

By: Paul

H.B. No. 3280

A BILL TO BE ENTITLED

AN ACT

relating to election integrity; creating a criminal offense.

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

SECTION 1. 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 be affiliated or aligned with the same political party as was the original judge, if possible, and the appointing authority shall make a reasonable effort to consult with the party chair of the appropriate political party before making an appointment under this section. A person who is appointed as a replacement for a judge originally appointed under Section 32.002 may not be related within the second degree by affinity or the third degree by consanguinity, as determined under Subchapter B, Chapter 573, Government Code, to a person appointed as an election clerk in the same election precinct.

SECTION 2. Subchapter A, Chapter 32, Election Code, is amended by adding Section 32.013 to read as follows:

Sec. 32.013. PROHIBITION ON APPOINTING RELATIVE OF PRESIDING JUDGE AS ALTERNATE PRESIDING JUDGE. The authority responsible for appointing an alternate presiding judge for an election precinct may not appoint a person who is related within the second degree by affinity or the third degree by consanguinity, as determined under Subchapter B, Chapter 573, Government Code, to the

1 person appointed as presiding judge for the election precinct.

2 SECTION 3. Subchapter B, Chapter 32, Election Code, is
3 amended by adding Sections 32.036 and 32.037 to read as follows:

4 Sec. 32.036. PROHIBITION ON APPOINTING RELATIVES AS
5 ELECTION CLERKS. The presiding judge may not appoint a person as an
6 election clerk if the person is related within the second degree by
7 affinity or the third degree by consanguinity, as determined under
8 Subchapter B, Chapter 573, Government Code, to:

9 (1) the presiding judge; or

10 (2) another person appointed as an election clerk for
11 the same election precinct.

12 Sec. 32.037. NOTICE OF APPOINTMENT. Not later than the day
13 before election day, the presiding judge shall provide written
14 notice of the appointment to the person. The notice must state:

15 (1) the nature and date of the election;

16 (2) the hours that the election clerk will serve;

17 (3) the location of the polling place where the
18 election clerk will serve; and

19 (4) the name, e-mail address, and telephone number of
20 the presiding judge and alternate presiding judge.

21 SECTION 4. Subchapter A, Chapter 85, Election Code, is
22 amended by adding Sections 85.0092 and 85.0093 to read as follows:

23 Sec. 85.0092. PROHIBITION ON APPOINTMENT OF RELATIVE OF
24 ELECTION OFFICER. The early voting clerk may not appoint an
25 election officer for an early voting polling place who is related
26 within the second degree by affinity or the third degree by
27 consanguinity, as determined under Subchapter B, Chapter 573,

1 Government Code, to another person appointed as an election officer
2 for the same polling place.

3 Sec. 85.0093. NOTICE OF APPOINTMENT. Not later than the
4 beginning of the period for early voting by personal appearance,
5 the early voting clerk shall provide written notice to each person
6 appointed as an election officer stating:

7 (1) the nature and date of the election;

8 (2) the dates and hours that the election officer will
9 serve;

10 (3) the location of the polling place where the
11 election officer will serve; and

12 (4) the name, e-mail address, and telephone number of
13 the presiding judge and alternate presiding judge of the polling
14 place where the election officer will serve.

15 SECTION 5. Section 87.002, Election Code, is amended by
16 adding Subsection (e) to read as follows:

17 (e) The authority responsible for appointing a member of the
18 early voting ballot board may not appoint a person who is related
19 within the second degree by affinity or the third degree by
20 consanguinity, as determined under Subchapter B, Chapter 573,
21 Government Code, to another person appointed as a member of the
22 ballot board.

23 SECTION 6. Subchapter A, Chapter 87, Election Code, is
24 amended by adding Section 87.0041 to read as follows:

25 Sec. 87.0041. NOTICE OF APPOINTMENT REQUIRED. The
26 authority responsible for appointing a member of the early voting
27 ballot board shall provide written notice to each person appointed

1 as a member stating:

2 (1) the nature and date of the election;

3 (2) the date, time, and location of the first meeting
4 of the ballot board; and

5 (3) the name, e-mail address, and telephone number of
6 the presiding judge of the ballot board.

7 SECTION 7. Section 87.006, Election Code, is amended by
8 amending Subsections (a) and (b) and adding Subsections (d) and (e)
9 to read as follows:

10 (a) A member of the early voting ballot board shall sign a
11 document containing the following oath and repeat the [~~following~~]
12 oath aloud:

13 "I swear (or affirm) that I will objectively work to be sure
14 every eligible voter's vote is accepted and counted, and that only
15 the ballots of those voters who violated the Texas Election Code
16 will be rejected. I will make every effort to correctly reflect the
17 voter's intent when it can be clearly determined. I will not work
18 alone when ballots are present and will work only in the presence of
19 a member of a political party different from my own. I will
20 faithfully perform my duty as an officer of the election and guard
21 the purity of the election. I acknowledge that it is a Class B
22 misdemeanor to work alone or not in the presence of a member of a
23 political party different from my own when ballots are present, and
24 that this offense is punishable by up to 180 days in jail, a fine up
25 to \$2,000, or both."

