87R10813 ADM-F

By:  Buckingham S.B. No. 1215

A BILL TO BE ENTITLED

AN ACT

relating to election practices and procedures; creating a criminal offense; creating a civil penalty.

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

SECTION 1.  Subchapter A, Chapter 31, Election Code, is amended by adding Section 31.0035 to read as follows:

Sec. 31.0035.  UNIFORM ELECTION PROCEDURES. (a) The secretary of state shall prescribe model election procedures for use by election officials in conducting elections, and shall publish the procedures not later than January 1 of each even-numbered year.

(b)  The procedures prescribed under Subsection (a) may provide different procedures for counties based on population.

(c)  The state elections tribunal under Subchapter F, Chapter 273, may prescribe temporary and emergency amendments to the procedures prescribed under Subsection (a).

(d)  Deviations from the procedures published under Subsection (a) are presumptively invalid and subject to injunctive relief under Section 273.081, unless an election official first seeks and obtains written permission from the state elections tribunal prior to implementation.

(e)  The attorney general may enforce this section by seeking injunctive relief.

SECTION 2.  Section 31.014, Election Code, is amended to read as follows:

Sec. 31.014.  CERTIFICATION OF ELECTRONIC DEVICES TO ACCEPT VOTERS. (a) The secretary of state shall prescribe specific requirements and standards, consistent with this code, for the certification of an electronic device used to accept voters under Chapter 63 that require the device to:

(1)  produce an electronic copy of the list of voters who were accepted to vote for delivery to the election judge after the polls close;

(2)  display the voter's original signature in accordance with Section 63.002;

(3)  accept a voter for voting even when the device is off-line;

(4)  provide the full list of voters registered in the county with an indication of the jurisdictional or distinguishing number for each territorial unit in which each voter resides;

(5)  time-stamp when each voter is accepted at a polling place, including the voter's unique identifier;

(6)  if the county participates in the countywide polling place program under Section 43.007 or has more than one early voting polling place, transmit a time stamp when each voter is accepted, including the voter's unique identifier, to all polling place locations;

(7)  time-stamp the receipt of a transmission under Subdivision (6); and

(8)  produce in an electronic format capable of updating in real time and compatible with the statewide voter registration list under Section 18.061 data for retention and transfer that includes:

(A)  the polling location in which the device was used;

(B)  the dated time stamp under Subdivision (5); and

(C)  the dated time stamp under Subdivision (7).

(b)  A device described by this section must:

(1)  be certified annually by the secretary of state; and

(2)  perform a diagnosis on each startup to ensure functionality and connectivity.

(c)  The secretary of state shall adopt rules that require a device described by this section used during the early voting period or under the countywide polling place program under Section 43.007 to update data in real time. The rules adopted under this section must ensure any wireless connection used to update data is secure and that data are not transmitted or stored on any medium located outside the state. A [~~If a~~] county may not use [~~uses~~] a device that does not comply with the rules [~~rule in two consecutive general elections for state and county officers, the secretary of state shall assess a noncompliance fee. The noncompliance fee shall be set at an amount determined by secretary of state rule~~].

SECTION 3.  Sections 32.002(d), (e), and (g), Election Code, are amended to read as follows:

(d)  The state [~~county clerk, after making a reasonable effort to consult with the~~] party chair of the appropriate political party [~~or parties,~~] shall submit [~~to the commissioners court~~] a list of names of persons eligible for appointment as presiding judge and alternate presiding judge if notified by the county clerk that the county chair has failed to make a list [~~for each precinct in which an appointment is not made~~] under Subsection (c). The commissioners court shall appoint an eligible person from the list who is affiliated or aligned with the appropriate party, if available.

(e)  The commissioners court shall fill a vacancy in the position of presiding judge or alternate presiding judge for the remainder of the unexpired term. An appointment to fill a vacancy may be made at any regular or special term of court. Not later than 48 hours after the county clerk becomes aware of a vacancy, the county clerk shall notify the county chair of the same political party with which the original judge was affiliated or aligned of the vacancy in writing. Not later than the fifth day after the date of notification of the vacancy, the county chair of the same political party with which the original judge was affiliated or aligned shall submit to the commissioners court in writing the name of a person who is eligible for the appointment. If a name is submitted in compliance with this subsection, the commissioners court shall appoint that person to the unexpired term. If a name is not submitted in compliance with this subsection, the county clerk shall notify the state chair of the appropriate political party in writing not later than 48 hours after the county chair's failure to submit a name. The state chair shall, not later than the fifth day after receiving notice, submit to the commissioners court a list of names of persons eligible as an appointee for the unexpired term. The commissioners court shall appoint an eligible person from the list who is affiliated or aligned with the same party, if available.

