CONFERENCE COMMITTEE REPORT FORM

Austin, Texas

May 29, 2021

Date

Honorable Dan Patrick
President of the Senate

Honorable Dade Phelan
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on Senate Bill [number] have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

On the part of the Senate
Beverly Powell

On the part of the House
Nicole Collier

Note to Conference Committee Clerk:

Please type the names of the members of the Conference Committee under the lines provided for signature. Those members desiring to sign the report should sign each of the six copies. Attach a copy of the Conference Committee Report and a Section by Section side by side comparison to each of the six reporting forms. The original and two copies are filed in house of origin of the bill, and three copies in the other house.

Received 9:02 AM, May 21, 2021

Bryan Hughes, Chair
Lois W. Kolkhorst
Paul Bettencourt
Danna Buckingham

Briscoe Cain, Chair
Lucy Holliday
Terry Canales
Travis Clardy
A BILL TO BE ENTITLED

AN ACT

to be entitled

relating to election integrity and security, including by
preventing fraud in the conduct of elections in this state;
increasing criminal penalties; creating criminal offenses;
providing civil penalties.

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

ARTICLE 1. GENERAL PROVISIONS

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

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

SECTION 1.03. FINDINGS. The legislature finds that:

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

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

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

(4) the reforms to the election laws of this state made
by this Act are not intended to impair the right of free suffrage
guaranteed to the people of Texas by the United States and Texas
Constitutions, but are enacted solely to prevent fraud in the
electoral process and ensure that all legally cast ballots are
counted. Integral to the right to vote is the assurance of voter
access and the right for all votes legally cast to be counted;
(5) additionally, preventing a valid vote from being
counted violates the basic constitutional rights guaranteed to each
citizen by the United States Constitution; and
(6) providing for voter access and increasing the
stability of a constitutional democracy ensures public confidence
in the legitimacy of public officers chosen by election.

SECTION 1.04. Chapter 1, Election Code, is amended by
adding Section 1.0015 to read as follows:
Sec. 1.0015. LEGISLATIVE INTENT. It is the intent of the
legislature that the application of this code and the conduct of
elections be uniform and consistent throughout this state to reduce
the likelihood of fraud in the conduct of elections, protect the
secrecy of the ballot, promote voter access, and ensure that all
legally cast ballots are counted.

SECTION 1.05. Section 1.003, Election Code, is amended by
adding Subsection (a-1) to read as follows:
(a-1) Election officials and other public officials shall
strictly construe the provisions of this code to effect the intent
of the legislature under Section 1.0015.

SECTION 1.06. Section 1.018, Election Code, is amended to
read as follows:
Sec. 1.018. APPLICABILITY OF PENAL CODE. In addition to
Section 1.03, Penal Code, and to other titles of the Penal Code that may apply to this code, Titles 2 and [Title] 4, Penal Code, apply to offenses prescribed by this code.

ARTICLE 2. REGISTRATION OF VOTERS

SECTION 2.01. Section 13.002, Election Code, is amended by adding Subsection (c-1) to read as follows:

(c-1) The information required under Subsection (c) must be supplied by the person desiring to register to vote.

SECTION 2.02. Section 15.021, Election Code, is amended by amending Subsections (b) and (d) and adding Subsections (d-1) and (d-2) to read as follows:

(b) Except as provided by Subsection (d), the voter shall use the registration certificate or a registration application form as the notice, indicating the correct information in the appropriate space on the certificate or application form unless the voter does not have possession of the certificate or an application form at the time of giving the notice.

(d) A voter who continues to reside in the county in which the voter is registered may correct information under this section by digital transmission of the information under a program administered by the secretary of state and the Department of Information Resources.

(d-1) If the notice indicates that a voter no longer resides in the county in which the voter is registered, the registrar shall forward the notice and the voter's original application for registration to the registrar of the county in which the voter resides. The registrars shall coordinate to ensure that the
voter's existing registration is canceled immediately after the voter is registered in the county in which the voter resides in accordance with Subsection (d-2).

(d-2) A registrar who receives a voter's notice and application from another registrar under Subsection (d-1) shall treat it as an original application for registration under Section 13.002, and shall register the voter if the voter resides in the county and is otherwise eligible under Section 13.001.

SECTION 2.03. Section 15.028, Election Code, is amended to read as follows:

Sec. 15.028. NOTICE OF UNLAWFUL VOTING OR REGISTRATION [TO PROSECUTOR]. [(a)] If the registrar determines that a person who is not eligible to vote registered to vote or [a registered voter] voted in an election, the registrar shall execute and deliver to the attorney general, the secretary of state, and the county or district attorney having jurisdiction in the territory covered by the election an affidavit stating the relevant facts.

[(b)] If the election covers territory in more than one county, the registrar shall also deliver an affidavit to the attorney general.

SECTION 2.04. Section 31.006, Election Code, is amended to read as follows:

Sec. 31.006. REFERRAL [OF COMPLAINT] TO ATTORNEY GENERAL. (a) If, after receiving or discovering information indicating that [a complaint alleging] criminal conduct in connection with an election has occurred, the secretary of state determines that there is reasonable cause to suspect that [the alleged] criminal conduct
occurred, the secretary shall promptly refer the information to the attorney general. The secretary shall deliver to the attorney general all pertinent documents and information in the secretary's possession.

(b) The documents and information submitted under Subsection (a) are not considered public information until:

1. the secretary of state makes a determination that the information received does not warrant an investigation; or

2. if referred to the attorney general, the attorney general has completed the investigation or has made a determination that the information referred does not warrant an investigation.

SECTION 2.05. Subchapter A, Chapter 31, Election Code, is amended by adding Section 31.019 to read as follows:

Sec. 31.019. ENFORCEMENT OF VOTER ROLL MAINTENANCE PROVISIONS. (a) In order to ensure compliance with voter roll maintenance provisions, the secretary of state shall monitor each county's list of registered voters to ensure that no county has a number of registered voters in the county equal to or greater than the number of people eligible to register to vote in the county.

(b) If the secretary of state determines that a county has a number of registered voters equal to or greater than the number of people eligible to register to vote in the county, the secretary of state shall notify the appropriate registrar in writing.

(c) Not later than 30 days after receiving notice under Subsection (b), a registrar must:
(1) refute, in writing, that the number of registered voters is equal to or greater than the number of people eligible to register to vote in the county and the failure to comply alleged by the notice; or

(2) develop a remediation plan to address failures to comply with voter roll maintenance provisions and send a copy of the plan to the secretary of state.

(d) If a voter registrar fails to respond to a notice under Subsection (c), refutes an allegation under Subsection (c)(1), or fails to comply with a provision of the remediation plan developed by the registrar under Subsection (c)(2), the secretary of state shall:

(1) require the registrar to attend a training course developed under Subsection (h);

(2) publish notice that the county is undergoing an audit under this subsection on the secretary of state's Internet website;

(3) audit the voter registration list for the county in which the registrar serves; and

(4) identify voter roll maintenance provisions with which the registrar is failing to comply and provide a list to the registrar.

(e) If the secretary of state determines that a voter registrar has not performed any overt actions in pursuance of compliance with the provisions identified under Subsection (d)(4) within 14 days of receiving the list under Subsection (d)(4), the secretary of state shall:
(1) withhold distribution of state funds for financing voter registration to the county until the registrar takes action in pursuance of compliance; and

(2) inform the attorney general that the county which the registrar serves may be subject to a civil penalty under Subsection (f).

(f) A county is liable to this state for a civil penalty of $1,000 for each day after the 14th day following the receipt of a list under Subsection (d)(4) that the county's voter registrar fails to take overt action to comply with provisions identified under that subsection. The attorney general may bring an action to recover a civil penalty imposed under this section.

(g) A civil penalty collected by the attorney general under this section shall be deposited in the state treasury to the credit of the general revenue fund.

(h) The secretary of state shall develop and implement a three-hour training course for county clerks and registrars on the maintenance of voter rolls required and permitted by law.

(i) The secretary of state shall adopt rules and prescribe procedures for the implementation of this section.
order or ordinance shall be posted on election day at each polling
place used or that would have been used in the election.

SECTION 3.02. Section 2.056(c), Election Code, is amended
to read as follows:

(c) A certifying authority shall declare a candidate elected to an office of the state or county government if, were the
election held, only the votes cast for that candidate in the
election for that office may be counted.

SECTION 3.03. 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 similar 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 3.04. Section 52.092(a), Election Code, is amended
to read as follows:

(a) Except as provided by Section 2.053(c) or 2.056(e), for
an election at which offices regularly filled at the general
election for state and county officers are to appear on the ballot,
the offices shall be listed in the following order:

(1) offices of the federal government;

(2) offices of the state government:

(A) statewide offices;

(B) district offices;

(3) offices of the county government:

(A) county offices;
(B) precinct offices.

SECTION 3.05. Section 64.007(c), Election Code, is amended to read as follows:

(c) An election officer shall maintain a register of spoiled ballots at the polling place, including spoiled ballots from a direct recording electronic voting unit. An election officer shall enter on the register the name of each voter who returns a spoiled ballot and the spoiled ballot’s number. The secretary of state shall create and promulgate a form to be used for this purpose.

SECTION 3.06. Subchapter A, Chapter 65, Election Code, is amended by adding Section 65.016 to read as follows:

Sec. 65.016. VOTE TABULATING EQUIPMENT. Beginning January 1, 2024, equipment to tabulate votes may not be used if any wireless connectivity capability of the equipment has not been disabled or removed.

