tent or similar temporary moveable  
20 structure or a parking garage, parking lot, or similar facility  
21 designed primarily for motor vehicles.

22 (a-1) An early voting polling place may be located in a tent  
23 or similar temporary moveable structure if:

24 (1) a building selected for an early voting polling  
25 place is later determined by the county commissioners court to be  
26 not reasonably accessible due to fire, flood, or other natural  
27 disaster rendering the building unsafe for public use;

1           (2) a suitable substitute building is not available;

2 and

3           (3) the tent or similar temporary moveable structure  
4 is adjacent to the building described by Subdivision (1).

5           (a-2) If the county commissioners court makes a  
6 determination described by Subsection (a-1)(1):

7           (1) the determination is valid only for the next  
8 scheduled election; and

9           (2) the court shall send a record of that  
10 determination to the secretary of state as soon as practicable.

11           SECTION 2.10. Section 85.062, Election Code, is amended by  
12 amending Subsection (b) and adding Subsections (b-1), (b-2), and  
13 (f-1) to read as follows:

14           (b) A polling place established under this section may be  
15 located, subject to Subsection (d), at any place in the territory  
16 served by the early voting clerk and may be located inside ~~in~~ any  
17 building ~~[stationary structure]~~ as directed by the authority  
18 establishing the branch office. Except as provided by Subsection  
19 (b-1), the ~~[The]~~ polling place may not be located in a tent or  
20 similar temporary movable structure or a parking garage, parking  
21 lot, or similar facility designed primarily for motor vehicles in  
22 the general election for state and county officers, general primary  
23 election, or runoff primary election. Ropes or other suitable  
24 objects may be used at the polling place to ensure compliance with  
25 Section 62.004. Persons who are not expressly permitted by law to  
26 be in a polling place shall be excluded from the polling place to  
27 the extent practicable.

1       (b-1) A temporary branch polling place may be located in a  
2 tent or similar temporary moveable structure if:

3           (1) a building selected for a temporary branch polling  
4 place is later determined by the county commissioners court to be  
5 not reasonably accessible due to fire, flood, or other natural  
6 disaster rendering the building unsafe for public use;

7           (2) a suitable substitute building is not available;  
8 and

9           (3) the tent or similar temporary moveable structure  
10 is adjacent to the building described by Subdivision (1).

11       (b-2) If the county commissioners court makes a  
12 determination described by Subsection (b-1)(1):

13           (1) the determination is valid only for the next  
14 scheduled election; and

15           (2) the court shall send a record of that  
16 determination to the secretary of state as soon as practicable.

17       (f-1) Notwithstanding any other provision of this section  
18 concerning the location of temporary branch polling places, in an  
19 election in which countywide polling places are used, the  
20 commissioners court of a county shall employ the same methodology  
21 it uses to determine the location of countywide polling places to  
22 determine the location of temporary branch polling places.

23       SECTION 2.11. Section 124.002, Election Code, is amended by  
24 adding Subsection (c) to read as follows:

25       (c) Voting system ballots may not be arranged in a manner  
26 that allows a political party's candidates to be selected in one  
27 motion or gesture.

1 SECTION 2.12. Section [127.1232](#), Election Code, is amended  
2 to read as follows:

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

8 (b) The general custodian of election records shall  
9 implement a video surveillance system that retains a record of all  
10 areas containing voted ballots:

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

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

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

19 (d) The video recorded is an election record under Section  
20 1.012 and shall be retained by the general custodian of election  
21 records until the end of the calendar year in which an election is  
22 held or until an election contest filed in the county has been  
23 resolved, whichever is later.

24 ARTICLE 3. ELECTION OFFICERS AND OBSERVERS

25 SECTION 3.01. Subchapter [A](#), Chapter [33](#), Election Code, is  
26 amended by adding Section 33.0015 to read as follows:

27 Sec. 33.0015. REFERENCES TO EARLY VOTING BALLOT BOARD IN

1 THIS CHAPTER. A reference in this chapter to an early voting ballot  
2 board includes a signature verification committee.

3 SECTION 3.02. Subchapter A, Chapter 33, Election Code, is  
4 amended by adding Section 33.008 to read as follows:

5 Sec. 33.008. TRAINING MANUAL. (a) The secretary of state  
6 shall publish and maintain a training manual for watchers and shall  
7 make the manual available on the secretary of state's Internet  
8 website.

9 (b) An appointing authority must provide each watcher  
10 appointed by the authority with a copy of the training manual  
11 maintained under this section.

12 SECTION 3.03. Section 33.051, Election Code, is amended by  
13 adding Subsections (g) and (h) to read as follows:

14 (g) An election officer commits an offense if the officer  
15 intentionally or knowingly refuses to accept a watcher for service  
16 when acceptance of the watcher is required by this section. An  
17 offense under this subsection is a Class A misdemeanor.

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

23 SECTION 3.04. Section 33.056, Election Code, is amended by  
24 amending Subsection (a) and adding Subsections (e) and (f) to read  
25 as follows:

26 (a) Except as provided by Section 33.057, a watcher is  
27 entitled to observe any activity conducted at the location at which



1 the watcher is serving. A watcher is entitled to sit or stand  
2 [~~conveniently~~] near enough to see and hear the election officers  
3 conducting the observed activity, except as otherwise prohibited by  
4 this chapter.