26 (b) A member of the early voting ballot board who arrives
27 after the oath is made shall sign a document containing the oath and

1 repeat the oath aloud before performing any duties as a member.

2 (d) The presiding judge of the early voting ballot board
3 shall maintain written proof that each member signed a document
4 containing the oath.

5 (e) The secretary of state may modify the oath prescribed by
6 this section as necessary for an election in which the authority
7 holding the election is a political party or a political
8 subdivision holding a nonpartisan election.

9 SECTION 8. Section 87.021, Election Code, is amended to
10 read as follows:

11 Sec. 87.021. BALLOTS AND OTHER MATERIALS DELIVERED TO
12 BOARD. The early voting clerk shall deliver to the early voting
13 ballot board:

14 (1) in an election in which regular paper ballots are
15 used for early voting by personal appearance, each ballot box, in
16 accordance with Section 85.032(b), containing the early voting
17 ballots voted by personal appearance and the clerk's key to each
18 box;

19 (2) the jacket envelopes containing the early voting
20 ballots voted by mail, regardless of the ballot type or voting
21 system used;

22 (3) the poll lists prepared in connection with early
23 voting by personal appearance;

24 (4) the list of registered voters used in conducting
25 early voting; ~~and~~

26 (5) a ballot transmittal form that includes a
27 statement of the number of early voting ballots voted by mail,

1 regardless of the ballot type or voting system used, that are
2 delivered to the early voting ballot board, and in an election in
3 which regular paper ballots are used for early voting by personal
4 appearance, the number of names appearing on the poll lists
5 prepared in connection with early voting by personal appearance;
6 and

7 (6) one hard-copy report for every two members of the
8 early voting ballot board that includes the following information
9 for each person who applied for a ballot to be voted by mail:

- 10 (A) the person's name;
11 (B) the person's date of birth;
12 (C) the person's voter registration number and
13 the effective date of the person's voter registration; and
14 (D) the legal ground for early voting by mail.

15 SECTION 9. Subchapter B, Chapter 87, Election Code, is
16 amended by adding Section 87.0242 to read as follows:

17 Sec. 87.0242. REPORT OF BALLOTS VOTED BY MAIL NOT PROCESSED
18 BY EARLY VOTING BALLOT BOARD. (a) As soon as practicable after the
19 deadline for returning marked ballots voted by mail under Section
20 86.007(a)(2), the early voting clerk shall prepare a report that
21 lists the name and voter registration number of each voter whose
22 ballot voted by mail:

- 23 (1) was received before the deadline under Section
24 86.007(a)(2); and
25 (2) has not been accepted or rejected by the early
26 voting ballot board.

27 (b) Not later than 24 hours after the deadline for returning

1 marked ballots voted by mail under Section 86.007(a)(2), the early
2 voting clerk shall make the report accessible to any authority with
3 an election on the ballot.

4 (c) Not later than the first meeting of the early voting
5 ballot board following the day after election day, the early voting
6 clerk shall deliver the report to the presiding judge of the ballot
7 board.

8 (d) The early voting ballot board may not accept a ballot
9 voted by mail for a voter whose name and registration number does
10 not appear in the report delivered under Subsection (c) unless the
11 early voting clerk provides an affidavit explaining why the ballot
12 should be accepted.

13 SECTION 10. Section 87.027, Election Code, is amended by
14 adding Subsections (c-1) and (d-1) to read as follows:

15 (c-1) As soon as practicable after the appropriate
16 authority appoints the signature verification committee, the early
17 voting clerk shall provide written notice to each person appointed
18 as a member of the committee stating:

- 19 (1) the nature and date of the election;
20 (2) the dates and hours that the committee will meet;
21 (3) the location where the committee will meet; and
22 (4) the name, e-mail address, and telephone number of
23 the chair of the committee.

24 (d-1) The authority may not appoint a member of a signature
25 verification committee who is related within the second degree by
26 affinity or the third degree by consanguinity, as determined under
27 Subchapter B, Chapter 573, Government Code, to another member of

1 the signature verification committee.

2 SECTION 11. Section 87.041(b), Election Code, is amended to
3 read as follows:

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

5 (1) the carrier envelope certificate is properly
6 executed;

7 (2) neither the voter's signature on the ballot
8 application nor the signature on the carrier envelope certificate
9 is determined to have been executed by a person other than the
10 voter, unless signed by a witness;

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

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

15 (5) the address to which the ballot was mailed to the
16 voter, as indicated by the application, was outside the voter's
17 county of residence, if the ground for early voting is absence from
18 the county of residence;

19 (6) for a voter to whom a statement of residence form
20 was required to be sent under Section 86.002(a), the statement of
21 residence is returned in the carrier envelope and indicates that
22 the voter satisfies the residence requirements prescribed by
23 Section 63.0011; ~~and~~

24 (7) the address to which the ballot was mailed to the
25 voter is an address that is otherwise required by Sections 84.002
26 and 86.003; and

27 (8) if applicable, the voter's name and voter

1 registration number appears on the report prepared under Section
2 87.0242.