SECTION 3.07. Subchapter A, Chapter 66, Election Code, is amended by adding Section 66.004 to read as follows:

Sec. 66.004. CLOSING POLLING PLACE. The secretary of state shall adopt rules and create a checklist or similar guidelines to assist the presiding judge of a polling place in processing forms and conducting procedures required by this code at the closing of the polling place.

SECTION 3.08. Section 66.052, Election Code, is amended to read as follows:

Sec. 66.052. DELIVERY BY ELECTION CLERK; CHAIN OF CUSTODY. (a) A delivery of election records or supplies that is to be performed by the presiding judge may be performed by an election
clerk designated by the presiding judge.

(b) If the presiding judge of a polling place designates a clerk to deliver election supplies, the presiding judge shall attest to the designation, and the clerk shall attest to the clerk's acceptance of the responsibility. The secretary of state shall create and promulgate a form to facilitate compliance with this section.

SECTION 3.09. Section 85.005, Election Code, is amended to read as follows:

Sec. 85.005. REGULAR DAYS AND HOURS FOR VOTING. (a) Except as provided by Subsection (c), in an election in which a county clerk is the early voting clerk under Section 83.002, early voting by personal appearance at the main early voting polling place shall be conducted on each weekday of the early voting period that is not a legal state holiday and for a period of at least nine hours, except that voting may not be conducted earlier than 6 a.m. or later than 9 p.m.

(b) In an election to which Subsection (a) does not apply, early voting by personal appearance at the main early voting polling place shall be conducted at least nine hours each weekday of the early voting period that is not a legal state holiday unless the territory covered by the election has fewer than 1,000 registered voters. In that case, the voting shall be conducted at least four hours each day. The authority ordering the election, or the county clerk if that person is the early voting
1 clerk, shall determine which hours the voting is to be conducted.
2 (c) In a county with a population of 30,000 [100,000] or
3 more, the voting in a primary election or the general election for
4 state and county officers shall be conducted at the main early
5 voting polling place for at least 12 hours on each weekday of the
6 last week of the early voting period, and the voting in a special
7 election ordered by the governor shall be conducted at the main
8 early voting polling place for at least 12 hours on each of the last
9 two days of the early voting period. Voting under this subsection
10 may not be conducted earlier than 6 a.m. or later than 9 p.m. Voting
11 shall be conducted in accordance with this subsection in those
12 elections in a county with a population under 30,000 [100,000] on
13 receipt by the early voting clerk of a written request for the
14 extended hours submitted by at least 15 registered voters of the
15 county. The request must be submitted in time to enable compliance
16 with Section 85.067.
17 (d) A voter who has not voted before the scheduled time for
18 closing a polling place is entitled to vote after that time if the
19 voter is in line at the polling place by closing time. The secretary
20 of state shall promulgate any materials and provide any training to
21 presiding judges necessary to properly process voters under this
22 subsection [In an election ordered by a city, early voting by
23 personal appearance at the main early voting polling place shall be
24 conducted for at least 12 hours.]
25 [(1) on one weekday, if the early voting period
26 consists of less than six weekdays; or
27 [(2) on two weekdays, if the early voting period]
SECTION 3.10. Sections 85.006(b) and (e), Election Code, are amended to read as follows:

(b) In an election in which a county clerk or city secretary is the early voting clerk under Section 83.002 or 83.005, only the early voting clerk may order voting on a Saturday or Sunday. The clerk must do so by written order.

(e) In a primary election or the general election for state and county officers in a county with a population of 30,000 [100,000] or more, the early voting clerk shall order voting by personal appearance at the main early voting polling place to be conducted on the last Saturday of the early voting period for at least 12 hours, except that voting may not be conducted earlier than 6 a.m. or later than 9 p.m., [on the last Saturday] and on the last Sunday of the early voting period for at least six [five] hours, except that voting may not be conducted earlier than 1 p.m. or later than 9 p.m. [on the last Sunday of the early voting period]. The early voting clerk shall order voting to be conducted at those times in those elections in a county with a population under 30,000 [100,000] on receipt of a written request for those hours submitted by at least 15 registered voters of the county. The request must be submitted in time to enable compliance with Section 85.007. This subsection supersedes any provision of this subchapter to the extent of any conflict.

SECTION 3.11. Section 85.010(a-1), Election Code, is amended to read as follows:

(a-1) In this section, "eligible county polling place"
means an early voting polling place, other than a polling place established under Section 85.062(e), established by a county.

SECTION 3.12. 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 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 similar temporary movable structure or a parking garage, parking lot, or similar facility designed primarily for motor vehicles.

SECTION 3.13. Section 85.062, Election Code, is amended by amending Subsection (b) and adding Subsection (f-1) 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 any building as directed by the authority establishing the branch office. The polling place may not be located in a tent or similar 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.

(f-1) Notwithstanding any other provision of this section concerning the location of temporary branch polling places, in an election in which countywide polling places are used, the commissioners court of a county shall employ the same methodology it uses to determine the location of countywide polling places to determine the location of temporary branch polling places.

SECTION 3.14. Section 124.002, Election Code, is amended by adding Subsection (c) to read as follows:

(c) Voting system ballots may not be arranged in a manner that allows a political party's candidates to be selected in one motion or gesture.

SECTION 3.15. 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 in a county with a population of less than 100,000 may, and the general custodian of election records in a county with a population of 100,000 or more shall, implement a video surveillance system that retains a record of all areas containing voted ballots:

(1) from the time the voted ballots are delivered to
the central counting station until the canvass of precinct election returns; and

(2) from the time the voted ballots are delivered to the signature verification committee or early voting ballot board until the canvass of precinct election returns.

(c) A video from a system implemented under Subsection (b) may be made available to the public by a livestream in a county with a population of less than 100,000, and shall be made available to the public by a livestream in a county with a population of 100,000 or more.

(d) 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 or until an election contest filed in the county has been resolved, whichever is later.

ARTICLE 4. ELECTION OFFICERS AND OBSERVERS

SECTION 4.01. Subchapter A, Chapter 33, Election Code, is amended by adding Section 33.0015 to read as follows:

Sec. 33.0015. CHAPTER PURPOSE AND WATCHER DUTY. The purpose of this chapter is to preserve the integrity of elections in accordance with Section 4, Article VI, Texas Constitution, by providing for the appointment of watchers. To effect that purpose, a watcher appointed under this chapter shall observe without obstructing the conduct of an election and call to the attention of an election officer any observed or suspected irregularity or violation of law in the conduct of the election.

SECTION 4.02. Section 33.051, Election Code, is amended by
adding Subsections (g) and (h) to read as follows:

(g) An election officer commits an offense if the officer intentionally or knowingly refuses to accept a watcher for service when acceptance of the watcher is required by this section. An offense under this subsection is a Class B misdemeanor.

(h) Before accepting a watcher, the officer presented with a watcher’s certificate of appointment shall require the watcher to take the following oath, administered by the officer: "I swear (or affirm) that I will not disrupt the voting process or harass voters in the discharge of my duties."

SECTION 4.03. Section 33.056, Election Code, is amended by amending Subsection (a) and adding Subsections (e) and (f) to read as follows:

(a) Except as provided by Section 33.057, a watcher is entitled to observe any activity conducted at the location at which the watcher is serving. A watcher is entitled to sit or stand conveniently near enough to see and hear the election officers conducting the observed activity, except as otherwise prohibited by this chapter.

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

(f) In this code, a watcher who is entitled to "observe" an election activity is entitled to sit or stand near enough to see and hear the activity.

SECTION 4.04. Subchapter C, Chapter 33, Election Code, is amended by adding Section 33.0605 to read as follows:
Sec. 33.0605. OBSERVING DATA STORAGE SEALING AND TRANSFER.
(a) A watcher appointed to serve at a polling place in an election who is available at the time of the action may observe all election activities relating to closing the polling place, including the sealing and transfer of a memory card, flash drive, hard drive, data storage device, or other medium now existing or later developed used by the voting system equipment.

(b) Notwithstanding any other provision of this code, a watcher duly accepted for service at a polling location is entitled to follow the transfer of election materials from the polling place at which the watcher was accepted to a regional tabulating center, the central counting station, or any other location designated to process election materials. The authority responsible for administering a regional tabulating center or another location where election materials are processed must accept duly appointed watchers for service in the same manner a watcher is accepted for service under Section 33.051 and must accept the same number of watchers that may serve under Section 33.007(a).

SECTION 4.05. Section 33.061(a), Election Code, is amended to read as follows:
(a) A person commits an offense if the person serves in an official capacity at a location at which the presence of watchers is authorized and knowingly prevents a watcher from observing an activity or procedure the person knows the watcher is entitled to observe, including by taking any action to obstruct the view of a watcher or distance the watcher from the activity or procedure to be observed in a manner that would make observation not reasonably
SECTION 4.06. Subchapter C, Chapter 33, Election Code, is amended by adding Section 33.063 to read as follows:

Sec. 33.063. RELIEF. (a) A watcher, or the appointing authority for a watcher, who believes that the watcher was unlawfully prevented or obstructed from the performance of the watcher's duties may seek:

(1) injunctive relief under Section 273.081, including issuance of temporary orders;

(2) a writ of mandamus under Section 161.009 or 273.061; and

(3) any other remedy available under law.

(b) The relief provided by this section is available to a state inspector appointed under Chapter 34 or any other election inspector authorized by law.

SECTION 4.07. Section 61.001, Election Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a) Except as permitted by this code and as described by Subsection (a-1), a person may not be in the polling place from the time the presiding judge arrives there on election day to make the preliminary arrangements until the precinct returns have been certified and the election records have been assembled for distribution following the election.