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

8 (f) In this code, a watcher who is entitled to "observe" an  
9 election activity is entitled to sit or stand near enough to see and  
10 hear the activity.

11 SECTION 3.05. Subchapter C, Chapter 33, Election Code, is  
12 amended by adding Section 33.0605 to read as follows:

13 Sec. 33.0605. OBSERVING DATA STORAGE SEALING AND TRANSFER.

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

20 (b) Notwithstanding any other provision of this code, a  
21 watcher duly accepted for service at a polling location is entitled  
22 to follow the transfer of election materials from the polling place  
23 at which the watcher was accepted to a regional tabulating center,  
24 the central counting station, or any other location designated to  
25 process election materials. The authority responsible for  
26 administering a regional tabulating center or another location  
27 where election materials are processed must accept duly appointed

1 watchers for service in the same manner a watcher is accepted for  
2 service under Section 33.051 and must accept the same number of  
3 watchers that may serve under Section 33.007(a).

4 SECTION 3.06. Section 33.061(a), Election Code, is amended  
5 to read as follows:

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

14 SECTION 3.07. Subchapter C, Chapter 33, Election Code, is  
15 amended by adding Section 33.063 to read as follows:

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

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

22 (2) a writ of mandamus under Section 161.009 or  
23 273.061; and

24 (3) any other remedy available under law.

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

1 SECTION 3.08. Section [86.006](#), Election Code, is amended by  
2 amending Subsection (a) and adding Subsection (a-2) to read as  
3 follows:

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

8 (1) mail;

9 (2) common or contract carrier; or

10 (3) subject to Subsections [~~Subsection~~] (a-1) and  
11 (a-2), in-person delivery by the voter who voted the ballot.

12 (a-2) An in-person delivery of a marked ballot voted under  
13 this chapter must be received by an election official at the time of  
14 delivery. The receiving official shall record the voter's name,  
15 signature, and type of identification provided under Section  
16 [63.0101](#) on a roster prescribed by the secretary of state. The  
17 receiving official shall attest on the roster that the delivery  
18 complies with this section.

19 SECTION 3.09. Section [87.002](#), Election Code, is amended to  
20 read as follows:

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

24 (b) Except as provided by Subsection (d), the presiding  
25 judge and the alternate presiding judge are [~~is~~] appointed in the  
26 same manner as a presiding election judge and alternate presiding  
27 election judge, respectively. Except as provided by Subsection

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

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

13 (d) In addition to the members appointed under Subsection  
14 (c), the county election board shall appoint as the presiding judge  
15 the highest-ranked person on [~~from~~] the list provided under that  
16 subsection by the political party whose nominee for governor  
17 received the most votes in the county in the most recent  
18 gubernatorial general election and as the alternate presiding judge  
19 the highest-ranked person on the list provided under that  
20 subsection by the political party whose nominee for governor  
21 received the second most votes in the county in the most recent  
22 gubernatorial general election.

23 SECTION 3.10. Sections [87.027](#)(d) and (e), Election Code,  
24 are amended to read as follows:

25 (d) The early voting clerk shall determine the number of  
26 members who are to compose the signature verification committee and  
27 shall state that number in the order calling for the committee's

1 appointment. A committee must consist of not fewer than five  
2 members. In an election in which party alignment is indicated on  
3 the ballot, each county chair of a political party with a nominee or  
4 aligned candidate on the ballot shall submit to the appointing  
5 authority a list of names of persons eligible to serve on the  
6 signature verification committee in order of the county chair's  
7 preference. The authority shall appoint at least two persons from  
8 each list in the order of preference indicated on each list to serve  
9 as members of the committee. The same number of members must be  
10 appointed from each list. The authority shall appoint as ~~the~~  
11 chair of the committee the highest-ranked person on ~~from~~ the list  
12 provided by the political party whose nominee for governor received  
13 the most votes in the county in the most recent gubernatorial  
14 general election. The authority shall appoint as vice chair of the  
15 committee the highest-ranked person on the list provided by the  
16 political party whose nominee for governor received the second most  
17 votes in the county in the most recent gubernatorial general  
18 election. A vacancy on the committee shall be filled by appointment  
19 from the original list or from a new list submitted by the  
20 appropriate county chair.

21 (e) To be eligible to serve on a signature verification  
22 committee, a person must be eligible under Subchapter C, Chapter  
23 32, for service as a presiding election judge, except that the  
24 person must be a qualified voter:

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

27 (2) of the part of the county in which the election is

1 held, for an election ordered by the governor or a county authority  
2 that does not cover the entire county of the person's residence; or  
3 (3) of the political subdivision, in an election  
4 ordered by an authority of a political subdivision other than a  
5 county.

6 SECTION 3.11. Chapter 121, Election Code, is amended by  
7 adding Section 121.004 to read as follows:

8 Sec. 121.004. COMMUNICATIONS WITH VOTING SYSTEMS VENDOR  
9 PUBLIC INFORMATION. Except as provided by Sections 552.110 and  
10 552.1101, Government Code, a written letter, e-mail, or other  
11 communication, including a communication made confidential by  
12 other law, between a public official and a voting systems vendor:

- 13 (1) is not confidential;  
14 (2) is public information for purposes of Chapter 552,  
15 Government Code; and  
16 (3) is not subject to an exception to disclosure  
17 provided by Chapter 552, Government Code.

