

By: Hughes, et al.
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S.B. No. 7

Substitute the following for S.B. No. 7:

By: Cain

C.S.S.B. No. 7

A BILL TO BE ENTITLED

1 AN ACT
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 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 ARTICLE 1. GENERAL PROVISIONS

7 SECTION 1.01. SHORT TITLE. This Act may be cited as the
8 Election Integrity Protection Act of 2021.

9 SECTION 1.02. PURPOSE. The purpose of this Act is to
10 exercise the legislature's constitutional authority under Section
11 4, Article VI, Texas Constitution, to make all laws necessary to
12 detect and punish fraud and preserve the purity of the ballot box.

13 SECTION 1.03. FINDINGS. The legislature finds that:

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

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

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

22 (4) Section 4, Article VI, Texas Constitution,
23 entrusts the enactment of laws to combat fraud in the electoral
24 process to the sound discretion of the legislature; and

1 (5) the reforms to the election laws of this state made
2 by this Act are not intended to impair the right of free suffrage
3 guaranteed to the people of Texas by the United States and Texas
4 Constitutions, but are enacted solely to prevent fraud in the
5 electoral process.

6 SECTION 1.04. Chapter 1, Election Code, is amended by
7 adding Section 1.0015 to read as follows:

8 Sec. 1.0015. LEGISLATIVE INTENT. It is the intent of the
9 legislature that the application of this code and the conduct of
10 elections shall be uniform and consistent throughout this state to
11 reduce the likelihood of fraud in the conduct of elections.

12 SECTION 1.05. Section 1.003, Election Code, is amended by
13 adding Subsection (a-1) to read as follows:

14 (a-1) A public official shall construe the provisions of
15 this code strictly to effect the intent of the legislature under
16 Section 1.0015.

17 SECTION 1.06. Section 1.005, Election Code, is amended by
18 adding Subdivision (15-a) to read as follows:

19 (15-a) "Public official" means any person elected,
20 selected, appointed, employed, or otherwise designated as an
21 officer, employee, or agent of this state, a government agency, a
22 political subdivision, or any other public body established by
23 state law.

24 ARTICLE 2. REGISTRATION OF VOTERS AND CONDUCT OF ELECTIONS

25 SECTION 2.01. Sections 16.001(a) and (b), Election Code,
26 are amended to read as follows:

27 (a) Each month the local registrar of deaths shall prepare

1 an abstract of each death certificate issued in the month for a
2 decedent 18 years of age or older who was a resident of the state at
3 the time of death. The local registrar of deaths shall file each
4 abstract with the voter registrar of the decedent's county of
5 residence and the secretary of state as soon as possible, but not
6 later than the 7th [~~10th~~] day after [~~of the month following the~~
7 ~~month in which~~] the abstract is prepared.

8 (b) Each month the clerk of each court having probate
9 jurisdiction shall prepare an abstract of each application for
10 probate of a will, administration of a decedent's estate, or
11 determination of heirship, and each affidavit under Chapter 205,
12 Estates Code, that is filed in the month with a court served by the
13 clerk. The clerk shall file each abstract with the voter registrar
14 and the secretary of state as soon as possible, but not later than
15 the 7th [~~10th~~] day after [~~of the month following the month in which~~]
16 the abstract is prepared.

17 SECTION 2.02. Section 64.007(c), Election Code, is amended
18 to read as follows:

19 (c) An election officer shall maintain a register of spoiled
20 ballots at the polling place, including spoiled ballots from a
21 direct recording electronic voting unit. An election officer shall
22 enter on the register the name of each voter who returns a spoiled
23 ballot and the spoiled ballot's number.

24 ARTICLE 3. ELECTION OFFICERS AND OBSERVERS

25 SECTION 3.01. Section 32.075, Election Code, is amended by
26 adding Subsection (g) to read as follows:

27 (g) A presiding judge may not:

1 (1) have a watcher appointed under Subchapter A,
2 Chapter 33, removed from the polling place; or

3 (2) require a watcher appointed under Subchapter A,
4 Chapter 33, to leave the polling place.