(a-1) Under this code, a person may be lawfully present in a polling place during the time described by Subsection (a) if the person is:
(1) an election judge or clerk;
(2) a watcher;
(3) the secretary of state;
(4) a staff member of the Elections Division of the Office of the Secretary of State performing an official duty in accordance with this code;
(5) an election official, a sheriff, or a staff member of an election official or sheriff delivering election supplies;
(6) a state inspector;
(7) a person admitted to vote;
(8) a child under 18 years of age who is accompanying a parent who has been admitted to vote;
(9) a person providing assistance to a voter under Section 61.032 or 64.032;
(10) a person accompanying a voter who has a disability;
(11) a special peace officer appointed by the presiding judge under Section 32.075;
(12) the county chair of a political party conducting a primary election, as authorized by Section 172.1113;
(13) a voting system technician, as authorized by Section 125.010;
(14) the county election officer, as defined by Section 31.091, as necessary to perform tasks related to the administration of the election; or
(15) a person whose presence has been authorized by the presiding judge and alternate presiding judge in accordance
SECTION 4.08. Section 86.006, Election Code, is amended by amending Subsection (a) and adding Subsection (a-2) to read as follows:

(a) A marked ballot voted under this chapter must be returned to the early voting clerk in the official carrier envelope. The carrier envelope may be delivered in another envelope and must be transported and delivered only by:

1. (1) mail;
2. (2) common or contract carrier; or
3. (3) subject to Subsections (a-1) and (a-2), in-person delivery by the voter who voted the ballot.

(a-2) An in-person delivery of a marked ballot voted under this chapter must be received by an election official at the time of delivery. The receiving official shall record the voter's name, signature, and type of identification provided under Section 63.0101 on a roster prescribed by the secretary of state. The receiving official shall attest on the roster that the delivery complies with this section.

SECTION 4.09. Section 87.026, Election Code, is amended to read as follows:

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

(b) Under this code, a person may be lawfully present in the meeting place of an early voting ballot board during the time of the
board's operations if the person is:

(1) a presiding judge or member of the board;
(2) a watcher;
(3) a voting system technician, as authorized by Section 125.010;
(4) the county election officer, as defined by Section 31.091, as necessary to perform tasks related to the administration of the election;
(5) the county chair of a political party conducting a primary election or runoff primary election;
(6) an inspector, as provided for by law; or
(7) a person whose presence has been authorized by the presiding judge in accordance with this code.

SECTION 4.10. Subchapter A, Chapter 127, Election Code, is amended by adding Section 127.008 to read as follows:

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

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

(1) a counting station manager, tabulation supervisor, assistant to the tabulation supervisor, presiding judge, or clerk;
(2) a watcher;
(3) a voting system technician, as authorized by Section 125.010;
the county election officer, as defined by Section 31.091, as necessary to perform tasks related to the administration of the election;

(5) an inspector, as provided for by law; or

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

SECTION 4.11. Chapter 121, Election Code, is amended by adding Section 121.004 to read as follows:

Sec. 121.004. COMMUNICATIONS WITH VOTING SYSTEMS VENDOR

PUBLIC INFORMATION. (a) Except as provided by Subsection (b) and notwithstanding any other law, including Chapter 552, Government Code, a written letter, e-mail, or other communication, including a communication made confidential by other law, between a public official and a voting systems vendor:

(1) is not confidential;

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

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

(b) Subsection (a) does not apply to a written letter, e-mail, or other communication related to the bidding process.

SECTION 4.12. Subchapter A, Chapter 127, Election Code, is amended by adding Section 127.009 to read as follows:

Sec. 127.009. ELECTRONIC DEVICES IN CENTRAL COUNTING STATION. (a) A counting station manager and the presiding judge of the counting station shall develop a protocol under which any...
electronic device inside a central counting station that is necessary to count votes is equipped with software that tracks all input and activity on the electronic device.

(b) The counting station manager and the presiding judge of the counting station shall ensure that the input and activity tracked by the software is printed and delivered to the secretary of state not later than the fifth day after vote counting is complete.

(c) This section applies only to a central counting station located in a county with a population of 250,000 or more.

SECTION 4.13. Section 127.1301, Election Code, is amended to read as follows:

Sec. 127.1301. [TALLying, TABULATING, AND REPORTING] CENTRALLY COUNTED OPTICAL SCAN BALLOTS [BALLOT UNDERVOTES AND OVERVOTES]. (a) In an election using centrally counted optical scan ballots, the undervotes and overvotes on those ballots shall be tallied, tabulated, and reported by race and by election precinct in the form and manner prescribed by the secretary of state.

(b) After January 1, 2024, an authority operating a central counting station under this chapter may not purchase or use a centrally counted optical ballot scan system that uses a data storage disc on which information, once written, is capable of being modified.

SECTION 4.14. Subchapter A, Chapter 129, Election Code, is amended by adding Section 129.003 to read as follows:

Sec. 129.003. PAPER AUDIT TRAIL REQUIRED. (a) In this section, "auditable voting system" means a voting system that:
(1) uses a paper record; or
(2) produces a paper record by which a voter can verify that the voter's ballot will be counted accurately.

(b) Except as provided by Subsection (e), a voting system that consists of direct recording electronic voting machines may not be used in an election unless the system is an auditable voting system.

(c) Except for a recount under Title 13 or an election contest under Title 14, the electronic vote is the official record of the ballot. For a recount of ballots cast on a system involving direct recording electronic voting machines, or in an election contest, the person requesting the recount may request a recount of the electronic vote or the paper record.

(d) An authority that purchased a voting system other than an auditable voting system after September 1, 2016, and before September 1, 2021, may use available federal funding and, if federal funding is not available, available state funding to retrofit the purchased voting system as an auditable voting system in accordance with the following schedule:

(1) if the voting system was retrofitted as an auditable voting system not later than the election taking place November 8, 2022, the authority is eligible to have 100 percent of the cost of retrofitting reimbursed under this section; and

(2) if the authority is not eligible for a 100 percent reimbursement of cost under Subdivision (1) and the voting system was retrofitted as an auditable voting system not later than the election taking place November 3, 2026, the authority is eligible...
to have 50 percent of the cost of retrofitting reimbursed under this section.

(e) Subsections (a)-(c) do not apply to an election held before September 1, 2026.

(f) Before opening the polls for voting, the presiding election judge shall confirm that each voting machine has any public counter reset to zero and shall print the tape that shows the counter was set to zero. After closing the polls for voting, the presiding election judge shall print the tape that shows the number of votes cast. Each election judge present shall sign a tape printed under this subsection.

SECTION 4.15. Section 129.023, Election Code, is amended by adding Subsections (b-2) and (c-1) to read as follows:

(b-2) If the test is being conducted for an election in which a county election board has been established under Section 51.002, the general custodian of election records shall notify each member of the board of the test at least 48 hours before the date of the test. If the county election board chooses to witness the test, each member shall sign the statement required by Subsection (e)(1).

(c-1) A test conducted under this section must also require the general custodian of election records to demonstrate, using a representative sample of voting system equipment, that the source code of the equipment has not been altered.

SECTION 4.16. Section 127.131, Election Code, is amended by adding Subsection (f) to read as follows:

(f) The presiding judge of the central counting station shall provide and attest to a written reconciliation of votes and
voters at the close of tabulation for election day and again after the central counting station meets for the last time to process late-arriving ballots by mail and provisional ballots. The secretary of state shall create and promulgate rules and a form to facilitate compliance with this subsection. The form shall be posted on a website maintained by the county along with election returns and results.

ARTICLE 5. VOTING BY MAIL

SECTION 5.01. Section 82.002, Election Code, is amended to read as follows:

Sec. 82.002. DISABILITY. (a) A qualified voter is eligible for early voting by mail if the voter is not capable of appearing at the polling place on election day without needing personal assistance or injuring the voter’s health due to the voter’s:

(1) illness;
(2) injury;
(3) medical confinement ordered by a health care professional; or
(4) mental or physical disability.

(b) The following do not constitute sufficient cause to entitle a voter to vote under Subsection (a):

(1) a lack of transportation;
(2) an illness, injury, or disability that does not prevent the voter from appearing at the polling place on election day;
day without a likelihood of needing personal assistance or of injuring the voter's health; or
(3) a requirement to appear at the voter's place of employment on election day.

(c) An application for a ballot to be voted by mail on the ground of disability must require the applicant to specifically select the grounds on which the voter is eligible under Subsection (a).

SECTION 5.02. Section 84.001(b), Election Code, is amended to read as follows:

(b) An application must be submitted in writing and signed by the applicant using ink on paper. An electronic signature or photocopied signature is not permitted.

SECTION 5.03. Section 84.002, Election Code, is amended by amending Subsection (a) and adding Subsection (c) to read as follows:

(a) An early voting ballot application must include:

1 the applicant's name and the address at which the applicant is registered to vote;

1-a the following information:

(A) the number of the applicant's driver's license or personal identification card issued by the Department of Public Safety;

(B) if the applicant has not been issued a number described by Paragraph (A), the last four digits of the applicant's social security number; or

(C) a statement by the applicant that the
applicant has not been issued a number described by Paragraph (A) or (B);
(2) for an application for a ballot to be voted by mail on the ground of absence from the county of residence, the address outside the applicant's county of residence to which the ballot is to be mailed;
(3) for an application for a ballot to be voted by mail on the ground of age or disability:
(A) the address of the hospital, nursing home or other long-term care facility, or retirement center, or of a person related to the applicant within the second degree by affinity or the third degree by consanguinity, as determined under Chapter 573, Government Code, if the applicant is living at that address and that address is different from the address at which the applicant is registered to vote; and
(B) if applicable, the selected specific grounds on which the voter is eligible for a ballot to be voted by mail on the ground of disability, as required by Section 82.002(c);
(4) for an application for a ballot to be voted by mail on the ground of confinement in jail, the address of the jail or of a person related to the applicant within the degree described by Subdivision (3);
(5) for an application for a ballot to be voted by mail on any ground, an indication of each election for which the applicant is applying for a ballot; and
(6) an indication of the ground of eligibility for early voting.
S.B. No. 7

(c) A person may use the number of a driver's license or personal identification card that has expired for the purpose of fulfilling the requirement under Subsection (a)(1-a) if the license or identification is otherwise valid.

