

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

1 read as follows:

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

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

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

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

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

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

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

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

26 (8) produce in an electronic format capable of
27 updating in real time and compatible with the statewide voter

1 registration list under Section 18.061 data for retention and
2 transfer that includes:

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

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

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

8 (b) A device described by this section must:

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

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

13 (c) The secretary of state shall adopt rules that require a
14 device described by this section used during the early voting
15 period or under the countywide polling place program under Section
16 43.007 to update data in real time. The rules adopted under this
17 section must ensure any wireless connection used to update data is
18 secure and that data are not transmitted or stored on any medium
19 located outside the state. A [If a] county may not use [uses] a
20 device that does not comply with the rules [rule in two consecutive
21 general elections for state and county officers, the secretary of
22 state shall assess a noncompliance fee. The noncompliance fee
23 shall be set at an amount determined by secretary of state rule].

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

26 (d) The state [~~county clerk, after making a reasonable~~
27 ~~effort to consult with the]~~ party chair of the appropriate

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

9 (e) The commissioners court shall fill a vacancy in the
10 position of presiding judge or alternate presiding judge for the
11 remainder of the unexpired term. An appointment to fill a vacancy
12 may be made at any regular or special term of court. Not later than
13 48 hours after the county clerk becomes aware of a vacancy, the
14 county clerk shall notify the county chair of the same political
15 party with which the original judge was affiliated or aligned of the
16 vacancy in writing. Not later than the fifth day after the date of
17 notification of the vacancy, the county chair of the same political
18 party with which the original judge was affiliated or aligned shall
19 submit to the commissioners court in writing the name of a person
20 who is eligible for the appointment. If a name is submitted in
21 compliance with this subsection, the commissioners court shall
22 appoint that person to the unexpired term. If a name is not
23 submitted in compliance with this subsection, the county clerk
24 shall notify the state chair of the appropriate political party in
25 writing not later than 48 hours after the county chair's failure to
26 submit a name. The state chair shall, not later than the fifth day
27 after receiving notice, submit to the commissioners court a list of

1 names of persons eligible as an appointee for the unexpired term.
2 The commissioners court shall appoint an eligible person from the
3 list who is affiliated or aligned with the same party, if available.

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

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

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

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

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

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

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

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

27 (c) If either the presiding judge or the alternate presiding

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

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

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

26 (d) ~~[(f)]~~ Following an oral warning to the election clerk
27 ~~[and with the concurrence of the county chair of the same political~~

1 ~~party with which the election clerk is affiliated or aligned], the~~
2 presiding judge, or alternate presiding judge, as applicable, of
3 the same political party as the election [county] clerk may remove,
4 replace, or reassign an election clerk who causes a disruption in a
5 polling location or wilfully disobeys the provisions of this code.
6 A vacancy created under this subsection shall be filled by the
7 presiding judge, or alternate presiding judge, as applicable, of
8 the same political party as the removed election clerk, who shall
9 appoint a replacement election clerk who is affiliated or aligned
10 with the same political party as the original clerk, if possible.

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

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

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

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

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

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

27 SECTION 10. Subchapter C, Chapter 33, Election Code, is

1 amended by adding Section 33.062 to read as follows:

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

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

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

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

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

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

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

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

27 (e) Except as provided by Section 33.057, a poll watcher is

1 entitled to observe any activity conducted under this section.

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

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

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

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

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

23 Sec. 85.009. ELECTION OFFICERS FOR GENERAL ELECTION FOR
24 STATE AND COUNTY OFFICERS. (a) The county clerk shall select
25 election officers for the main early voting polling place and any
26 branch polling place from a list provided under Subsection (b), in a
27 manner that provides equal representation to the extent possible

1 for each political party holding a primary election in the county.
2 The county clerk shall provide notice in writing of the selections
3 for each early voting polling place to the county chair of each
4 political party holding a primary election.