(g)  Following an oral warning to the election judge and with the written concurrence of the county chair of the same political party with which the judge is affiliated or aligned, the county clerk may remove, replace, or reassign an election judge who causes a disruption in a polling location or wilfully disobeys the provisions of this code. An election judge may not be removed except as provided by this section. A vacancy created under this subsection shall be filled in the same manner as an emergency appointment under Section 32.007.

SECTION 4.  Section 32.007(f), Election Code, is amended to read as follows:

(f)  A person who is appointed as a replacement for a judge originally appointed under Section 32.002 must appear on a list submitted to the appointing authority by the county chair of [~~be affiliated or aligned with~~] the same political party as was the original judge. If the county chair does not submit the list required by this subsection, or the list, including any supplements, does not include sufficient names to make an appointment, [~~if possible, and~~] the appointing authority shall [~~make a reasonable effort to~~] consult with the state party chair of the appropriate political party before making an appointment under this section.

SECTION 5.  Section 32.031(a), Election Code, is amended to read as follows:

(a)  Except as provided by Section 32.034, the [~~The~~] presiding judge for each election precinct shall appoint the election clerks to assist the judge in the conduct of an election at the polling place served by the judge.

SECTION 6.  Section 32.034, Election Code, is amended to read as follows:

Sec. 32.034.  CLERKS FOR ELECTIONS FOR FEDERAL, STATE, AND COUNTY OFFICES. (a) The clerks for the general election for state and county officers or for a special election to fill a vacancy in an office regularly filled at the general election shall be selected in accordance with this section [~~from different political parties if possible~~].

(b)  The presiding judge shall appoint clerks affiliated with the same political party as the presiding judge. The alternate [~~county chair of a political party whose candidate for governor received the highest or second highest number of votes in the county in the most recent gubernatorial general election may, not later than the 25th day before a general election or the 10th day before a special election to which Subsection (a) applies, submit to a presiding judge a list containing the names of at least two persons who are eligible for appointment as a clerk. If a timely list is submitted, the~~] presiding judge shall appoint clerks affiliated with the same political party as the alternate presiding judge. The same number of clerks must be appointed by the presiding judge and the alternate presiding judge [~~at least one clerk from the list~~], except as provided by Subsection (c).

(c)  If either the presiding judge or the alternate presiding judge fails to appoint their respective clerks, the county chair of the same political party as the judge who failed to appoint clerks [~~only one additional clerk is to be appointed for an election in which the alternate presiding judge will serve as a clerk, the clerk shall be appointed from the list of a political party with which neither the presiding judge nor the alternate judge is affiliated or aligned, if such a list is submitted. If two such lists are submitted, the presiding judge shall decide from which list the appointment will be made. If such a list is not submitted, the presiding judge is not required to make an appointment from any list.~~

[~~(d)  The presiding judge shall make an appointment under this section not later than the fifth day after the date the judge receives the list and shall deliver written notification of the appointment to the appropriate county chair.~~

[~~(e)  If a presiding judge has not been appointed at the time the county chair of a political party is required to submit a list of names for the appointment of a clerk under this section, the list of names shall be submitted to the county chair of the political party whose candidate for governor received the most votes in the precinct in the most recent gubernatorial election and to the commissioners court. The county chair~~], or the commissioners court in a county without a county chair, shall appoint clerks [~~from the list~~] in the same manner provided for a presiding judge or alternate presiding judge, as applicable, to appoint clerks by this section.

(d) [~~(f)~~]  Following an oral warning to the election clerk [~~and with the concurrence of the county chair of the same political party with which the election clerk is affiliated or aligned~~], the presiding judge, or alternate presiding judge, as applicable, of the same political party as the election [~~county~~] clerk may remove, replace, or reassign an election clerk who causes a disruption in a polling location or wilfully disobeys the provisions of this code. A vacancy created under this subsection shall be filled by the presiding judge, or alternate presiding judge, as applicable, of the same political party as the removed election clerk, who shall appoint a replacement election clerk who is affiliated or aligned with the same political party as the original clerk, if possible.