5 SECTION 3.02. Subchapter A, Chapter 33, Election Code, is
6 amended by adding Section 33.0015 to read as follows:

7 Sec. 33.0015. CHAPTER PURPOSE AND WATCHER DUTY. The
8 purpose of this chapter is to preserve the integrity of the ballot
9 box in accordance with Section 4, Article VI, Texas Constitution,
10 by providing for the appointment of watchers. To effect that
11 purpose, a watcher appointed under this chapter shall observe the
12 conduct of an election and call to the attention of an election
13 officer any observed or suspected irregularity or violation of law
14 in the conduct of the election.

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

17 (g) An election officer commits an offense if the officer
18 intentionally or knowingly refuses to accept a watcher for service
19 when acceptance of the watcher is required by this section.

20 (h) An offense under Subsection (g) is a Class B
21 misdemeanor.

22 SECTION 3.04. Section 33.056, Election Code, is amended by
23 adding Subsection (e) to read as follows:

24 (e) In this code, a watcher who is entitled to "observe" an
25 activity or procedure is entitled to sit or stand near enough to see
26 and hear the activity or procedure.

27 SECTION 3.05. Subchapter C, Chapter 33, Election Code, is

1 amended by adding Section 33.0605 to read as follows:

2 Sec. 33.0605. OBSERVING DATA STORAGE SEALING AND TRANSFER.
3 A watcher appointed to serve at a polling place in an election may
4 observe the sealing and transfer of a memory card, flash drive, hard
5 drive, data storage device, or other medium now existing or later
6 developed used by the voting system equipment.

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

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

16 SECTION 3.07. Subchapter C, Chapter 33, Election Code, is
17 amended by adding Section 33.062 to read as follows:

18 Sec. 33.062. REMOVAL OF WATCHER FROM POLLING PLACE. The
19 presiding judge may remove a watcher from a polling place only if
20 the watcher engages in activity that would constitute an offense
21 related to the conduct of the election, including an offense under
22 Chapter 276.

23 SECTION 3.08. Section 61.001, Election Code, is amended by
24 amending Subsection (a) and adding Subsection (a-1) to read as
25 follows:

26 (a) Except as permitted by this code and as described by
27 Subsection (a-1), a person may not be in the polling place from the

1 time the presiding judge arrives there on election day to make the
2 preliminary arrangements until the precinct returns have been
3 certified and the election records have been assembled for
4 distribution following the election.

5 (a-1) Under this code, a person may be lawfully present in a
6 polling place during the time described by Subsection (a) if the
7 person is:

8 (1) an election judge or clerk;

9 (2) a watcher;

10 (3) the secretary of state;

11 (4) a staff member of the Elections Division of the
12 Office of the Secretary of State performing an official duty in
13 accordance with this code;

14 (5) an election official, a sheriff, or a staff member
15 of an election official or sheriff delivering election supplies;

16 (6) a state inspector;

17 (7) a person admitted to vote;

18 (8) a child under 18 years of age who is accompanying a
19 parent who has been admitted to vote;

20 (9) a person providing assistance to a voter under
21 Section [61.032](#) or [64.032](#);

22 (10) a person accompanying a voter who has a
23 disability;

24 (11) a special peace officer appointed by the
25 presiding judge under Section [32.075](#);

26 (12) the county chair of a political party conducting
27 a primary election, as authorized by Section [172.1113](#);

1 (13) a voting system technician, as authorized by
2 Section 125.010;

3 (14) the county election officer, as defined by
4 Section 31.091, as necessary to perform tasks related to the
5 administration of the election; or

6 (15) a person whose presence has been authorized by
7 the presiding judge and alternate presiding judge in accordance
8 with this code.