SECTION 5.04. Section 84.011(a), Election Code, is amended to read as follows:

(a) The officially prescribed application form for an early voting ballot must include:

(1) immediately preceding the signature space the statement: "I certify that the information given in this application is true, and I understand that giving false information in this application is a crime."

(2) a statement informing the applicant of the offenses prescribed by Sections 84.003 and 84.004;

(3) spaces for entering an applicant's voter registration number and county election precinct of registration, with a statement informing the applicant that failure to furnish that information does not invalidate the application;

(3-a) a space for entering the information required under Section 84.002(a)(1-a); and

(4) on an application for a ballot to be voted by mail:

(A) a space for an applicant applying on the ground of absence from the county of residence to indicate the date on or after which the applicant can receive mail at the address outside the county;

(B) a space for indicating the fact that an applicant whose application is signed by a witness cannot make the
applicant's mark and a space for indicating the relationship or lack of relationship of the witness to the applicant;

(C) a space for entering an applicant's telephone number, with a statement informing the applicant that failure to furnish that information does not invalidate the application;

(D) a space or box for an applicant applying on the ground of age or disability to indicate that the address to which the ballot is to be mailed is the address of a facility or relative described by Section 84.002(a)(3), if applicable;

(E) a space or box for an applicant applying on the ground of confinement in jail to indicate that the address to which the ballot is to be mailed is the address of a relative described by Section 84.002(a)(4), if applicable;

(F) a space for an applicant applying on the ground of age or disability to indicate if the application is an application under Section 86.0015;

(G) spaces for entering the signature, printed name, and residence address of any person assisting the applicant;

(H) a statement informing the applicant of the condition prescribed by Section 81.005; and

(I) a statement informing the applicant of the requirement prescribed by Section 86.003(c).

SECTION 5.05. Section 84.035, Election Code, is amended to read as follows:

Sec. 84.035. BALLOT SENT TO APPLICANT. (a) If the early voting clerk cancels an application by an applicant to whom an early voting ballot has been sent, the clerk shall:

87R30396 TSS/ADM-D 30
(1) remove the applicant's name from the early voting roster; and

(2) make any other entries in the records and take any other action necessary to prevent the ballot from being counted if returned.

(b) An election judge may permit a person to whom an early voting ballot has been sent who cancels the person's application for a ballot to be voted by mail in accordance with Section 84.032 but fails to return the ballot to be voted by mail to the early voting clerk, deputy early voting clerk, or presiding judge as provided by that section to vote only a provisional ballot under Section 63.011.

SECTION 5.06. Section 86.001, Election Code, is amended by adding Subsection (f) to read as follows:

(f) If the information required under Section 84.002(a)(1-a) included on the application does not match the information on the applicant's application for voter registration under Section 13.002(c)(8), the clerk shall reject the application.

SECTION 5.07. Section 86.002, Election Code, is amended by adding Subsections (g), (h), and (i) to read as follows:

(g) The carrier envelope must include a space that is hidden from view when the envelope is sealed for the voter to enter the following information:

(1) the number of the voter's driver's license or personal identification card issued by the Department of Public Safety;

(2) if the voter has not been issued a number described
by Subdivision (1), the last four digits of the voter's social
security number; or

(3) a statement by the applicant that the applicant
has not been issued a number described by Subdivision (1) or (2).

(h) A person may use the number of a driver's license or
personal identification card that has expired for purposes of
Subsection (g) if the license or identification is otherwise valid.

(i) No record associating an individual voter with a ballot
may be created.

SECTION 5.08. Section 86.011(c), Election Code, is amended
to read as follows:

(c) If the return is not timely, the clerk shall enter the
time of receipt on the carrier envelope and retain it in a locked
container for the period for preserving the precinct election
records. The clerk shall destroy the unopened envelope and its
contents after the preservation period.

SECTION 5.09. Section 87.027(i), Election Code, is amended
to read as follows:

(i) The signature verification committee shall compare the
signature on each carrier envelope certificate, except those signed
for a voter by a witness, with the signature on the voter's ballot
application to determine whether the signatures are those of the
voter. The committee may also compare the signatures with any
known signature [two or more signatures] of the voter [made within
the preceding six years and] on file with the county clerk or voter
registrar to determine whether the signatures are those of the
voter. Except as provided by Subsection (1), a determination under
this subsection that the signatures are not those of the voter must be made by a majority vote of the committee's membership. The committee shall place the jacket envelopes, carrier envelopes, and applications of voters whose signatures are not those of the voter in separate containers from those of voters whose signatures are those of the voter. The committee chair shall deliver the sorted materials to the early voting ballot board at the time specified by the board's presiding judge.

SECTION 5.10. Section 87.041, Election Code, is amended by amending Subsections (b) and (e) and adding Subsection (d-1) to read as follows:

(b) A ballot may be accepted only if:

(1) the carrier envelope certificate is properly executed;

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

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

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

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

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

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

(8) the information required under Section 86.002(g)
provided by the voter matches the information on the voter's
application for voter registration under Section 13.002(c)(8).

(d-1) If a voter provides the information required under
Section 86.002(g) and it matches the information on the voter's
application for voter registration under Section 13.002(c)(8), the
signature on the ballot application and on the carrier envelope
certificate shall be rebuttably presumed to be the signatures of
the voter.

(e) In making the determination under Subsection (b)(2), to
determine whether the signatures are those of the voter, the board:

(1) shall request from the Department of Public Safety
any signature of the voter's on file with that department and
compare the signatures of the voter on the ballot application and
the carrier envelope certificate with any signature provided; and

(2) may also compare the signatures with any known
signature [two or more signatures] of the voter [made within the
preceding six years] on file with the county clerk or voter
registrar [to determine whether the signatures are those of the
voter].
SECTION 5.11. Section 87.0431(b), Election Code, is amended to read as follows:

(b) The early voting clerk shall, not later than the 30th day after election day, deliver notice to the attorney general, including certified copies of the carrier envelope and corresponding ballot application, of any ballot rejected because:

(1) the voter was deceased;
(2) the voter already voted in person in the same election;
(3) the signatures on the carrier envelope and ballot application were not executed by the same person;
(4) the carrier envelope certificate lacked a witness signature;
(5) the carrier envelope certificate was improperly executed by an assistant; or
(6) the early voting ballot board or the signature verification committee determined that another violation of the Election Code occurred.

SECTION 5.12. Sections 87.062(a) and (c), Election Code, are amended to read as follows:

(a) On the direction of the presiding judge, the early voting ballot board, in accordance with Section 85.032(b), shall open the containers [containers] for the early voting ballots that are to be counted by the board, remove the contents from each [the] container, and remove any ballots enclosed in ballot envelopes from their envelopes.

(c) Ballots voted by mail shall be tabulated and stored
separately from the ballots voted by personal appearance and shall be separately reported on the returns [the results of all early voting ballots counted by the board under this subchapter shall be included in the same return].

SECTION 5.13. Section 87.103, Election Code, is amended to read as follows:

Sec. 87.103. COUNTING BALLOTS AND PREPARING RETURNS. (a) The early voting electronic system ballots counted at a central counting station, the ballots cast at precinct polling places, and the ballots voted by mail shall be tabulated separately [from the ballots cast at precinct polling places] and shall be separately reported on the returns.

(b) The early voting returns prepared at the central counting station must include any early voting results obtained by the early voting ballot board under Subchapter [Subchapters] D [and E].

SECTION 5.14. Section 87.126, Election Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) Electronic records made under this section shall record both sides of any application, envelope, or ballot recorded, and all such records shall be provided to the early voting ballot board, the signature verification committee, or both.

SECTION 5.15. Subchapter G, Chapter 87, Election Code, is amended by adding Section 87.128 to read as follows:

Sec. 87.128. NOTES. Each member of an early voting ballot board and each member of a signature verification committee is entitled to take and keep any notes reasonably necessary to perform
the member's duties under this chapter.

ARTICLE 6. ASSISTANCE OF VOTERS

SECTION 6.01. Section 64.009, Election Code, is amended by amending Subsection (b) and adding Subsections (b-1), (e), (f), (f-1), (g), and (h) 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 a voter is only permitted to be inside a motor vehicle while a voter votes from the motor vehicle 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.

(f) A person who simultaneously assists three or more voters voting under this section by providing the voters with transportation to the polling place must complete and sign a form, provided by an election officer, that contains the person's name and address and whether the person is providing assistance solely under this section or under both this section and Subchapter B.

(f-1) Subsection (f) does not apply if the person is related to each voter within the second degree by affinity or the third degree by consanguinity, as determined under Subchapter B, Chapter 573, Government Code.

(g) A form completed under Subsection (f) shall be delivered to the secretary of state as soon as practicable. The secretary shall retain a form delivered under this section for the period for
preserving the precinct election records and shall make the form available to the attorney general for inspection upon request.

(h) The secretary of state shall prescribe the form described by Subsection (f).