SECTION 7.  Section 33.006, Election Code, is amended by adding Subsection (d) to read as follows:

(d)  A certificate of appointment may be completed electronically, including the signature of the appointing authority.

SECTION 8.  Section 33.051, Election Code, is amended by adding Subsection (g) to read as follows:

(g)  An election officer commits an offense if the officer knowingly refuses to accept a watcher for service whose acceptance is required by this code. An offense under this section is a Class A misdemeanor.

SECTION 9.  Section 33.056, Election Code, is amended by adding Subsection (e) to read as follows:

(e)  Except as provided by Section 33.057(b), a watcher may not be denied free movement within the location at which the watcher is serving.

SECTION 10.  Subchapter C, Chapter 33, Election Code, is amended by adding Section 33.062 to read as follows:

Sec. 33.062.  INJUNCTIVE RELIEF. A watcher, or the appointing authority for a watcher, is entitled to injunctive relief under Section 273.081 to enforce this chapter, including issuance of temporary orders.

SECTION 11.  Section 34.001, Election Code, is amended by adding Subsection (e) to read as follows:

(e)  The secretary of state shall provide adequate training and supervision to state inspectors.

SECTION 12.  Section 43.031(b), Election Code, is amended to read as follows:

(b)  Each polling place shall be located inside a building. A polling place may not be located in a tent or other temporary moveable structure, or in a facility primarily designed for motor vehicles. No voter may cast a vote from inside a motor vehicle unless the voter meets the requirements of Section 64.009.

SECTION 13.  Section 64.009, Election Code, is amended by amending Subsection (b) and adding Subsections (b-1) and (e) to read as follows:

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

(b-1)  A person other than the voter is only permitted to be inside the motor vehicle while the voter votes if the person would be entitled to accompany the voter to the voting station under other law.

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

SECTION 14.  Section 67.004(a), Election Code, is amended to read as follows:

(a)  At the time set for convening the canvassing authority for the local canvass, the general custodian of election records [~~presiding officer of the canvassing authority~~] shall deliver the sealed precinct returns to the authority along with a report detailing any discrepancies between the number of names of voters who voted and the number of votes counted and the reasons for those discrepancies. The authority shall open the returns for each precinct and canvass them as provided by this section. Two members of the authority constitute a quorum for purposes of canvassing an election.

SECTION 15.  Section 83.031, Election Code, is amended by adding Subsection (d) to read as follows:

(d)  A deputy early voting clerk may not serve at a main early voting polling place or branch polling place where election officers are appointed under Section 85.009 without the permission of both the presiding and alternate presiding judge at that polling place.

SECTION 16.  Section 85.009, Election Code, is amended to read as follows:

Sec. 85.009.  ELECTION OFFICERS FOR GENERAL ELECTION FOR STATE AND COUNTY OFFICERS. (a) The county clerk shall select election officers for the main early voting polling place and any branch polling place from a list provided under Subsection (b), in a manner that provides equal representation to the extent possible for each political party holding a primary election in the county. The county clerk shall provide notice in writing of the selections for each early voting polling place to the county chair of each political party holding a primary election.

(b)  Before July of each year, the county chair of each political party holding a primary election in the county shall submit in writing to the county clerk a list of names of persons in order of preference for each early voting polling place who are eligible for selection as an election officer. The county chair may supplement the list of names of persons until the 30th day before early voting begins in case an appointed election officer becomes unable to serve. The county clerk shall appoint the first person meeting the applicable eligibility requirements from the list submitted in compliance with this subsection by the party with the highest number of votes in the county as the presiding judge of that polling place and the first person meeting the applicable eligibility requirements from the list submitted in compliance with this subsection by the party with the second highest number of votes in the county as the alternate presiding judge of that polling place. The county clerk shall appoint additional election officers for each polling place in a [~~the~~] manner that provides equal representation to the extent possible for each political party holding a primary election in the county and notify the county chairs of those political parties of the appointments in writing [~~described by Subsection (a)~~]. The county clerk may reject the list if the persons whose names are submitted on the list are determined not to meet the applicable eligibility requirements. If a list is not submitted by a county chair or is rejected in accordance with this section, the county clerk shall notify the state chair of the appropriate political party, who shall, not later than the fifth day after being notified in writing, submit a list from which the appropriate election officers shall be selected.