3 SECTION 12. Subchapter C, Chapter 87, Election Code, is
4 amended by adding Section 87.0432 to read as follows:

5 Sec. 87.0432. PROHIBITION ON HANDLING BALLOTS SEPARATELY.

6 (a) If members of the early voting ballot board are appointed from
7 lists submitted by county chairs of different political parties, a
8 member of the early voting ballot board may not handle balloting
9 materials unless the member is in the presence of a member of the
10 board from a different political party.

11 (b) If members of the early voting ballot board are not
12 appointed from lists submitted by county chairs of different
13 political parties, a member of the early voting ballot board may not
14 handle balloting materials unless the member is in the presence of
15 another member of the board.

16 (c) A person who violates this section commits an offense.
17 An offense under this section is a Class B misdemeanor.

18 SECTION 13. Section 127.005(e), Election Code, is amended
19 to read as follows:

20 (e) For an election in which election judges appointed under
21 Section 32.002 serve, the presiding judge and an alternate
22 presiding judge shall be appointed for each central counting
23 station operating in the election in the same manner as a presiding
24 judge and alternate presiding judge under Sections [~~Section~~] 32.002
25 and 32.013.

26 SECTION 14. Section 127.006(a), Election Code, is amended
27 to read as follows:

1 (a) Both the manager and the presiding judge may appoint
2 clerks to serve at the central counting station. The manager and the
3 presiding judge may not appoint a person as a clerk who is related
4 within the second degree by affinity or the third degree by
5 consanguinity, as determined under Subchapter B, Chapter 573,
6 Government Code, to:

- 7 (1) the manager or presiding judge; or
8 (2) another person appointed as a clerk to serve at the
9 central counting station.

10 SECTION 15. Subchapter A, Chapter 127, Election Code, is
11 amended by adding Section 127.008 to read as follows:

12 Sec. 127.008. NOTICE OF APPOINTMENT. As soon as
13 practicable after the appointment of an election officer under this
14 subchapter, the authority establishing a central counting station
15 shall provide written notice to the person appointed as an officer
16 stating:

- 17 (1) the nature and date of the election;
18 (2) the anticipated dates and times of operation for
19 the central counting station where the person will serve;
20 (3) the location of the central counting station where
21 the person will serve; and
22 (4) the name, e-mail address, and telephone number of
23 the presiding judge of the central counting station.

24 SECTION 16. Section 573.061, Government Code, is amended to
25 read as follows:

26 Sec. 573.061. GENERAL EXCEPTIONS. Section 573.041 does not
27 apply to:

1 (1) an appointment to the office of a notary public or
2 to the confirmation of that appointment;

3 (2) an appointment of a page, secretary, attendant, or
4 other employee by the legislature for attendance on any member of
5 the legislature who, because of physical infirmities, is required
6 to have a personal attendant;

7 (3) a confirmation of the appointment of an appointee
8 appointed to a first term on a date when no individual related to
9 the appointee within a degree described by Section 573.002 was a
10 member of or a candidate for the legislature, or confirmation on
11 reappointment of the appointee to any subsequent consecutive term;

12 (4) an appointment or employment of a bus driver by a
13 school district if:

14 (A) the district is located wholly in a county
15 with a population of less than 35,000; or

16 (B) the district is located in more than one
17 county and the county in which the largest part of the district is
18 located has a population of less than 35,000;

19 (5) an appointment or employment of a personal
20 attendant by an officer of the state or a political subdivision of
21 the state for attendance on the officer who, because of physical
22 infirmities, is required to have a personal attendant;

23 (6) an appointment or employment of a substitute
24 teacher by a school district; or

25 (7) an appointment or employment of a person by a
26 municipality that has a population of less than 200 [~~, or~~

27 ~~[(8) an appointment of an election clerk under Section~~

1 ~~32.031, Election Code, who is not related in the first degree by~~
2 ~~consanguinity or affinity to an elected official of the authority~~
3 ~~that appoints the election judges for that election].~~

4 SECTION 17. Section 87.0432, Election Code, as added by
5 this Act, applies only to an offense committed on or after the
6 effective date of this Act. An offense committed before the
7 effective date of this Act is governed by the law in effect on the
8 date the offense was committed, and the former law is continued in
9 effect for that purpose. For purposes of this section, an offense
10 was committed before the effective date of this Act if any element
11 of the offense occurred before that date.

12 SECTION 18. This Act takes effect September 1, 2021.