

By: Hall

S.B. No. 1612

A BILL TO BE ENTITLED

AN ACT

1
2 relating to certain suits involving elections and the
3 confidentiality of certain communications with voting systems
4 vendors.

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

6 SECTION 1. Chapter 121, Election Code, is amended by adding
7 Section 121.004 to read as follows:

8 Sec. 121.004. COMMUNICATIONS WITH VOTING SYSTEMS VENDOR
9 PUBLIC INFORMATION. Notwithstanding any other law, including
10 Chapter 552, Government Code, a written letter, e-mail, or other
11 communication, including a communication made confidential by
12 other law, between a public official and a voting systems vendor:

13 (1) is not confidential;

14 (2) is public information for purposes of Chapter 552,
15 Government Code; and

16 (3) is not subject to an exception to disclosure
17 provided by Chapter 552, Government Code.

18 SECTION 2. The heading to Subchapter D, Chapter 273,
19 Election Code, is amended to read as follows:

20 SUBCHAPTER D. MANDAMUS [~~BY APPELLATE COURT~~]

21 SECTION 3. Section 273.061, Election Code, is amended to
22 read as follows:

23 Sec. 273.061. JURISDICTION. (a) The supreme court or a
24 court of appeals may issue a writ of mandamus to compel the

1 performance of any duty imposed by law in connection with the
2 holding of a statewide [an] election, an election for the office of
3 state senator or state representative, or a political party
4 convention, regardless of whether the person responsible for
5 performing the duty is a public officer.

6 (b) A district court may issue a writ of mandamus to compel
7 the performance of any duty imposed by law in connection with the
8 holding of an election by a municipality, county, or other
9 political subdivision.

10 SECTION 4. Subchapter [D](#), Chapter [273](#), Election Code, is
11 amended by adding Section 273.064 to read as follows:

12 Sec. 273.064. VENUE IN DISTRICT COURT. (a) A petition to a
13 district court for a writ of mandamus under this subchapter must be
14 filed in a district court in Travis County or in the county in which
15 the election was held or is to be held.

16 (b) For an election held or to be held by a political
17 subdivision other than a municipality or county, a petition filed
18 under this section may be filed in Travis County or in any county
19 that contains a portion of the territory of the political
20 subdivision.

21 SECTION 5. Subchapter [A](#), Chapter [22](#), Government Code, is
22 amended by adding Section 22.023 to read as follows:

23 Sec. 22.023. PREFERENCE FOR HEARINGS OR TRIALS RELATED TO
24 ELECTIONS. The supreme court shall give preference to a hearing or
25 trial related to the conduct of an election.

26 SECTION 6. Subchapter [C](#), Chapter [22](#), Government Code, is
27 amended by adding Section 22.229 to read as follows:

1 Sec. 22.229. PREFERENCE FOR HEARINGS OR TRIALS RELATED TO
2 ELECTIONS. A court of appeals shall give preference to a hearing or
3 trial related to the conduct of an election.

4 SECTION 7. Section 23.101, Government Code, is amended by
5 adding Subsection (e) to read as follows:

6 (e) The trial courts of this state shall give preference to
7 a hearing or trial related to the conduct of an election, above the
8 preference described by Subsection (a).

9 SECTION 8. This Act takes effect immediately if it receives
10 a vote of two-thirds of all the members elected to each house, as
11 provided by Section 39, Article III, Texas Constitution. If this
12 Act does not receive the vote necessary for immediate effect, this
13 Act takes effect September 1, 2021.