(c)  After an oral warning to the election officer and with the written concurrence of the county chair of the same political party with which the election officer is affiliated or aligned, the county clerk may remove, replace, or reassign an election officer who causes a disruption in a polling location or wilfully violates a provision of this code. An election officer may not be removed except as provided by this section [~~The county clerk, after making a reasonable effort to consult with the party chair of the appropriate political party or parties, may select election officers for each early voting polling place in which a list is not submitted in a manner that attempts to ensure equal representation to the extent possible for the parties holding a primary election in the county~~].

SECTION 17.  Section 85.061(a), Election Code, is amended to read as follows:

(a)  In a countywide election in which the county clerk is the early voting clerk under Section 83.002, an early voting polling place shall be located inside [~~at~~] each branch office that is regularly maintained for conducting general clerical functions of the county clerk, except as provided by Subsection (b). If a suitable room is unavailable inside the branch office, the polling place may be located in another room inside the same building as the branch office. The polling place may not be located in a tent or other temporary movable structure or a parking garage, parking lot, or similar facility designed primarily for motor vehicles.

SECTION 18.  Section 85.062(b), Election Code, is amended to read as follows:

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

SECTION 19.  Section 87.002, Election Code, is amended to read as follows:

Sec. 87.002.  COMPOSITION OF BOARD. (a) The early voting ballot board consists of a presiding judge, an alternate presiding judge, and at least two other members.

(b)  Except as provided by Subsection (d), the presiding judge is appointed in the same manner as a presiding election judge and the alternate presiding judge is appointed in the same manner as an alternate presiding election judge. Except as provided by Subsection (c), the other members are appointed by the presiding judge in the same manner as the precinct election clerks.

(c)  In the general election for state and county officers, each county chair of a political party with nominees on the general election ballot shall submit to the county election board a list of names of persons eligible to serve on the early voting ballot board. The county election board shall appoint at least one person from each list to serve as a member of the early voting ballot board. The same number of members must be appointed from each list.

(c-1)  A member, once appointed, may not be removed without the written consent of the county chair of the political party the member is affiliated with. Any vacancy on the early voting ballot board must be immediately filled by appointment of the appropriate county chair to ensure an equal number of members from each list, including any supplements, are appointed.

(d)  In addition to the members appointed under Subsection (c), the county election board shall appoint the presiding judge from the list provided under that subsection by the political party whose nominee for governor received the most votes in the county in the most recent gubernatorial general election and an alternate presiding judge from the list provided under that subsection by the political party whose nominee for governor received the second highest number of votes in the county in the most recent gubernatorial general election.

(e)  The presiding judge and the alternate presiding judge shall be responsible for supervising the work of the members representing their respective political parties. To the extent practicable, every task carried out by the early voting ballot board shall be conducted by an equal number of representatives from each political party.

SECTION 20.  Section 124.062, Election Code, is amended by adding Subsection (d) to read as follows:

(d)  Each electronic system ballot must contain a serial number that must be printed before insertion in a ballot marking device, if any. The secretary of state may not waive this requirement.

SECTION 21.  Section 125.008, Election Code, is amended to read as follows:

Sec. 125.008.  DEPOSITING THE BALLOT. (a) A voter shall deposit the marked voting system ballot in the ballot box in accordance with the instructions provided at the polling place.

(b)  The ballot box or attached voting system ballot scanner must not contain a ballot marking device or printer capable of marking the ballot after deposit by the voter.

(c)  A ballot scanner must be capable of detecting and preventing the acceptance of a ballot containing an identical serial number more than once.

SECTION 22.  Subchapter C, Chapter 125, Election Code, is amended by adding Section 125.0621 to read as follows:

Sec. 125.0621.  LOGS OF ISSUED AND SPOILED BALLOTS. If an electronic voting system uses paper media for recording votes cast, the election officer shall maintain a record of the serial numbers of all ballots issued at that polling place and the serial numbers of any spoiled ballots, if any. All logs maintained under this section are election records subject to public inspection as provided by Section 1.012.

SECTION 23.  Section 125.063, Election Code, is amended to read as follows:

Sec. 125.063.  SECURING EQUIPMENT ON CLOSE OF VOTING. (a) On the close of voting at each polling place at which electronic voting system equipment is used, an election officer shall secure or inactivate the equipment as prescribed by the secretary of state so that its unauthorized operation is prevented.

(b)  An election officer shall reconcile the number of names of voters casting votes at that polling place with the number of votes cast as shown on the electronic voting system equipment and note any discrepancy and the reason for the discrepancy.