5 (b) Before July of each year, the county chair of each
6 political party holding a primary election in the county shall
7 submit in writing to the county clerk a list of names of persons in
8 order of preference for each early voting polling place who are
9 eligible for selection as an election officer. The county chair may
10 supplement the list of names of persons until the 30th day before
11 early voting begins in case an appointed election officer becomes
12 unable to serve. The county clerk shall appoint the first person
13 meeting the applicable eligibility requirements from the list
14 submitted in compliance with this subsection by the party with the
15 highest number of votes in the county as the presiding judge of that
16 polling place and the first person meeting the applicable
17 eligibility requirements from the list submitted in compliance with
18 this subsection by the party with the second highest number of votes
19 in the county as the alternate presiding judge of that polling
20 place. The county clerk shall appoint additional election officers
21 for each polling place in a [the] manner that provides equal
22 representation to the extent possible for each political party
23 holding a primary election in the county and notify the county
24 chairs of those political parties of the appointments in writing
25 [described by Subsection (a)]. The county clerk may reject the list
26 if the persons whose names are submitted on the list are determined
27 not to meet the applicable eligibility requirements. If a list is

1 not submitted by a county chair or is rejected in accordance with
2 this section, the county clerk shall notify the state chair of the
3 appropriate political party, who shall, not later than the fifth
4 day after being notified in writing, submit a list from which the
5 appropriate election officers shall be selected.

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

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

21 (a) In a countywide election in which the county clerk is
22 the early voting clerk under Section 83.002, an early voting
23 polling place shall be located inside [~~at~~] each branch office that
24 is regularly maintained for conducting general clerical functions
25 of the county clerk, except as provided by Subsection (b). If a
26 suitable room is unavailable inside the branch office, the polling
27 place may be located in another room inside the same building as the

1 branch office. The polling place may not be located in a tent or
2 other temporary movable structure or a parking garage, parking lot,
3 or similar facility designed primarily for motor vehicles.

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

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

19 SECTION 19. 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 two other members.

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

1 Subsection (c), the other members are appointed by the presiding
2 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 The county election board shall appoint at least one person from
8 each list to serve as a member of the early voting ballot board. The
9 same number of members must be appointed from each list.

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

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

25 (e) The presiding judge and the alternate presiding judge
26 shall be responsible for supervising the work of the members
27 representing their respective political parties. To the extent

1 practicable, every task carried out by the early voting ballot
2 board shall be conducted by an equal number of representatives from
3 each political party.

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

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

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

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

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

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

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

23 Sec. 125.0621. LOGS OF ISSUED AND SPOILED BALLOTS. If an
24 electronic voting system uses paper media for recording votes cast,
25 the election officer shall maintain a record of the serial numbers
26 of all ballots issued at that polling place and the serial numbers
27 of any spoiled ballots, if any. All logs maintained under this

1 section are election records subject to public inspection as
2 provided by Section 1.012.

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

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

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

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

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

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

27 (c) A clerk appointed by the manager serves under the

1 manager and shall perform the functions directed by the manager. A
2 clerk appointed by the presiding judge or alternate presiding judge
3 serves under the presiding judge or alternate presiding judge,
4 respectively, and shall perform the functions directed by the
5 presiding judge or alternate presiding judge, respectively. Clerks
6 shall only accept direction from their appointing authority.

7 SECTION 25. Section [127.1232](#), Election Code, is amended to
8 read as follows:

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

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

19 (c) 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.

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

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

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

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

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

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

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

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

24 SUBCHAPTER F. STATE ELECTIONS TRIBUNAL

25 Sec. 273.101. ESTABLISHMENT OF STATE ELECTIONS TRIBUNAL.

26 (a) The secretary of state shall establish a state elections
27 tribunal to hear and decide election administration disputes.

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

- 4 (1) a former justice of the Texas Supreme Court; and
5 (2) two experts in election law who are members of
6 different political parties selected from a list of at least 10
7 names submitted by the state chair of each political party required
8 by law to hold a primary.

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

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

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

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

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

1 this code.

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

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

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

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

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

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

24 Sec. 276.014. PAID VOTE HARVESTING. (a) In this section
25 and Section 276.015, "vote harvesting services" means direct
26 interaction with one or more voters in connection with an official
27 ballot, a ballot voted by mail, or an application for ballot by

1 mail, intended to deliver votes for a specific candidate or
2 measure.

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

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

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

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

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

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

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

1 harvesting services provided.

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

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

7 Sec. 276.015. CIVIL LIABILITY FOR UNLAWFUL VOTE HARVESTING.

8 (a) A person who commits an offense under Section 276.014 is liable
9 to any candidate harmed by the vote harvesting services for damages
10 and penalties that may be awarded under Subsection (c).

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

13 (1) the person was a candidate for office;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14 (1) Section 32.032; and

15 (2) Section 85.062(e).

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

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