SECTION 6.02. Section 64.031, Election Code, is amended to read as follows:

Sec. 64.031. ELIGIBILITY FOR ASSISTANCE. A voter is eligible to receive assistance in marking or reading the ballot, as provided by this subchapter, if the voter cannot prepare or read the ballot because of:

(1) a physical disability that renders the voter unable to write or see; or

(2) an inability to read the language in which the ballot is written.

SECTION 6.03. Subchapter B, Chapter 64, Election Code, is amended by adding Section 64.0322 to read as follows:

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

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

(2) the relationship to the voter of the person assisting the voter; and

(3) whether the person assisting the voter received or accepted any form of compensation or other benefit from a candidate, campaign, or political committee.
(b) The secretary of state shall prescribe the form required by this section. The form must be incorporated into the official carrier envelope if the voter is voting an early voting ballot by mail and receives assistance under Section 86.010, or must be submitted to an election officer at the time the voter casts a ballot if the voter is voting at a polling place or under Section 64.009.

SECTION 6.04. Section 64.034, Election Code, is amended to read as follows:

Sec. 64.034. OATH. A person, other than an election officer, selected to provide assistance to a voter must take the following oath, administered by an election officer at the polling place, before providing assistance:

"I swear (or affirm) under penalty of perjury that the voter I am assisting represented to me they are eligible to receive assistance because of a physical disability that renders the voter unable to write or see or an inability to read the language in which the ballot is written; I will not suggest, by word, sign, or gesture, how the voter should vote; I will confine my assistance to reading the ballot to the voter, directing the voter to read the ballot, marking the voter's ballot, or directing the voter to mark the ballot; [answering the voter's questions, to stating propositions on the ballot, and to naming candidates and, if listed, their political parties,] I will prepare the voter's ballot as the voter directs; I did not encourage, pressure, or coerce the voter into choosing me to provide assistance; [and] I am not the voter's employer, an agent of the voter's employer, or an officer or
agent of a labor union to which the voter belongs; I will not
communicate information about how the voter has voted to another
person; and I understand that if assistance is provided to a voter
who is not eligible for assistance, the voter's ballot may not be
counted."

SECTION 6.05. Sections 86.010(e), (h), and (i), Election
Code, are amended to read as follows:
(e) A person who assists a voter to prepare a ballot to be
voted by mail shall enter on the official carrier envelope of the
voter:
(1) the person's signature, printed name, and
residence address;
(2) the relationship of the person providing the
assistance to the voter; and
(3) whether the person received or accepted any form
of compensation or other benefit from a candidate, campaign, or
political committee in exchange for providing assistance [on the
official carrier envelope of the voter].
(h) Subsection (f) does not apply to:
(1) a violation of Subsection (c), if the person is
related to the voter within the second degree by affinity or the
third degree by consanguinity, as determined under Subchapter B,
Chapter 573, Government Code, or was physically living in the same
dwelling as the voter at the time of the event; or
(2) a violation of Subsection (e), if the person is
related to the voter within the second degree by affinity or the
third degree by consanguinity, as determined under Subchapter B,
S.B. No. 7

Chapter 573, Government Code.

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

(1) the defendant was previously convicted of an offense under this code;
(2) the offense involved a voter 65 years of age or older; or
(3) the defendant committed another offense under this section in the same election.

SECTION 6.06. Sections 86.0105(a), (c), and (e), Election Code, are amended to read as follows:

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

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

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

(3) with knowledge that accepting compensation for such activity is illegal, accepts compensation for an activity described by Subdivision (1) or (2).

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

(e) For purposes of this section, compensation means an economic benefit as defined by Section 38.01, Penal Code [any form of monetary payment, goods, services, benefits, or promises or offers of employment, or any other form of consideration offered to another person in exchange for assisting voters].

SECTION 6.07. Section 86.013(b), Election Code, is amended to read as follows:

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

1. indicating the identity and date of the election;
2. [and]
3. (2) entering the signature, printed name, and residence address of a person other than the voter who deposits the carrier envelope in the mail or with a common or contract carrier;
and

4. (3) indicating the relationship of that person to the voter.

ARTICLE 7. FRAUD AND OTHER UNLAWFUL PRACTICES

SECTION 7.01. Chapter 63, Election Code, is amended by adding Section 63.0111 to read as follows:

Sec. 63.0111. OFFENSES RELATED TO PROVISIONAL VOTING. (a) An election judge commits an offense if the judge knowingly provides a voter with a form for an affidavit required by Section 63.001 if the form contains information that the judge entered on the form knowing it was false.
(b) An offense under this section is a state jail felony.

SECTION 7.02. Sections 276.004(a) and (b), Election Code, are amended to read as follows:

(a) A person commits an offense if, with respect to another person over whom the person has authority in the scope of employment, the person knowingly:

(1) refuses to permit the other person to be absent from work on election day or while early voting is in progress for the purpose of attending the polls to vote; or

(2) subjects or threatens to subject the other person to a penalty for attending the polls on election day or while early voting is in progress to vote.

(b) It is an exception to the application of this section that the person's conduct occurs in connection with an election in which the polls are open on election day or while early voting is in progress for voting for two consecutive hours outside of the voter's working hours.

SECTION 7.03. Sections 276.013(a) and (b), Election Code, are amended to read as follows:

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

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

(2) cause a voter to become registered, a ballot to be obtained, or a vote to be cast under false pretenses;
(3) count votes that are invalid, or should otherwise not be counted, fail to count votes that were lawfully cast, or alter a report to include invalid votes;

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

(5) cause any intentionally misleading statement, representation, or information to be provided:

(A) to an election official; or

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

(6) prevent a voter from casting a legal ballot in an election in which the voter is eligible to vote; or

(7) provide false information to a voter with the intent of preventing the voter from voting in an election in which the voter is eligible to vote.

(b) An offense under this section is a Class A misdemeanor, except that an offense under this section is a state jail felony if the person committed the offense while acting in the person's official capacity as an election officer.

SECTION 7.04. Chapter 276, Election Code, is amended by adding Sections 276.014, 276.015; 276.016, 276.017, 276.018, and 276.019 to read as follows:

Sec. 276.014. VOTE HARVESTING. (a) In this section and in Section 276.015:

(1) "Benefit" means anything reasonably regarded as a gain or advantage, including a promise or offer of employment, a political favor, or an official act of discretion, whether to a
person or another party whose welfare is of interest to the person.

(2) "Vote harvesting services" means in-person interaction with one or more voters, involving 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 vote harvesting services in exchange for compensation or other benefit.

(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 another person in exchange for vote harvesting services.

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

(e) This section does not apply to:

(1) an activity not performed in exchange for compensation or a benefit;

(2) interactions that do not directly involve an official ballot, ballot by mail, or an application for ballot by mail;

(3) interactions that are not conducted in-person with a voter; or

(4) activity that is not designed to deliver votes for or against a specific candidate or measure.

(f) In this section, compensation in exchange for vote harvesting services is inferred if a person who performed 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 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.

(i) Records necessary to investigate an offense under this section or any other section of this code shall be provided by an election officer in an unredacted form to a law enforcement officer upon request. Records obtained under this subsection are not subject to public disclosure.

Sec. 276.015. CIVIL LIABILITY FOR VOTE HARVESTING. (a) A person who is shown by a preponderance of the evidence to have violated Section 276.014 is civilly liable to any candidate or political party who suffers harm from 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 has standing to seek relief; and
(2) the liable party violated Section 276.014.

(b-1) To establish standing under this section, a person is not required to demonstrate that the vote harvesting services successfully delivered votes for a specific candidate or measure, but must demonstrate that:
(1) the vote harvesting services were intended to deliver votes for a specific candidate or measure; and

(2) the person opposed the candidate or measure in the person's capacity as a candidate or political party.

(c) A party who prevails in an action under this section may recover damages in an amount including any or all of:

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

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

(3) a penalty in the amount of $35,000; or

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

(d) A party who is a candidate for office who prevails in an action under this section and shows that the number of voters contacted by the vote harvesting activity exceeds the number of votes by which the party lost the election shall recover damages in an amount including any or all of:

(1) the party's campaign expenditures properly filed on a campaign finance report in connection with the election; or

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

(e) A person who commits an offense under Section 276.014 and is found civilly liable, including by vicarious liability, 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.

S.B. No. 7

1 (1) the vote harvesting services were intended to deliver votes for a specific candidate or measure; and
2 (2) the person opposed the candidate or measure in the person's capacity as a candidate or political party.
3 (c) A party who prevails in an action under this section may recover damages in an amount including any or all of:
4 (1) the amount of compensation paid to or received by a party in exchange for vote harvesting services;
5 (2) the fair market value of any benefit given or received in exchange for vote harvesting services;
6 (3) a penalty in the amount of $35,000; or
7 (4) reasonable and necessary attorney's fees, court costs, witness fees, and discovery costs.
8 (d) A party who is a candidate for office who prevails in an action under this section and shows that the number of voters contacted by the vote harvesting activity exceeds the number of votes by which the party lost the election shall recover damages in an amount including any or all of:
9 (1) the party's campaign expenditures properly filed on a campaign finance report in connection with the election; or
10 (2) any fees and expenses incurred by the party in filing and securing a place on the ballot.
11 (e) A person who commits an offense under Section 276.014 and is found civilly liable, including by vicarious liability, 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.

87R30396 TSS/ADM-D 47
(f) The cause of action created by this section is cumulative of any other remedy provided by common law or statute.

(g) Rules applicable to a party's access to election records under Chapter 231 or 232 apply to a cause of action under this section.

(h) A party to an action under this section may compel a voter to reveal the voter's vote in the same manner established under Section 221.009 to compel a voter to reveal the voter's vote in an election contest.