(c)  An election officer must generate a paper record of the number of votes cast for each candidate or measure when using electronic voting system equipment that does not generate a voter-verified paper ballot record, except during early voting. The secretary of state may not waive this requirement after September 1, 2022.

SECTION 24.  Sections 127.006(a) and (c), Election Code, are amended to read as follows:

(a)  The [~~Both the~~] manager may appoint clerks in the same manner as a deputy early voting clerk under Section 83.032. The [~~and the~~] presiding judge and the alternate presiding judge may appoint clerks to serve at the central counting station in the same manner as clerks under Section 32.002.

(c)  A clerk appointed by the manager serves under the manager and shall perform the functions directed by the manager. A clerk appointed by the presiding judge or alternate presiding judge serves under the presiding judge or alternate presiding judge, respectively, and shall perform the functions directed by the presiding judge or alternate presiding judge, respectively. Clerks shall only accept direction from their appointing authority.

SECTION 25.  Section 127.1232, Election Code, is amended to read as follows:

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

(b)  The general custodian of election records shall implement a video surveillance system that retains a record of all areas containing voted ballots from the time the voted ballots are delivered to the central counting station until the canvass of precinct election returns.

(c)  The video recorded is an election record under Section 1.012 and shall be retained by the general custodian of election records until the end of the calendar year in which an election is held.

SECTION 26.  Section 127.131, Election Code, is amended by adding Subsection (f) to read as follows:

(f)  The presiding judge shall compare the number of names of voters who voted with the number of votes counted and note any discrepancy on the returns with the reason for the discrepancy.

SECTION 27.  Subchapter E, Chapter 273, Election Code, is amended by adding Section 273.082 to read as follows:

Sec. 273.082.  DISQUALIFICATION OF DISTRICT JUDGE. (a) A judge is disqualified to preside in the matter of an election official who is a defendant in a petition for injunctive relief that is less than statewide if the judge presides over a judicial district that includes any territory served by the election official.

(b)  If a petition is filed in which a judge is disqualified under Subsection (a), the district clerk shall promptly call the filing to the attention of the judge. The judge shall promptly request the presiding judge of the administrative judicial region to assign a special judge to preside in the matter.

(c)  A judge who resides in the judicial district served by a judge disqualified under Subsection (a) is not eligible for assignment as a special judge for the contest.

(d)  In a matter in which the district judge is disqualified, until a special judge is assigned to preside over the contest, the presiding judge of the administrative judicial region may take any action regarding the contest that a district judge may take, including the issuance of temporary relief.

SECTION 28.  Chapter 273, Election Code, is amended by adding Subchapter F to read as follows:

SUBCHAPTER F. STATE ELECTIONS TRIBUNAL

Sec. 273.101.  ESTABLISHMENT OF STATE ELECTIONS TRIBUNAL. (a) The secretary of state shall establish a state elections tribunal to hear and decide election administration disputes.

(b)  The state elections tribunal is composed of three examiners appointed by the secretary of state to terms of six years, consisting of:

(1)  a former justice of the Texas Supreme Court; and

(2)  two experts in election law who are members of different political parties selected from a list of at least 10 names submitted by the state chair of each political party required by law to hold a primary.

(c)  The former justice of the Texas Supreme Court shall be the presiding officer of the state elections tribunal.

(d)  Members of the state elections tribunal shall be compensated, from money appropriated to the secretary of state, for services actually performed at the same rate as a retired justice or judge sitting by assignment on the court of appeals containing Travis County as provided in Chapter 74, Government Code. In addition to this compensation, members of the state elections tribunal shall be reimbursed for actual travel expenses going to and returning from the place of service.

(e)  The secretary of state shall provide appropriate administrative support to the state elections tribunal for use in the conduct of its duties.

Sec. 273.102.  ACTION BY STATE ELECTIONS TRIBUNAL. (a) The state elections tribunal has concurrent jurisdiction with the district courts to enjoin violations or threatened violations of this code.

(b)  The state elections tribunal may by written order suspend any election official who wilfully violates a provision of this code.

Sec. 273.103.  NOTICE OF TRIBUNAL ACTION. The parties to a matter before the state elections tribunal shall be notified of the tribunal's decision and the reasons for the decision.