9 SECTION 3.09. Section 86.006(a-1), Election Code, is
10 amended to read as follows:

11 (a-1) The voter may deliver a marked ballot in person to the
12 early voting clerk's office only while the polls are open on
13 election day. A voter who delivers a marked ballot in person must
14 present an acceptable form of identification described by Section
15 63.0101. A poll watcher is entitled to observe the delivery of
16 ballots under this subsection. The poll watcher must be able to
17 determine how the ballots are being delivered and how election
18 officials are making decisions about the delivery of ballots, if
19 applicable. The poll watcher may not disrupt the process of
20 delivering ballots.

21 SECTION 3.10. Section 87.026, Election Code, is amended to
22 read as follows:

23 Sec. 87.026. BYSTANDERS EXCLUDED. (a) Except as permitted
24 by this code and as described by Subsection (b), a person may not be
25 in the meeting place of an early voting ballot board during the time
26 of the board's operations.

27 (b) Under this code, a person may be lawfully present in the

1 meeting place of an early voting ballot board during the time of the
2 board's operations if the person is:

3 (1) a presiding judge or member of the board;

4 (2) a watcher;

5 (3) a voting system technician, as authorized by
6 Section 125.010;

7 (4) the county election officer, as defined by Section
8 31.091, as necessary to perform tasks related to the administration
9 of the election; or

10 (5) a person whose presence has been authorized by the
11 presiding judge in accordance with this code.

12 SECTION 3.11. Subchapter A, Chapter 127, Election Code, is
13 amended by adding Section 127.008 to read as follows:

14 Sec. 127.008. BYSTANDERS EXCLUDED. (a) Except as permitted
15 by this code and as described by Subsection (b), a person may not be
16 in a central counting station while ballots are being counted.

17 (b) Under this code, a person may be lawfully present in the
18 central counting station while ballots are being counted if the
19 person is:

20 (1) a counting station manager, tabulation
21 supervisor, assistant to the tabulation supervisor, presiding
22 judge, or clerk;

23 (2) a watcher;

24 (3) a voting system technician, as authorized by
25 Section 125.010;

26 (4) the county election officer, as defined by Section
27 31.091, as necessary to perform tasks related to the administration

1 of the election; or

2 (5) a person whose presence has been authorized by the
3 presiding judge of the central counting station in accordance with
4 this code.

5 ARTICLE 4. ASSISTANCE OF VOTERS

6 SECTION 4.01. Subchapter B, Chapter 64, Election Code, is
7 amended by adding Section 64.0322 to read as follows:

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

12 (1) the name and address of the person assisting the
13 voter;

14 (2) the manner in which the person is assisting the
15 voter;

16 (3) the reason the assistance is necessary; and

17 (4) the relationship of the assistant to the voter.

18 (b) The secretary of state shall prescribe the form required
19 by this section. The form must be incorporated into the official
20 carrier envelope if the voter is voting an early voting ballot by
21 mail and receives assistance under Section 86.010, or must be
22 submitted to an election officer at the time the voter casts a
23 ballot if the voter is voting at a polling place or under Section
24 64.009.

25 SECTION 4.02. Section 64.034, Election Code, is amended to
26 read as follows:

27 Sec. 64.034. OATH. A person selected to provide assistance

1 to a voter must take the following oath, administered by an election
2 officer at the polling place, before providing assistance:

3 "I swear (or affirm) under penalty of perjury that I will not
4 suggest, by word, sign, or gesture, how the voter should vote; I
5 will confine my assistance to answering the voter's questions, to
6 stating propositions on the ballot, and to naming candidates and,
7 if listed, their political parties; I will prepare the voter's
8 ballot as the voter directs; I did not pressure, encourage, coerce,
9 or intimidate the voter into choosing me to provide assistance; and
10 I am not the voter's employer, an agent of the voter's employer, or
11 an officer or agent of a labor union to which the voter belongs."