18 SECTION 3.12. Sections 127.006(a) and (c), Election Code,  
19 are amended to read as follows:

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

23 (c) A clerk appointed by the manager serves under the  
24 manager and shall perform the functions directed by the manager. A  
25 clerk appointed by the presiding judge or the alternate presiding  
26 judge serves under the presiding judge and shall perform the  
27 functions directed by the presiding judge.

1 SECTION 3.13. Subchapter A, Chapter 127, Election Code, is  
2 amended by adding Section 127.009 to read as follows:

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

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

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

15 SECTION 3.14. Section 127.1301, Election Code, is amended  
16 to read as follows:

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

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

1 being modified.

2 SECTION 3.15. Section 127.131, Election Code, is amended by  
3 adding Subsection (f) to read as follows:

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

13 SECTION 3.16. Section 129.023, Election Code, is amended by  
14 adding Subsections (b-2) and (c-1) to read as follows:

15 (b-2) If the test is being conducted for an election in  
16 which a county election board has been established under Section  
17 51.002, the general custodian of election records shall notify each  
18 member of the board of the test at least 48 hours before the date of  
19 the test. If the county election board chooses to witness the test,  
20 each member shall sign the statement required by Subsection (e)(1).

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

25 ARTICLE 4. VOTING BY MAIL

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



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

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

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

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

13 (a) An early voting ballot application must include:

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

16 (1-a) the following information:

17 (A) the number of the applicant's driver's  
18 license, election identification certificate, or personal  
19 identification card issued by the Department of Public Safety;

20 (B) if the applicant has not been issued a number  
21 described by Paragraph (A), the last four digits of the applicant's  
22 social security number; or

23 (C) a statement by the applicant that the  
24 applicant has not been issued a number described by Paragraph (A) or  
25 (B);

26 (2) for an application for a ballot to be voted by mail  
27 on the ground of absence from the county of residence, the address

1 outside the applicant's county of residence to which the ballot is  
2 to be mailed;

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

11 (4) for an application for a ballot to be voted by mail  
12 on the ground of confinement in jail, the address of the jail or of a  
13 person related to the applicant within the degree described by  
14 Subdivision (3);

15 (5) for an application for a ballot to be voted by mail  
16 on any ground, an indication of each election for which the  
17 applicant is applying for a ballot;

18 (6) an indication of the ground of eligibility for  
19 early voting; and

20 (7) for an application for a ballot to be voted by mail  
21 on the ground of involuntary civil commitment, the address of the  
22 facility operated by or under contract with the Texas Civil  
23 Commitment Office or of a person related to the applicant within the  
24 degree of consanguinity described by Subdivision (3).

25 (b-1) A person may use the number of a driver's license,  
26 election identification certificate, or personal identification  
27 card that has expired for the purpose of fulfilling the requirement

1 under Subsection (a)(1-a) if the license or identification is  
2 otherwise valid.

3 SECTION 4.04. Section 84.011(a), Election Code, as  
4 effective September 1, 2021, is amended to read as follows:

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

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

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

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

17 (3-a) a space for entering the information required  
18 under Section 84.002(a)(1-a); and

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

20 (A) a space for an applicant applying on the  
21 ground of absence from the county of residence to indicate the date  
22 on or after which the applicant can receive mail at the address  
23 outside the county;

24 (B) a space for indicating the fact that an  
25 applicant whose application is signed by a witness cannot make the  
26 applicant's mark and a space for indicating the relationship or  
27 lack of relationship of the witness to the applicant;

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

4 (D) a space or box for an applicant applying on  
5 the ground of age or disability to indicate that the address to  
6 which the ballot is to be mailed is the address of a facility or  
7 relative described by Section 84.002(a)(3), if applicable;

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

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

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

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

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

22 SECTION 4.05. Subchapter A, Chapter 84, Election Code, is  
23 amended by adding Section 84.0111 to read as follows:

24 Sec. 84.0111. DISTRIBUTION OF APPLICATION FORM. (a)  
25 Except as provided by Subsection (c) or as otherwise authorized by  
26 this code, an officer or employee of this state or of a political  
27 subdivision of this state may not distribute an application form

1 for an early voting ballot to a person who did not request an  
2 application under Section 84.001.

3 (b) An officer or employee of this state or of a political  
4 subdivision of this state may not use public funds to facilitate the  
5 distribution by another person of an application form for an early  
6 voting ballot to a person who did not request an application under  
7 Section 84.001.

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

11 SECTION 4.06. Section 84.032(c), Election Code, is amended  
12 to read as follows:

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

15 (1) returning the ballot to be voted by mail to the  
16 early voting clerk; or

17 (2) executing an affidavit that the applicant:

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

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

22 (C) received notice of a defect under Section  
23 87.0271(b) or 87.0411(b).

24 SECTION 4.07. Section 84.035, Election Code, is amended to  
25 read as follows:

26 Sec. 84.035. BALLOT SENT TO APPLICANT. (a) If the early  
27 voting clerk cancels an application by an applicant to whom an early

1 voting ballot has been sent, the clerk shall:

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

4 (2) make any other entries in the records and take any  
5 other action necessary to prevent the ballot from being counted if  
6 returned.