Sec. 273.104.  RULES REGARDING HEARINGS CONDUCTED BY TELEPHONE OR ELECTRONIC CONFERENCE. The secretary of state by rule shall develop procedures to ensure that the state elections tribunal makes every effort in a hearing conducted by telephone or electronic conference under this subchapter to obtain all relevant facts and evidence from the parties to the matter.

Sec. 273.105.  JUDICIAL REVIEW. (a) A party aggrieved by an action of the state elections tribunal may obtain judicial review of the decision by bringing a petition for mandamus relief in the supreme court.

(b)  Each other party to the proceeding before the state elections tribunal must be made a party in interest in a mandamus action under this section.

Sec. 273.106.  REPRESENTATION OF STATE ELECTIONS TRIBUNAL. The state elections tribunal may be represented in any judicial action involving an action of the state elections tribunal by the attorney general.

SECTION 29.  Chapter 276, Election Code, is amended by adding Sections 276.014 and 276.015 to read as follows:

Sec. 276.014.  PAID VOTE HARVESTING. (a) In this section and Section 276.015, "vote harvesting services" means direct interaction with one or more voters in connection with an official ballot, a ballot voted by mail, or an application for ballot by mail, intended to deliver votes for a specific candidate or measure.

(b)  A person commits an offense if the person, directly or through a third party, knowingly provides or offers to provide the vote harvesting services in exchange for compensation or other benefit, including benefits to a party whose welfare is of interest to the person.

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

(d)  A person commits an offense if the person knowingly collects or possesses a ballot voted by mail or official carrier envelope from a voter in connection with the vote harvesting services.

(e)  This section does not apply to acts promoting a candidate or measure that do not involve direct interaction with:

(1)  an application for ballot by mail, in the presence of the voter; or

(2)  a voter's official ballot, ballot voted by mail, or carrier envelope.

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

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

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

Sec. 276.015.  CIVIL LIABILITY FOR UNLAWFUL VOTE HARVESTING. (a) A person who commits an offense under Section 276.014 is liable to any candidate harmed by the vote harvesting services for damages and penalties that may be awarded under Subsection (c).

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

(1)  the person was a candidate for office;

(2)  the liable party committed an offense under Section 276.014; and

(3)  another candidate seeking the same office as the person received a vote attributable to the offense, regardless of whether the other candidate knowingly participated in the vote harvesting services.

(c)  A litigant who prevails in an action under Subsection (b) shall recover from any person who committed the unlawful vote harvesting services damages in an amount including:

(1)  the amount of any compensation paid to or received by the person in exchange for the vote harvesting services;

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

(3)  a penalty in the amount of $25,000; and

(4)  reasonable attorney's fees, court costs, witness fees, and deposition fees.

(d)  A litigant who prevails in an action under Subsection (b) and shows that the number of voters contacted by the vote harvesting services exceeds the number of votes by which the litigant lost the election shall recover from the person liable for the unlawful vote harvesting services punitive damages in an amount including:

(1)  any of the litigant's campaign expenditures properly filed on a campaign finance report in connection with the election; and

(2)  any fees and expenses incurred by the litigant in filing and securing a place on the ballot.

(e)  A person who commits an offense under Section 276.014 and is found liable under this chapter or other law for any amount of damages arising from the vote harvesting services is jointly liable with any other defendant for the entire amount of damages arising from the vote harvesting services.

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

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

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

(i)  A cause of action under this section may be brought in the county where any part of the vote harvesting services occurred.

SECTION 30.  Section 81.032, Local Government Code, is amended to read as follows:

Sec. 81.032.  ACCEPTANCE OF DONATIONS AND BEQUESTS. (a) The commissioners court may accept a donation of labor or services, gift, grant, donation, bequest, or devise of money or other property on behalf of the county, including a donation under Chapter 38, Government Code, for the purpose of performing a function conferred by law on the county or a county officer.

(b)  The commissioners court may not accept a donation described in Subsection (a) of over $1,000 for use in administering elections without the written consent of the secretary of state.

SECTION 31.  The following provisions of the Election Code are repealed:

(1)  Section 32.032; and

(2)  Section 85.062(e).

SECTION 32.  The changes in law made by this Act apply only to a petition for injunctive relief filed on or after the effective date of this Act. A petition for injunctive relief filed before the effective date of this Act is governed by the law in effect on the date the petition was filed, and the former law is continued in effect for that purpose.

SECTION 33.  This Act takes effect September 1, 2021.