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

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

(k) A cause of action under this section may be brought in the county where any element of a violation under Section 276.014 occurred, or where any part of the vote harvesting services occurred.

(l) This section shall be liberally construed and applied to promote its underlying purpose to protect candidates and the voting public from unlawful vote harvesting and provide an efficient and economical remedy to secure that protection.

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

87R30396 TSS/ADM-D 48
(1) solicits the submission of an application to vote by mail from a person who did not request an application;

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

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

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

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

(c) Subsection (a)(2) does not apply if the public official engaged in the conduct described by Subsection (a)(2) by providing access to an application to vote by mail from a publicly accessible Internet website.

(d) Subsection (a)(4) does not apply if the public official engaged in the conduct described by Subsection (a)(4) while lawfully assisting the applicant under Section 84.003.

(e) Subsection (a) does not apply if the public official provided general information about voting by mail, the vote by mail process, or the timelines associated with voting to a person or the public.

(f) The remedy provided under this chapter is cumulative, and does not restrict any other remedies provided by this code or by law. A violation of this section is subject to injunctive relief or mandamus as provided by this code.

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

(b) An offense under this section is a Class A misdemeanor.

Sec. 276.018. PERJURY IN CONNECTION WITH CERTAIN ELECTION
PROCEDURES. (a) A person commits an offense if the person makes a
false statement or swears to the truth of a false statement
previously made while making the oath described by Section 64.034.

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

Sec. 276.019. UNLAWFUL ALTERING OF ELECTION PROCEDURES. A
public official may not create, alter, modify, waive, or suspend
any election standard, practice, or procedure mandated by law or
rule in a manner not expressly authorized by this code.

ARTICLE 8. ENFORCEMENT

SECTION 8.01. Section 18.065, Election Code, is amended by
amending Subsection (a) and adding Subsections (e), (f), and (g) to
read as follows:

(a) The secretary of state shall monitor each registrar for
substantial compliance with Sections 15.083, 16.032, 16.0332, and
18.061 and with rules implementing the statewide computerized voter
registration list.

(e) A registrar shall correct a violation within 30 days of
a notice under Subsection (b). If a registrar fails to correct the
violation within 30 days of a notice under Subsection (b), the
secretary of state shall:

(1) correct the violation on behalf of the registrar;

and

(2) notify the attorney general that the registrar failed to correct a violation under this subsection.

(f) A county served by a registrar who fails to correct a violation under Subsection (e) is liable to this state for a civil penalty of $1,000 for each violation corrected by the secretary of state under that subsection. The attorney general may bring an action to recover a civil penalty imposed under this section.

(g) A civil penalty collected by the attorney general under this section shall be deposited in the state treasury to the credit of the general revenue fund.

SECTION 8.02. Subchapter E, Chapter 31, Election Code, is amended by adding Section 31.126 to read as follows:

Sec. 31.126. RESTRICTION ON ELIGIBILITY. (a) In this section, "election official" means:

(1) a county clerk;

(2) a permanent or temporary deputy county clerk;

(3) an elections administrator;

(4) a permanent or temporary employee of an elections administrator;

(5) an election judge;

(6) an alternate election judge;

(7) an early voting clerk;

(8) a deputy early voting clerk;

(9) an election clerk;
(10) the presiding judge of an early voting ballot board;
(11) the alternate presiding judge of an early voting ballot board;
(12) a member of an early voting ballot board;
(13) the chair of a signature verification committee;
(14) the vice chair of a signature verification committee;
(15) a member of a signature verification committee;
(16) the presiding judge of a central counting station;
(17) the alternate presiding judge of a central counting station;
(18) a central counting station manager;
(19) a central counting station clerk;
(20) a tabulation supervisor; and
(21) an assistant to a tabulation supervisor.

(b) A person may not serve as an election official if the person has been finally convicted of an offense under this code.

SECTION 8.03. Section 232.006(a), Election Code, is amended to read as follows:

(a) The venue of an election contest for a statewide office is in Travis County or any county where a contestee resided at the time of the election. For purposes of this section, a contestee's residence is determined under Section 411.0257, Government Code.

SECTION 8.04. Sections 232.008(b), (c), and (d), Election Code, are amended to read as follows:
Section 8.05. Chapter 232, Election Code, is amended by adding Subchapter C to read as follows:

Subchapter C. Contest Involving Alleged Fraud

Sec. 232.061. Petition Alleging Fraud. This subchapter applies to an election contest in which the contestant alleges in the petition that an opposing candidate, an agent of the opposing candidate, or a person acting on behalf of the opposing candidate with the candidate's knowledge violated any of the following sections of this code:

(1) Section 13.007;

(2) Section 64.012;
Sec. 232.062. EVIDENTIARY STANDARD. A contestant must prove an allegation described by Section 232.061 by a preponderance of the evidence.

Sec. 232.063. OVERTURNING ELECTION. If the number of votes illegally cast in the election is equal to or greater than the number of votes necessary to change the outcome of an election, the court may declare the election void without attempting to determine how individual voters voted.

Sec. 232.064. DAMAGES. (a) If a contestee, an agent of the contestee, or a person acting on behalf of the contestee with the contestee's knowledge committed one or more violations of a section described by Section 232.061, the contestee is liable to the contestant for damages in an amount of $1,000 for each violation.

(b) Notwithstanding Section 41.004(a), Civil Practice and Remedies Code, a court shall award damages under Subsection (a) to the contestant irrespective of whether the contestant is awarded actual damages.

Sec. 232.065. ATTORNEY'S FEES. In an election contest to which this subchapter applies, the court may award reasonable attorney's fees to the prevailing party.
SECTION 8.06. Section 273.061, Election Code, is amended to read as follows:

Sec. 273.061. JURISDICTION. (a) The supreme court or a court of appeals may issue a writ of mandamus to compel the performance of any duty imposed by law in connection with the holding of an election or a political party convention, regardless of whether the person responsible for performing the duty is a public officer.

(b) The court of criminal appeals may issue a writ of mandamus to compel the performance of any duty imposed by law in connection with the provision, sequestration, transfer, or impoundment of evidence in or records relating to a criminal investigation conducted under this code or conducted in connection with the conduct of an election or political party convention. If a writ of mandamus is issued under this subsection, it shall include an order requiring the provision, sequestration, transfer, or impoundment of the evidence or record.

SECTION 8.07. Subchapter D, Chapter 22, Government Code, is amended by adding Sections 22.304 and 22.305 to read as follows:

Sec. 22.304. COURT SITTING IN PANELS FOR CERTAIN ELECTION PROCEEDINGS; CRIMINAL OFFENSE. (a) Notwithstanding any other law or rule, a court proceeding entitled to priority under Section 22.305 and filed in the supreme court, the court of criminal appeals, or a court of appeals shall be docketed by the clerk of the court and assigned to a panel of three justices determined using an automated assignment system.

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

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

(d) If a court clerk does not comply with this section, a
person may seek from the supreme court, the court of criminal
appeals, or a court of appeals a writ of mandamus as provided by
Section 273.061, Election Code, to compel compliance with this
section.

Sec. 22.305. PRIORITY OF CERTAIN ELECTION PROCEEDINGS. (a)
The supreme court, the court of criminal appeals, or a court of
appeals shall prioritize over any other proceeding pending or filed
in the court a proceeding for injunctive relief or for a writ of
mandamus under Chapter 273, Election Code, pending or filed in the
court on or after the 120th day before a general or special
election.

(b) If granted, oral argument for a proceeding described by
Subsection (a) may be given in person or through electronic means.

SECTION 8.08. Section 23.101, Government Code, is amended
by amending Subsection (a) and adding Subsections (b-1) and (b-2)
to read as follows:

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

(1) temporary injunctions;
S.B. No. 7

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

(A) criminal actions against defendants who are detained in jail pending trial;

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

(C) an offense under:

(i) Section 21.02 or 21.11, Penal Code;
(ii) Chapter 22, Penal Code, if the victim of the alleged offense is younger than 17 years of age;
(iii) Section 25.02, Penal Code, if the victim of the alleged offense is younger than 17 years of age;
(iv) Section 25.06, Penal Code;
(v) Section 43.25, Penal Code; or
(vi) Section 20A.02(a)(7), 20A.02(a)(8), or 20A.03, Penal Code;

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

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

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

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

(5) appeals of final rulings and decisions of the
division of workers' compensation of the Texas Department of
Insurance regarding workers' compensation claims and claims under
the Federal Employers' Liability Act and the Jones Act;
(6) appeals of final orders of the commissioner of the
General Land Office under Section 51.3021, Natural Resources Code;
(7) actions in which the claimant has been diagnosed
with malignant mesothelioma, other malignant asbestos-related
cancer, malignant silica-related cancer, or acute silicosis; and
(8) appeals brought under Section 42.01 or 42.015, Tax
Code, of orders of appraisal review boards of appraisal districts
established for counties with a population of less than 175,000.
(b-1) Except for a criminal case in which the death penalty
has been or may be assessed or when it would otherwise interfere
with a constitutional right, the trial courts of this state shall
prioritize over any other proceeding pending or filed in the court a
proceeding for injunctive relief under Chapter 273, Election Code,
pending or filed in the court on or after the 120th day before a
general or special election.
(b-2) A hearing in a proceeding described by Subsection
(b-1) may be held in person or through electronic means.
SECTION 8.09. Chapter 23, Government Code, is amended by
adding Subchapter D to read as follows:
SUBCHAPTER D. GENERAL PROVISIONS
Sec. 23.301. ASSIGNMENT OF CERTAIN ELECTION PROCEEDINGS;
CRIMINAL OFFENSE. (a) Notwithstanding any other law or rule, the
clerk of a district court in which a proceeding entitled to priority
under Section 23.101(b-1) is filed shall docket the proceeding and,
if more than one district court in the county has jurisdiction over
the proceeding, randomly assign the proceeding to a district court
using an automated assignment system.