7 (b) An election judge may permit a person to whom an early  
8 voting ballot has been sent who cancels the person's application  
9 for a ballot to be voted by mail in accordance with Section 84.032  
10 but fails to return the ballot to be voted by mail to the early  
11 voting clerk, deputy early voting clerk, or presiding judge as  
12 provided by that section to vote only a provisional ballot under  
13 Section 63.011.

14 SECTION 4.08. Section 86.001, Election Code, is amended by  
15 adding Subsection (f) to read as follows:

16 (f) If the information required under Section  
17 84.002(a)(1-a) included on the application does not identify the  
18 same voter identified on the applicant's application for voter  
19 registration under Section 13.002(c)(8), the clerk shall reject the  
20 application.

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

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

26 (1) the number of the voter's driver's license,  
27 election identification certificate, or personal identification

1 card issued by the Department of Public Safety;

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

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

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

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

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

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

20 SECTION 4.11. Section 86.015(c), Election Code, as  
21 effective September 1, 2021, is amended to read as follows:

22 (c) An online tool used under this section must:

23 (1) for each election, record:

24 (A) each application for a ballot to be voted by  
25 mail received by the clerk; and

26 (B) each carrier envelope sent to a voter by the  
27 clerk;

1 (2) for each carrier envelope, record or assign a  
2 serially numbered and sequentially issued barcode or tracking  
3 number that is unique to each envelope; ~~and]~~

4 (3) update the applicable Internet website as soon as  
5 practicable after each of the following events occurs:

6 (A) receipt by the early voting clerk of the  
7 person's application for a ballot to be voted by mail;

8 (B) acceptance or rejection by the early voting  
9 clerk of the person's application for a ballot to be voted by mail;

10 (C) placement in the mail by the early voting  
11 clerk of the person's official ballot;

12 (D) receipt by the early voting clerk of the  
13 person's marked ballot; and

14 (E) acceptance or rejection by the early voting  
15 ballot board of a person's marked ballot; and

16 (4) allow a voter to add or correct information  
17 required under Section 84.002(a)(1-a) or Section 86.002(g).

18 SECTION 4.12. Section 87.027(i), Election Code, is amended  
19 to read as follows:

20 (i) The signature verification committee shall compare the  
21 signature on each carrier envelope certificate, except those signed  
22 for a voter by a witness, with the signature on the voter's ballot  
23 application to determine whether the signatures are those of the  
24 voter. The committee may also compare the signatures with any  
25 known signature ~~[two or more signatures]~~ of the voter ~~[made within~~  
26 ~~the preceding six years and]~~ on file with the county clerk or voter  
27 registrar to determine whether the signatures are those of the



1 voter. Except as provided by Subsection (1), a determination under  
2 this subsection that the signatures are not those of the voter must  
3 be made by a majority vote of the committee's membership. The  
4 committee shall place the jacket envelopes, carrier envelopes, and  
5 applications of voters whose signatures are not those of the voter  
6 in separate containers from those of voters whose signatures are  
7 those of the voter. The committee chair shall deliver the sorted  
8 materials to the early voting ballot board at the time specified by  
9 the board's presiding judge.

10 SECTION 4.13. Subchapter B, Chapter 87, Election Code, is  
11 amended by adding Section 87.0271 to read as follows:

12 Sec. 87.0271. OPPORTUNITY TO CORRECT DEFECT: SIGNATURE  
13 VERIFICATION COMMITTEE. (a) This section applies to an early  
14 voting ballot voted by mail:

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

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

20 (3) missing any required statement of residence;

21 (4) missing information or containing incorrect  
22 information required under Section 84.002(a)(1-a) or Section  
23 86.002; or

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

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

1 committee may:

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

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

9 (A) correct the defect; or

10 (B) request to have the voter's application to  
11 vote by mail canceled under Section [84.032](#).

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

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

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

20 SECTION 4.14. Section [87.041](#), Election Code, is amended by  
21 amending Subsections (b) and (e) and adding Subsection (d-1) to  
22 read as follows:

23 (b) A ballot may be accepted only if:

24 (1) the carrier envelope certificate is properly  
25 executed;

26 (2) neither the voter's signature on the ballot  
27 application nor the signature on the carrier envelope certificate

1 is determined to have been executed by a person other than the  
2 voter, unless signed by a witness;

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

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

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

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

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

19 (8) the information required under Section 86.002(g)  
20 provided by the voter identifies the same voter identified on the  
21 voter's application for voter registration under Section  
22 13.002(c)(8).

23 (d-1) If a voter provides the information required under  
24 Section 86.002(g) and it identifies the same voter identified on  
25 the voter's application for voter registration under Section  
26 13.002(c)(8), the signature on the ballot application and on the  
27 carrier envelope certificate shall be rebuttably presumed to be the

1 signatures of the voter.

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

8 SECTION 4.15. Subchapter C, Chapter 87, Election Code, is  
9 amended by adding Section 87.0411 to read as follows:

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

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

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

18 (3) missing any required statement of residence;

19 (4) missing information or containing incorrect  
20 information required under Section 84.002(a)(1-a) or Section  
21 86.002; or

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

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

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

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

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

7 (A) correct the defect; or

8 (B) request to have the voter's application to  
9 vote by mail canceled under Section 84.032.