12 SECTION 4.03. Section 86.010, Election Code, is amended by
13 amending Subsections (e), (h), and (i) and adding Subsection (i-1)
14 to read as follows:

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

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

20 (2) the manner of any assistance provided to the voter
21 by the person;

22 (3) the relationship of the person providing the
23 assistance to the voter; and

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

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

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

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

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

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

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

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

20 (i-1) An offense under this section for a violation of
21 Subsection (e) is a felony of the third degree if it is shown on the
22 trial of the offense that the person committed an offense under
23 Section 64.036 for providing unlawful assistance to the same voter
24 in connection with the same ballot.

25 SECTION 4.04. Sections 86.0105(a), (c), and (e), Election
26 Code, are amended to read as follows:

27 (a) A person commits an offense if the person:

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

6 (2) solicits, receives, or [~~engages in another~~
7 ~~practice that causes another person's compensation from or~~
8 ~~employment status with the person to be dependent on the number of~~
9 ~~voters assisted as provided by Section 86.010~~]; or

10 [~~(3) with knowledge that accepting compensation for~~
11 ~~such activity is illegal~~], accepts compensation for an activity
12 described by Subdivision (1) [~~or (2)~~].

13 (c) An offense under this section is a state jail felony [~~if~~
14 ~~it is shown on the trial of an offense under this section that the~~
15 ~~defendant was previously convicted two or more times under this~~
16 ~~section~~].

17 (e) For purposes of this section, compensation means any
18 form of monetary payment, goods, services, benefits, or promises or
19 offers of employment, political favors, beneficial or favorable
20 discretionary official acts, or any other form of consideration
21 offered to another person in exchange for assisting voters.

22 SECTION 4.05. Section 86.013(b), Election Code, is amended
23 to read as follows:

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

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

27 [~~and~~]

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

5 (3) indicating the manner of any assistance provided
6 by a person assisting the voter, and the relationship of that person
7 to the voter.

8 ARTICLE 5. FRAUD AND OTHER UNLAWFUL PRACTICES

9 SECTION 5.01. Chapter 63, Election Code, is amended by
10 adding Section 63.0111 to read as follows:

11 Sec. 63.0111. OFFENSES RELATED TO PROVISIONAL VOTING. (a)
12 An election judge commits an offense if the judge knowingly
13 provides a voter with a form for an affidavit required by Section
14 63.001 if the form contains false information that was entered on
15 the form by the judge.

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

17 SECTION 5.02. Section 64.012, Election Code, is amended by
18 amending Subsection (a) and adding Subsection (c) to read as
19 follows:

20 (a) A person commits an offense if the person:

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

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

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

27 [~~or~~]

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

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

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

12 SECTION 5.03. Sections 276.013(a) and (b), Election Code,
13 are amended to read as follows:

14 (a) A person commits an offense if the person knowingly or
15 intentionally makes any effort to:

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

20 (2) cause a voter to become registered, a ballot to be
21 obtained, or a vote to be cast under false pretenses; ~~or~~

22 (3) count invalid votes or alter a report to include
23 invalid votes;

24 (4) fail to count valid votes or alter a report to
25 exclude valid votes; or

26 (5) [~~3~~] cause any intentionally misleading
27 statement, representation, or information to be provided:

1 (A) to an election official; or

2 (B) on an application for ballot by mail, carrier
3 envelope, or any other official election-related form or document.

4 (b) An offense under this section is a state jail felony
5 [~~Class A misdemeanor~~].

6 SECTION 5.04. Chapter 276, Election Code, is amended by
7 adding Sections 276.014, 276.016, 276.017, 276.018, and 276.019 to
8 read as follows:

9 Sec. 276.014. PAID VOTE HARVESTING. (a) In this section:

10 (1) "Benefit" means anything reasonably regarded as a
11 gain or advantage, including:

12 (A) a promise or offer of employment, a political
13 favor, or a favorable discretionary official act; and

14 (B) a benefit to any other person in whose
15 welfare the beneficiary has an interest.