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

(c) Notwithstanding any other law or rule, a proceeding
entitled to priority under Section 23.101(b-1) relating to a
temporary injunction shall have a court assigned under Subsection
(b) not later than 24 hours after the proceeding is filed and, if a
temporary injunction is granted, the injunction may not remain in
effect for longer than four days.

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

(e) An offense under this section is a Class A misdemeanor,
except that the offense is a state jail felony if it is shown on the
trial of the offense that the person committed the offense while
acting in the person's official capacity as an election official.

(f) If a district or county clerk does not comply with this
section, a person may seek from the supreme court, the court of
criminal appeals, or a court of appeals a writ of mandamus as
provided by Section 273.061, Election Code, to compel compliance
Sec. 23.302. DEADLINES IN CERTAIN ELECTION PROCEEDINGS.

(a) Not later than 24 hours after the proceeding is filed, a judge to whom a case is assigned under Section 23.301(b) who wishes to be recused from the proceeding must, before recusal:

(1) hear an application for any emergency temporary relief sought;

(2) grant or deny any emergency temporary relief sought; and

(3) set a scheduling order that provides:

(A) a date for a hearing on any injunction sought not later than five days after the date on which the proceeding was filed; and

(B) discovery and deposition deadlines before the expiration of any emergency relief order entered.

(b) The presiding judge of an administrative region shall assign a new judge to a proceeding assigned under Section 23.301(b) not later than 12 hours after the original judge assigned to the proceeding is recused under Subsection (a).

(c) A final order in a proceeding filed under Section 273.081, Election Code, shall be submitted in writing to the parties not later than 24 hours after the judge makes a final determination in the proceeding.

(d) If a district judge does not comply with this section, a person may seek from the supreme court, the court of criminal appeals, or a court of appeals a writ of mandamus as provided by Section 273.061, Election Code, to compel compliance with this
section.

(e) Notwithstanding Section 23.101(b-1), a proceeding relating to a permanent injunction being sought in connection to a challenge under Section 141.034, Election Code, may be heard after the primary election has been canvassed.

ARTICLE 9. INELIGIBLE VOTERS AND RELATED REFORMS

SECTION 9.01. Chapter 42, Code of Criminal Procedure, is amended by adding Article 42.0194 to read as follows:

Art. 42.0194. FINDING REGARDING FELONY CONVICTION. In the trial of a felony offense, if the defendant is 18 years of age or older and is adjudged guilty of the offense, the court shall:

(1) make an affirmative finding that the person has been found guilty of a felony and enter the affirmative finding in the judgment of the case; and

(2) instruct the defendant regarding how the felony conviction will impact the defendant's right to vote in this state.

SECTION 9.02. Article 42.01, Code of Criminal Procedure, is amended by amending Section 4 and adding Section 16 to read as follows:

Sec. 4. The Court of Criminal Appeals [Office of Court Administration of the Texas Judicial System] shall promulgate a standardized felony judgment form that conforms to the requirements of Section 1 of this article. A court entering a felony judgment [judgment] shall use the form promulgated under this section.

Sec. 16. In addition to the information described by Section 1, the judgment should reflect the affirmative finding and instruction entered pursuant to Article 42.0194.
S.B. No. 7

SECTION 9.03. Section 64.012, Election Code, is amended by amending Subsection (a) and adding Subsections (c) and (d) to read as follows:

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

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

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

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

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

or

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

(c) A person may not be convicted solely upon the fact that the person signed a provisional ballot affidavit under Section 63.011 unless corroborated by other evidence that the person knowingly committed the offense.

(d) 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.

SECTION 9.04. The change in law made by this article in

87R30396 TSS/ADM-D 62
adding Section 64.012(c), Election Code, applies to an offense
committed before, on, or after the effective date of this Act,
except that a final conviction for an offense under that section
that exists on the effective date of this Act remains unaffected by
this article.

ARTICLE 10. INTERNET POSTING AND DATABASE

SECTION 10.01. Chapter 4, Election Code, is amended by
adding Section 4.009 to read as follows:

Sec. 4.009. INTERNET POSTING. (a) Not later than the 21st
day before election day, a county that holds or provides election
services for an election and maintains an Internet website shall
post on its public Internet website for an election administered by
the county:

(1) the date of the election;
(2) the location of each polling place;
(3) each candidate for an elected office on the
ballot; and
(4) each measure on the ballot.

(b) Not later than the 21st day before election day, a city
or independent school district that holds an election and maintains
an Internet website shall post on the public Internet website for
the city or independent school district, as applicable:

(1) the date of the next election;
(2) the location of each polling place;
(3) each candidate for an elected office on the
ballot; and
(4) each measure on the ballot.
SECTION 10.02. Subchapter A, Chapter 31, Election Code, is amended by adding Sections 31.017 and 31.018 to read as follows:

Sec. 31.017. INTERNET DATABASE OF ELECTION INFORMATION. (a) The secretary of state shall post on the secretary of state's public Internet website a database containing information provided by each authority responsible for giving notice of an election in this state. The database must include the following information:

(1) the name of the authority;
(2) each office to be filled at the election;
(3) whether the office is elected at large or by district; and
(4) the dates of the preceding and next election for the office.

(b) The secretary of state shall adopt rules as necessary to implement this section.

Sec. 31.018. INTERNET DATABASE FOR INCUMBENTS AND CANDIDATES. (a) The secretary of state shall post on the secretary of state's Internet website a database containing information about each holder of and candidate for any elected office in this state.

(b) The database must include the following information about a holder of an elected office:

(1) name;
(2) office title, including any district, place, or position;
(3) if the office is elected at large or by district;
(4) date of the previous and next election for the office; and
(c) The database must include the following information about a candidate for an elected office:

1. name;
2. office sought, including any district, place, or position;
3. if the office is elected at large or by district;
4. date of the election;
5. public mailing address;
6. public telephone number, if available;
7. name of the incumbent; and
8. if the candidate has filed as a write-in candidate.

(d) The authority with whom a declaration of candidacy is filed, a state chair of a political party, or the presiding officer of a political party's convention shall provide information about a candidate or officeholder to the secretary of state.

(e) The secretary of state shall adopt rules as necessary to implement this section.

SECTION 10.03. Section 141.032, Election Code, is amended by adding Subsection (h) to read as follows:

(h) The authority with whom the application is filed shall provide the secretary of state with the candidate's information required for the secretary of state's Internet website under Section 31.018. The secretary of state shall adopt rules as necessary to implement this subsection.
ARTICLE 11. REPEALER; SEVERABILITY; TRANSITION; EFFECTIVE DATE

SECTION 11.01. The following provisions of the Election Code are repealed:

(1) Section 85.062(e);
(2) Section 86.0052(b);
(3) Section 86.0105(b); and
(4) Section 127.201(f).

SECTION 11.02. If any provision of this Act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this Act that can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

SECTION 11.03. (a) Except as otherwise provided by this Act, the changes in law made by this Act apply only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect when the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

(b) The changes in law made by this Act apply only to an election ordered on or after the effective date of this Act. An election ordered before the effective date of this Act is governed by the law in effect when the election was ordered, and the former law is continued in effect for that purpose.

(c) The changes in law made by this Act apply only to an
(d) The changes in law made by this Act apply only to an application to vote an early voting ballot by mail submitted on or after the effective date of this Act. An application to vote an early voting ballot by mail submitted before the effective date of this Act is governed by the law in effect when the application was submitted, and the former law is continued in effect for that purpose.

(e) The changes in law made by this Act apply only to an application for voter registration submitted on or after the effective date of this Act.

SECTION 11.04. Not later than January 1, 2022, the secretary of state shall develop the training course required by Section 31.019, Election Code, as added by this Act.

SECTION 11.05. To the extent of any conflict, this Act prevails over another Act of the 87th Legislature, Regular Session, 2021, relating to nonsubstantive additions to and corrections in enacted codes.

SECTION 11.06. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2021.
ARTICLE 1. VOTER REGISTRATION

No equivalent provision.

SECTION 1.01. Chapter 42, Code of Criminal Procedure, is amended by adding Article 42.0194 to read as follows:

Art. 42.0194. FINDING REGARDING FELONY CONVICTION. In the trial of a felony offense, if the defendant is 18 years of age or older and is adjudged guilty of the offense, the court shall:
(1) make an affirmative finding that the person has been found guilty of a felony and enter the affirmative finding in the judgment of the case; and
(2) instruct the defendant regarding how the felony conviction will impact the defendant's right to vote in this state.

No equivalent provision.

CONGERENCE

[The conference committee may have exceeded the limitations imposed on its jurisdiction, but only the presiding officer can make the final determination on this issue.]
SENATE VERSION

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

SECTION 1.03. FINDINGS. The legislature finds that:
(1) full, free, and fair elections are the underpinnings of a stable constitutional democracy;
(2) minimizing the potential for fraud in elections and enhancing the opportunities to vote strengthen our constitutional democracy and provide for wide-scale confidence in elections;

No equivalent provision.

HOUSE VERSION (IE)

SECTION 1.02. PurPOSE. The purpose of this Act is to exercise the legislature's constitutional authority under Section 4, Article VI, Texas Constitution, to make all laws necessary to detect and punish fraud.