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

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

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

18 SECTION 4.16. Section 87.0431(b), Election Code, is amended  
19 to read as follows:

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

24 (1) the voter was deceased;

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

27 (3) the signatures on the carrier envelope and ballot

1 application were not executed by the same person;

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

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

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

9 SECTION 4.17. Sections 87.062(a) and (c), Election Code,  
10 are amended to read as follows:

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

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

22 SECTION 4.18. Section 87.103, Election Code, is amended to  
23 read as follows:

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

1 ~~ballots cast at precinct polling places]~~ and shall be separately  
2 reported on the returns.

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

7 SECTION 4.19. Section 87.126, Election Code, is amended by  
8 adding Subsection (a-1) to read as follows:

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

13 SECTION 4.20. Subchapter G, Chapter 87, Election Code, is  
14 amended by adding Section 87.128 to read as follows:

15 Sec. 87.128. NOTES. Each member of an early voting ballot  
16 board and each member of a signature verification committee is  
17 entitled to take and keep any notes reasonably necessary to perform  
18 the member's duties under this chapter.

19 ARTICLE 5. ASSISTANCE OF VOTERS

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

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

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

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

7       (f-1) Subsection (f) does not apply if the person is related  
8 to each voter within the second degree by affinity or the third  
9 degree by consanguinity, as determined under Subchapter B, Chapter  
10 573, Government Code.

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

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

18       SECTION 5.02. Section 64.031, Election Code, is amended to  
19 read as follows:

20       Sec. 64.031. ELIGIBILITY FOR ASSISTANCE. A voter is  
21 eligible to receive assistance in marking or reading the ballot, as  
22 provided by this subchapter, if the voter cannot prepare or read the  
23 ballot because of:

24               (1) a physical disability that renders the voter  
25 unable to write or see; or

26               (2) an inability to read the language in which the  
27 ballot is written.



1 SECTION 5.03. Subchapter B, Chapter 64, Election Code, is  
2 amended by adding Section 64.0322 to read as follows:

3 Sec. 64.0322. SUBMISSION OF FORM BY ASSISTANT. (a) A  
4 person, other than an election officer, who assists a voter in  
5 accordance with this chapter is required to complete a form  
6 stating:

7 (1) the name and address of the person assisting the  
8 voter;

9 (2) the relationship to the voter of the person  
10 assisting the voter; and

11 (3) whether the person assisting the voter received or  
12 accepted any form of compensation or other benefit from a  
13 candidate, campaign, or political committee.

14 (b) The secretary of state shall prescribe the form required  
15 by this section. The form must be incorporated into the official  
16 carrier envelope if the voter is voting an early voting ballot by  
17 mail and receives assistance under Section 86.010, or must be  
18 submitted to an election officer at the time the voter casts a  
19 ballot if the voter is voting at a polling place or under Section  
20 64.009.

21 SECTION 5.04. Section 64.034, Election Code, is amended to  
22 read as follows:

23 Sec. 64.034. OATH. A person, other than an election  
24 officer, selected to provide assistance to a voter must take the  
25 following oath, administered by an election officer at the polling  
26 place, before providing assistance:

27 "I swear (or affirm) under penalty of perjury that the voter I

1 am assisting represented to me they are eligible to receive  
2 assistance; I will not suggest, by word, sign, or gesture, how the  
3 voter should vote; [~~I will confine my assistance to answering the~~  
4 ~~voter's questions, to stating propositions on the ballot, and to~~  
5 ~~naming candidates and, if listed, their political parties;~~] I will  
6 prepare the voter's ballot as the voter directs; I did not  
7 encourage, pressure, or coerce the voter into choosing me to  
8 provide assistance; [~~and~~] I am not the voter's employer, an agent of  
9 the voter's employer, or an officer or agent of a labor union to  
10 which the voter belongs; I will not communicate information about  
11 how the voter has voted to another person; and I understand that if  
12 assistance is provided to a voter who is not eligible for  
13 assistance, the voter's ballot may not be counted."

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

16 (e) A person who assists a voter to prepare a ballot to be  
17 voted by mail shall enter on the official carrier envelope of the  
18 voter:

19 (1) the person's signature, printed name, and  
20 residence address;

21 (2) the relationship of the person providing the  
22 assistance to the voter; and

23 (3) whether the person received or accepted any form  
24 of compensation or other benefit from a candidate, campaign, or  
25 political committee in exchange for providing assistance [~~on the~~  
26 ~~official carrier envelope of the voter~~].

27 (h) Subsection (f) does not apply to:

1           (1) a violation of Subsection (c), if the person is  
2 related to the voter within the second degree by affinity or the  
3 third degree by consanguinity, as determined under Subchapter B,  
4 Chapter 573, Government Code, or was physically living in the same  
5 dwelling as the voter at the time of the event; or

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

10           (i) An offense under this section for a violation of  
11 Subsection (c) is increased to the next higher category of offense  
12 if it is shown on the trial of an offense under this section that:

13           (1) the defendant was previously convicted of an  
14 offense under this code;

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

17           (3) the defendant committed another offense under this  
18 section in the same election.