16 (2) "Vote harvesting services" means direct
17 interaction with one or more voters in connection with an official
18 ballot, a ballot voted by mail, or an application for ballot by
19 mail, intended to deliver votes for a specific candidate or
20 measure.

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

24 (c) A person commits an offense if the person, directly or
25 through a third party, knowingly provides or offers to provide
26 compensation or other benefit to a person in exchange for vote
27 harvesting services.

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

4 (e) This section does not apply to political speech or other
5 acts merely promoting a candidate or measure that do not involve
6 direct interaction with:

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

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

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

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

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

22 Sec. 276.016. UNLAWFUL SOLICITATION AND DISTRIBUTION OF
23 APPLICATION TO VOTE BY MAIL. (a) A public official commits an
24 offense if the official, while acting in an official capacity,
25 knowingly:

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

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

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

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

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

10 (c) It is an exception to the application of Subsection
11 (a)(2) that the public official engaged in the conduct described by
12 Subsection (a)(2) by providing access to an application to vote by
13 mail from a publicly accessible Internet website.

14 (d) It is an exception to the application of Subsection
15 (a)(4) that the public official engaged in the conduct described by
16 Subsection (a)(4) while lawfully assisting the applicant under
17 Section 84.003.

18 Sec. 276.017. UNLAWFUL DISTRIBUTION OF EARLY VOTING BALLOTS
19 AND BALLOTING MATERIALS. (a) The early voting clerk or other
20 election official commits an offense if the clerk or official
21 knowingly mails or otherwise provides an early voting ballot by
22 mail or other early voting by mail ballot materials to a person who
23 did not submit an application for a ballot to be voted by mail under
24 Section 84.001.

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

26 Sec. 276.018. PERJURY IN CONNECTION WITH CERTAIN ELECTION
27 PROCEDURES. (a) A person commits an offense if the person makes a

1 false statement or swears to the truth of a false statement
2 previously made while making the oath described by Section 64.034.

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

4 Sec. 276.019. UNLAWFUL ALTERING OF ELECTION PROCEDURES. A
5 public official may not alter, waive, or suspend an election
6 standard, practice, or procedure mandated by law or rule unless the
7 alteration, waiver, or suspension is expressly authorized by this
8 code.

9 ARTICLE 6. ENFORCEMENT

10 SECTION 6.01. Subchapter C, Chapter 22, Government Code, is
11 amended by adding Section 22.2235 to read as follows:

12 Sec. 22.2235. COURT SITTING IN PANELS FOR CERTAIN ELECTION
13 PROCEEDINGS; CRIMINAL OFFENSE. (a) In this section, "public
14 official" has the meaning assigned by Section 1.005(15-a), Election
15 Code.

16 (b) Notwithstanding any other law or rule, a court
17 proceeding entitled to priority under Section 22.304 and filed in a
18 court of appeals shall be docketed by the clerk of the court and
19 assigned to a panel of three justices determined using an automated
20 assignment system.

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

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

27 SECTION 6.02. Subchapter D, Chapter 22, Government Code, is

1 amended by adding Section 22.304 to read as follows:

2 Sec. 22.304. PRIORITY OF CERTAIN ELECTION PROCEEDINGS. (a)
3 The supreme court or a court of appeals shall prioritize over any
4 other proceeding pending or filed in the court a proceeding for
5 injunctive relief under Chapter 273, Election Code, based on
6 alleged conduct constituting an offense under Chapter 276, Election
7 Code, pending or filed in the court on or after the 60th day before a
8 general or special election.

9 (b) The court with jurisdiction over a proceeding described
10 by Subsection (a), on request of any party to the proceeding, shall
11 grant the party the opportunity to present an oral argument and
12 begin hearing the argument as soon as practicable but not later than
13 24 hours after the time the last brief for the proceeding is due to
14 be filed with the court.

15 (c) Oral argument for a proceeding described by Subsection
16 (a) may be given in person or through electronic means.

17 SECTION 6.03. Section 23.101, Government Code, is amended
18 by amending Subsection (a) and adding Subsections (b-1) and (b-2)
19 to read as follows:

20 (a) Except as provided by Subsection (b-1), the [The] trial
21 courts of this state shall regularly and frequently set hearings
22 and trials of pending matters, giving preference to hearings and
23 trials of the following:

24 (1) temporary injunctions;

25 (2) criminal actions, with the following actions given
26 preference over other criminal actions:

27 (A) criminal actions against defendants who are

1 detained in jail pending trial;

2 (B) criminal actions involving a charge that a
3 person committed an act of family violence, as defined by Section
4 71.004, Family Code;

5 (C) an offense under:

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

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

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

11 (iv) Section 25.06, Penal Code;

12 (v) Section 43.25, Penal Code; or

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

15 (D) an offense described by Article 62.001(6)(C)
16 or (D), Code of Criminal Procedure; and

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

20 (3) election contests and suits under the Election
21 Code;

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

24 (5) appeals of final rulings and decisions of the
25 division of workers' compensation of the Texas Department of
26 Insurance regarding workers' compensation claims and claims under
27 the Federal Employers' Liability Act and the Jones Act;

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

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

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

9 (b-1) The trial courts of this state shall prioritize over
10 any other proceeding pending or filed in the court a proceeding for
11 injunctive relief under Chapter 273, Election Code, based on
12 alleged conduct constituting an offense under Chapter 276, Election
13 Code, pending or filed in the court on or after the 60th day before a
14 general or special election.

15 (b-2) The court on written request of any party to a case set
16 under Section 23.301 shall hold a hearing on a proceeding described
17 by Subsection (b-1). A hearing under this subsection shall begin as
18 soon as practicable but not later than 24 hours after the court
19 receives the hearing request. The hearing may be held in person or
20 through electronic means.

21 SECTION 6.04. Chapter 23, Government Code, is amended by
22 adding Subchapter D to read as follows:

23 SUBCHAPTER D. GENERAL PROVISIONS

24 Sec. 23.301. ASSIGNMENT OF CERTAIN ELECTION PROCEEDINGS;
25 CRIMINAL OFFENSE. (a) In this section, "public official" has the
26 meaning assigned by Section 1.005(15-a), Election Code.

27 (b) Notwithstanding any other law or rule, the clerk of a

1 district court in which a proceeding entitled to priority under
2 Section 23.101(b-1) is filed shall docket the proceeding and, if
3 more than one district court in the county has jurisdiction over the
4 proceeding, randomly assign the proceeding to a district court
5 using an automated assignment system.

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

12 (d) A person, including a public official, commits an
13 offense if the person communicates with a county or district clerk
14 with the intention of influencing or attempting to influence the
15 court or judge assigned to a proceeding under this section.

16 (e) An offense under this section is a state jail felony.

17 ARTICLE 7. REPEALER; SEVERABILITY; TRANSITION; EFFECTIVE DATE

18 SECTION 7.01. The following provisions of the Election Code
19 are repealed:

20 (1) Section 86.0052(b); and

21 (2) Section 86.0105(b).

22 SECTION 7.02. If any provision of this Act or its
23 application to any person or circumstance is held invalid, the
24 invalidity does not affect other provisions or applications of this
25 Act that can be given effect without the invalid provision or
26 application, and to this end the provisions of this Act are declared
27 to be severable.

1 SECTION 7.03. The changes in law made by this Act apply only
2 to an offense committed on or after the effective date of this Act.
3 An offense committed before the effective date of this Act is
4 governed by the law in effect when the offense was committed, and
5 the former law is continued in effect for that purpose. For
6 purposes of this section, an offense was committed before the
7 effective date of this Act if any element of the offense occurred
8 before that date.

9 SECTION 7.04. This Act takes effect September 1, 2021.