19           SECTION 5.06. Section 86.013(b), Election Code, is amended  
20 to read as follows:

21           (b) Spaces must appear on the reverse side of the official  
22 carrier envelope for:

23           (1) indicating the identity and date of the election;

24 [~~and~~]

25           (2) entering the signature, printed name, and  
26 residence address of a person other than the voter who deposits the  
27 carrier envelope in the mail or with a common or contract carrier;

1 and

2 (3) indicating the relationship of that person to the  
3 voter.

4 SECTION 5.07. (a) The secretary of state shall conduct a  
5 study regarding the implementation of educational programs,  
6 including the production and publication on the secretary of  
7 state's Internet website of instructional videos, to help voters  
8 with disabilities understand how to use voting systems used in this  
9 state.

10 (b) Not later than December 1, 2022, the secretary of state  
11 shall submit to the standing committees of the legislature with  
12 jurisdiction over elections a report on the study required by this  
13 section.

14 (c) The secretary of state, using existing resources, may  
15 contract with a qualified vendor to conduct the study required by  
16 this section.

17 (d) This section expires December 1, 2023.

18 ARTICLE 6. FRAUD AND OTHER UNLAWFUL PRACTICES

19 SECTION 6.01. Chapter 63, Election Code, is amended by  
20 adding Section 63.0111 to read as follows:

21 Sec. 63.0111. OFFENSES RELATED TO PROVISIONAL VOTING. (a)  
22 An election judge commits an offense if the judge knowingly  
23 provides a voter with a form for an affidavit required by Section  
24 63.001 if the form contains information that the judge entered on  
25 the form knowing it was false.

26 (b) An offense under this section is a state jail felony.

27 SECTION 6.02. Sections 276.004(a) and (b), Election Code,

1 are amended to read as follows:

2 (a) A person commits an offense if, with respect to another  
3 person over whom the person has authority in the scope of  
4 employment, the person knowingly:

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

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

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

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

18 Sec. 276.015. VOTE HARVESTING. (a) In this section and in  
19 Section 276.016:

20 (1) "Benefit" means anything reasonably regarded as a  
21 gain or advantage, including a promise or offer of employment, a  
22 political favor, or an official act of discretion, whether to a  
23 person or another party whose welfare is of interest to the person.

24 (2) "Vote harvesting services" means in-person  
25 interaction with one or more voters, in the physical presence of an  
26 official ballot, a ballot voted by mail, or an application for  
27 ballot by mail, intended to deliver votes for a specific candidate

1 or measure.

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

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

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

12 (e) This section does not apply to:

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

15 (2) interactions that do not directly involve an  
16 official ballot, ballot by mail, or an application for ballot by  
17 mail;

18 (3) interactions that are not conducted in-person with  
19 a voter; or

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

22 (f) In this section, compensation in exchange for vote  
23 harvesting services is inferred if a person who performed vote  
24 harvesting services for a candidate or campaign solicits, receives,  
25 or is offered compensation from the candidate or campaign, directly  
26 or through a third party, for services other than vote harvesting  
27 services provided.

1 (g) An offense under this section is a felony of the third  
2 degree.

3 (h) If conduct that constitutes an offense under this  
4 section also constitutes an offense under any other law, the actor  
5 may be prosecuted under this section, the other law, or both.

6 (i) Records necessary to investigate an offense under this  
7 section or any other section of this code shall be provided by an  
8 election officer in an unredacted form to a law enforcement officer  
9 upon request. Records obtained under this subsection are not  
10 subject to public disclosure.

11 Sec. 276.016. CIVIL LIABILITY FOR VOTE HARVESTING. (a) A  
12 person who is shown by a preponderance of the evidence to have  
13 violated Section 276.015 is civilly liable to any candidate or  
14 political party who suffers harm from the vote harvesting services  
15 for damages and penalties that may be awarded under Subsection (c).

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

18 (1) the person has standing to seek relief; and

19 (2) the liable party violated Section 276.015.

20 (b-1) To establish standing under this section, a person is  
21 not required to demonstrate that the vote harvesting services  
22 successfully delivered votes for a specific candidate or measure,  
23 but must demonstrate that:

24 (1) the vote harvesting services were intended to  
25 deliver votes for a specific candidate or measure; and

26 (2) the person opposed the candidate or measure in the  
27 person's capacity as a candidate or political party.

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

3            (1) the amount of compensation paid to or received by a  
4 party in exchange for vote harvesting services;

5            (2) the fair market value of any benefit given or  
6 received in exchange for vote harvesting services; or

7            (3) a penalty in the amount of \$35,000.

8        (d) A party who is a candidate for office who prevails in an  
9 action under this section and shows that the number of voters  
10 contacted by the vote harvesting activity exceeds the number of  
11 votes by which the party lost the election shall recover additional  
12 damages in an amount equal to the amount of liability attributed to  
13 the defendant under Subsection (c).

14        (e) If an action under this section is brought by a  
15 candidate for office, the period for commencing the action begins  
16 on the day after the date the election is certified and ends on the  
17 90th day after the later of that date or the date election records  
18 are made publicly available under Section 1.012. If an action under  
19 this section is brought by a political party, the period for  
20 commencing the action begins on the day after the last day a  
21 candidate may bring an action and ends on the 90th day after that  
22 date. If an action under this section is brought by a candidate for  
23 office, a political party may not bring an action under this section  
24 for the same instance of vote harvesting activity.

25        (f) The cause of action created by this section is  
26 cumulative of any other remedy provided by common law or statute.

27        (g) Rules applicable to a party's access to election records



1 under Chapter 231 or 232 apply to a cause of action under this  
2 section.

3 (h) The expedited actions process created by Rule 169, Texas  
4 Rules of Civil Procedure, does not apply to an action under this  
5 section.

6 (i) Chapter 27, Civil Practice and Remedies Code, does not  
7 apply to a cause of action under this section.

8 (j) A cause of action under this section may be brought in  
9 the county where any element of a violation under Section 276.015  
10 occurred, or where any part of the vote harvesting services  
11 occurred.

12 (k) This section shall be liberally construed and applied to  
13 promote its underlying purpose to protect candidates and the voting  
14 public from unlawful vote harvesting and provide an efficient and  
15 economical remedy to secure that protection.

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

20 ARTICLE 7. ENFORCEMENT

21 SECTION 7.01. Section 18.065, Election Code, is amended by  
22 amending Subsection (a) and adding Subsections (e), (f), and (g) to  
23 read as follows:

24 (a) The secretary of state shall monitor each registrar for  
25 substantial compliance with Sections 15.083, 16.032, 16.0332, and  
26 18.061 and with rules implementing the statewide computerized voter  
27 registration list.

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

- 5               (1) correct the violation on behalf of the registrar;  
6 and  
7               (2) notify the attorney general that the registrar  
8 failed to correct a violation under this subsection.

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

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

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

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

- 21               (1) a county clerk;  
22               (2) a permanent or temporary deputy county clerk;  
23               (3) an elections administrator;  
24               (4) a permanent or temporary employee of an elections  
25 administrator;  
26               (5) an election judge;  
27               (6) an alternate election judge;

- 1           (7) an early voting clerk;
- 2           (8) a deputy early voting clerk;
- 3           (9) an election clerk;
- 4           (10) the presiding judge of an early voting ballot  
5 board;
- 6           (11) the alternate presiding judge of an early voting  
7 ballot board;
- 8           (12) a member of an early voting ballot board;
- 9           (13) the chair of a signature verification committee;
- 10          (14) the vice chair of a signature verification  
11 committee;
- 12          (15) a member of a signature verification committee;
- 13          (16) the presiding judge of a central counting  
14 station;
- 15          (17) the alternate presiding judge of a central  
16 counting station;
- 17          (18) a central counting station manager;
- 18          (19) a central counting station clerk;
- 19          (20) a tabulation supervisor; and
- 20          (21) an assistant to a tabulation supervisor.

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

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

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

- 27           (1) is employed by or is an officer of this state or a

1 political subdivision of this state; and

2 (2) violates a provision of this code.

3 (c) A civil penalty imposed under this section may include  
4 termination of the person's employment and loss of the person's  
5 employment benefits.

6 SECTION 7.03. Subchapter E, Chapter 31, Election Code, is  
7 amended by adding Section 31.130 to read as follows:

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

13 SECTION 7.04. Section 232.006(a), Election Code, is amended  
14 to read as follows:

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

19 SECTION 7.05. Sections 232.008(b), (c), and (d), Election  
20 Code, are amended to read as follows:

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

26 (c) A contestant must file the petition not later than the  
27 later of the 15th [~~10th~~] day after the date the election records are

1 publicly available under Section 1.012 or the official result is  
2 determined in a contest of:

- 3 (1) a primary or runoff primary election; or
- 4 (2) a general or special election for which a runoff is  
5 necessary according to the official result or will be necessary if  
6 the contestant prevails.

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

10 SECTION 7.06. The heading to Title 14, Election Code, is  
11 amended to read as follows:

12 TITLE 14. ELECTION CONTESTS AND OTHER ELECTION LAWSUITS

13 SECTION 7.07. Title 14, Election Code, is amended by adding  
14 Subtitle D to read as follows:

15 SUBTITLE D. OTHER ELECTION LAWSUITS

16 CHAPTER 247. LAWSUIT ALLEGING IMPROPER ELECTION ACTIVITIES

17 Sec. 247.001. PETITION ALLEGING FRAUD. This chapter  
18 applies to a civil suit in which a candidate in an election alleges  
19 in the petition that an opposing candidate, an agent of the opposing  
20 candidate, or a person acting on behalf of the opposing candidate  
21 with the candidate's knowledge violated any of the following  
22 sections of this code:

- 23 (1) Section 13.007;
- 24 (2) Section 64.012;
- 25 (3) Section 64.036;
- 26 (4) Section 84.003;
- 27 (5) Section 84.0041;

1           (6) Section 86.0051;

2           (7) Section 86.006;

3           (8) Section 86.010; or

4           (9) Section 276.013.

5           Sec. 247.002. PROCEDURE. A candidate in an election may  
6 file a petition for an action under this chapter in any county where  
7 a defendant resided at the time of the election. If the election is  
8 for a statewide office, the candidate may also file the petition in  
9 a district court in Travis County.

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

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

21          (b) Notwithstanding Section 41.004, Civil Practice and  
22 Remedies Code, a court shall award damages under Subsection (a) to  
23 the plaintiff irrespective of whether the plaintiff is awarded  
24 actual damages.

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

1 SECTION 7.08. Section 273.061, Election Code, is amended to  
2 read as follows:

3 Sec. 273.061. JURISDICTION. (a) The supreme court or a  
4 court of appeals may issue a writ of mandamus to compel the  
5 performance of any duty imposed by law in connection with the  
6 holding of an election or a political party convention, regardless  
7 of whether the person responsible for performing the duty is a  
8 public officer.

9 (b) The court of criminal appeals may issue a writ of  
10 mandamus to compel the performance of any duty imposed by law in  
11 connection with the provision, sequestration, transfer, or  
12 impoundment of evidence in or records relating to a criminal  
13 investigation conducted under this code or conducted in connection  
14 with the conduct of an election or political party convention. If a  
15 writ of mandamus is issued under this subsection, it shall include  
16 an order requiring the provision, sequestration, transfer, or  
17 impoundment of the evidence or record.

18 SECTION 7.09. Subchapter D, Chapter 22, Government Code, is  
19 amended by adding Section 22.304 to read as follows:

20 Sec. 22.304. PRIORITY OF CERTAIN ELECTION PROCEEDINGS. (a)  
21 The supreme court, the court of criminal appeals, or a court of  
22 appeals shall prioritize over any other proceeding pending or filed  
23 in the court a proceeding for injunctive relief or for a writ of  
24 mandamus under Chapter 273, Election Code, pending or filed in the  
25 court on or after the 120th day before a general or special  
26 election.

27 (b) If granted, oral argument for a proceeding described by

1 Subsection (a) may be given in person or through electronic means.

2 SECTION 7.10. Section 23.101, Government Code, is amended  
3 by amending Subsection (a) and adding Subsection (b-1) to read as  
4 follows:

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

9 (1) temporary injunctions;

10 (2) criminal actions, with the following actions given  
11 preference over other criminal actions:

12 (A) criminal actions against defendants who are  
13 detained in jail pending trial;

14 (B) criminal actions involving a charge that a  
15 person committed an act of family violence, as defined by Section  
16 71.004, Family Code;

17 (C) an offense under:

18 (i) Section 21.02 or 21.11, Penal Code;

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

21 (iii) Section 25.02, Penal Code, if the  
22 victim of the alleged offense is younger than 17 years of age;

23 (iv) Section 25.06, Penal Code;

24 (v) Section 43.25, Penal Code; or

25 (vi) Section 20A.02(a)(7), 20A.02(a)(8),  
26 or 20A.03, Penal Code;

27 (D) an offense described by Article 62.001(6)(C)



1 or (D), Code of Criminal Procedure; and

2 (E) criminal actions against persons who are  
3 detained as provided by Section 51.12, Family Code, after transfer  
4 for prosecution in criminal court under Section 54.02, Family Code;

5 (3) election contests and suits under the Election  
6 Code;

7 (4) orders for the protection of the family under  
8 Subtitle B, Title 4, Family Code;

9 (5) appeals of final rulings and decisions of the  
10 division of workers' compensation of the Texas Department of  
11 Insurance regarding workers' compensation claims and claims under  
12 the Federal Employers' Liability Act and the Jones Act;

13 (6) appeals of final orders of the commissioner of the  
14 General Land Office under Section 51.3021, Natural Resources Code;

15 (7) actions in which the claimant has been diagnosed  
16 with malignant mesothelioma, other malignant asbestos-related  
17 cancer, malignant silica-related cancer, or acute silicosis; and

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

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

ARTICLE 8. INELIGIBLE VOTERS AND RELATED REFORMS

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

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

(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 8.02. Article 42.01, Code of Criminal Procedure, as effective September 1, 2021, is amended by adding Section 16 to read as follows:

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

ARTICLE 9. REPEALER; SEVERABILITY; TRANSITION; EFFECTIVE DATE

SECTION 9.01. The following provisions of the Election Code are repealed:

(1) Section 85.062(e); and

(2) Section 127.201(f).

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

1 to be severable.

2 SECTION 9.03. (a) Except as otherwise provided by this Act,  
3 the changes in law made by this Act apply only to an offense  
4 committed on or after the effective date of this Act. An offense  
5 committed before the effective date of this Act is governed by the  
6 law in effect when the offense was committed, and the former law is  
7 continued in effect for that purpose. For purposes of this section,  
8 an offense was committed before the effective date of this Act if  
9 any element of the offense occurred before that date.

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

15 (c) The changes in law made by this Act apply only to an  
16 election contest for which the associated election occurred after  
17 the effective date of this Act.

18 (d) The changes in law made by this Act apply only to an  
19 application to vote an early voting ballot by mail submitted on or  
20 after the effective date of this Act. An application to vote an  
21 early voting ballot by mail submitted before the effective date of  
22 this Act is governed by the law in effect when the application was  
23 submitted, and the former law is continued in effect for that  
24 purpose.

25 (e) The changes in law made by this Act apply only to an  
26 application for voter registration submitted on or after the  
27 effective date of this Act.

S.B. No. 1

1           SECTION 9.04. This Act takes effect on the 91st day after  
2 the last day of the legislative session.