SECTION 1.03. FINDINGS. The legislature finds that:
(1) full, free, and fair elections are the underpinnings of a stable constitutional democracy;
(2) fraud in elections threatens the stability of a constitutional democracy by undermining public confidence in the legitimacy of public officers chosen by election;
(3) reforms are needed to the election laws of this state to ensure that fraud does not undermine the public confidence in the electoral process;
(4) Section 4, Article VI, Texas Constitution, entrusts the enactment of laws to make voting more accessible or to enter a felony judgment shall use the form promulgated under this section.

No equivalent provision.

CONFERENCE

[The conference committee may have exceeded the limitations imposed on its jurisdiction, but only the presiding officer can make the final determination on this issue.]

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combat fraud in the electoral process to the sound discretion of the legislature; [FA4(2);FA6(1)]

(5) the reforms to the election laws of this state made by this Act are not intended to impair the right of free suffrage guaranteed to the people of Texas by the United States and Texas Constitutions, but are enacted solely to prevent fraud in the electoral process and ensure that all legally cast ballots are counted. Integral to the right to vote is the assurance of voter access and the right for all votes legally cast to be counted; [FA6(2)]

(6) additionally, preventing a valid vote from being counted violates the basic constitutional rights guaranteed to each citizen by the United States Constitution and the law of the land; and

(7) providing for voter access and increasing the stability of a constitutional democracy ensures public confidence in the legitimacy of public officers chosen by election. [FA6(3)]

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

Sec. 1.0015. LEGISLATIVE INTENT. It is the intent of the legislature that the application of this code and the conduct of elections shall be uniform and consistent throughout this state to increase voter access and reduce the likelihood of fraud in the conduct of elections, promote voter access, and ensure that all lawfully cast votes are counted. [FA4(3);FA6(4)]

(4) the reforms to the election laws of this state made by this Act are not intended to impair the right of free suffrage guaranteed to the people of Texas by the United States and Texas Constitutions, but are enacted solely to prevent fraud in the electoral process and ensure that all legally cast ballots are counted. Integral to the right to vote is the assurance of voter access and the right for all votes legally cast to be counted;

(5) additionally, preventing a valid vote from being counted violates the basic constitutional rights guaranteed to each citizen by the United States Constitution; and

(6) providing for voter access and increasing the stability of a constitutional democracy ensures public confidence in the legitimacy of public officers chosen by election.
| SECTION 1.05. Section 1.003, Election Code, is amended by adding Subsection (a-1) to read as follows: (a-1) A public official shall construe the provisions of this code strictly to effect the intent of the legislature under Section 1.0015. |
| SECTION 1.05. Section 1.003, Election Code, is amended by adding Subsection (a-1) to read as follows: (a-1) Election officials and other public officials shall strictly construe the provisions of this code to effect the intent of the legislature under Section 1.0015. |

| SECTION 1.06. [Deleted by FA6(5)] |
| SECTION 1.06. Same as Senate version. |

| SECTION 1.07. Section 1.003, Election Code, is amended by adding Subsection (a-1) to read as follows: (a-1) Election officials and other public officials shall strictly construe the provisions of this code to effect the intent of the legislature under Section 1.0015. |
| SECTION 1.07. Same as Senate version. |

| ARTICLE 2. REGISTRATION OF VOTERS |
| SECTION 2.01. Section 13.002, Election Code, is amended by adding Subsection (c-1) to read as follows: (c-1) The information required under Subsection (c) must be supplied by the person desiring to register to vote. |

(See ARTICLE 1, VOTER REGISTRATION, above.)

(See ARTICLE 2, REGISTRATION OF VOTERS AND CONDUCT OF ELECTIONS, below.)

**No equivalent provision.**
SECTION 1.03. Section 15.028, Election Code, is amended to read as follows:

Sec. 15.028. NOTICE OF UNLAWFUL VOTING OR REGISTRATION [TO PROSECUTOR]. [(a)] If the registrar determines that a person who is not eligible to vote may have registered to vote or [a registered voter] voted in an election, the registrar shall execute and deliver to the attorney general, the secretary of state, and the county or district attorney having jurisdiction in the territory covered by the election an affidavit stating the relevant facts.

[(b)] If the election covers territory in more than one county, the registrar shall also deliver an affidavit to the attorney general.

No equivalent provision.

SECTION 2.03. Section 15.028, Election Code, is amended to read as follows:

Sec. 15.028. NOTICE OF UNLAWFUL VOTING OR REGISTRATION [TO PROSECUTOR]. [(a)] If the registrar determines that a person who is not eligible to vote may have registered to vote or [a registered voter] voted in an election, the registrar shall execute and deliver to the attorney general, the secretary of state, and the county or district attorney having jurisdiction in the territory covered by the election an affidavit stating the relevant facts.

[(b)] If the election covers territory in more than one county, the registrar shall also deliver an affidavit to the attorney general.

No equivalent provision.

SECTION 2.04. Section 31.006, Election Code, is amended to read as follows:

Sec. 31.006. REFERRAL [OF COMPLAINT] TO ATTORNEY GENERAL. (a) If, after receiving or discovering information indicating that [a complaint alleging] criminal conduct in connection with an election has occurred, the secretary of state determines that there is reasonable cause to suspect that [the alleged] criminal conduct occurred, the secretary shall promptly refer the information [complaint] to the attorney general. The secretary shall deliver to the attorney general all pertinent documents and information in the secretary's possession.

(b) The documents and information submitted under Subsection (a) are not considered public information until:
No equivalent provision. Same as Senate version.

[The conference committee may have exceeded the limitations imposed on its jurisdiction, but only the presiding officer can make the final determination on this issue.]

(1) the secretary of state makes a determination that the information [complaint] received does not warrant an investigation; or
(2) if referred to the attorney general, the attorney general has completed the investigation or has made a determination that information [complaint] referred does not warrant an investigation.

SECTION 2.05. Subchapter A, Chapter 31, Election Code, is amended by adding Section 31.019 to read as follows: Sec. 31.019. ENFORCEMENT OF VOTER ROLL MAINTENANCE PROVISIONS. (a) In order to ensure compliance with voter roll maintenance provisions, the secretary of state shall monitor each county's list of registered voters to ensure that no county has a number of registered voters in the county equal to or greater than the number of people eligible to register to vote in the county.
(b) If the secretary of state determines that a county has a number of registered voters equal to or greater than the number of people eligible to register to vote in the county, the secretary of state shall notify the appropriate registrar in writing.
(c) Not later than 30 days after receiving notice under Subsection (b), a registrar must:
(1) refute, in writing, that the number of registered voters is equal to or greater than the number of people eligible to register to vote in the county and the failure to comply alleged by the notice; or
The conference committee may have exceeded the limitations imposed on its jurisdiction, but only the presiding officer can make the final determination on this issue.

(2) develop a remediation plan to address failures to comply with voter roll maintenance provisions and send a copy of the plan to the secretary of state.

(d) If a voter registrar fails to respond to a notice under Subsection (c), refutes an allegation under Subsection (c)(1), or fails to comply with a provision of the remediation plan developed by the registrar under Subsection (c)(2), the secretary of state shall:

(1) require the registrar to attend a training course developed under Subsection (h);

(2) publish notice that the county is undergoing an audit under this subsection on the secretary of state's Internet website;

(3) audit the voter registration list for the county in which the registrar serves; and

(4) identify voter roll maintenance provisions with which the registrar is failing to comply and provide a list to the registrar.

(e) If the secretary of state determines that a voter registrar has not performed any overt actions in pursuance of compliance with the provisions identified under Subsection (d)(4) within 14 days of receiving the list under Subsection (d)(4), the secretary of state shall:

(1) withhold distribution of state funds for financing voter registration to the county until the registrar takes action in pursuance of compliance; and
SECTION 1.04. Section 16.0332(a), Election Code, is amended to read as follows:

(a) After the registrar receives a list under Section 18.068 of this code or Section 62.113, Government Code, of persons excused or disqualified from jury service or otherwise determined to be ineligible to vote because of citizenship status, the registrar shall deliver to each registered voter whose name appears on the list a written notice requiring the voter to submit to the registrar proof of United States citizenship in the form of a certified copy of the voter's birth

No equivalent provision.

Conference

[The conference committee may have exceeded the limitations imposed on its jurisdiction, but only the presiding officer can make the final determination on this issue.]

(2) inform the attorney general that the county which the registrar serves may be subject to a civil penalty under Subsection (f).

(f) A county is liable to this state for a civil penalty of $1,000 for each day after the 14th day following the receipt of a list under Subsection (d)(4) that the county's voter registrar fails to take overt action to comply with provisions identified under that subsection. The attorney general may bring an action to recover a civil penalty imposed under this section.

(g) A civil penalty collected by the attorney general under this section shall be deposited in the state treasury to the credit of the general revenue fund.

(h) The secretary of state shall develop and implement a three-hour training course for county clerks and registrars on the maintenance of voter rolls required and permitted by law.

(i) The secretary of state shall adopt rules and prescribe procedures for the implementation of this section.

Same as House version.
SECTION 1.05. Section 18.065, Election Code, is amended by amending Subsection (a) and adding Subsections (e), (f), and (g) to read as follows:

(a) The secretary of state shall monitor each registrar for substantial compliance with Sections 15.083, 16.032, 16.0332, and 18.061 and with rules implementing the statewide computerized voter registration list.

(e) If a registrar fails to correct a violation within 30 days of a notice under Subsection (b), the secretary of state shall correct the violation on behalf of the registrar.

(f) A registrar is liable to this state for a civil penalty of $100 for each violation corrected by the secretary of state under Subsection (e). The attorney general may bring an action to recover a civil penalty imposed under this section.

(See ARTICLE 4, ENFORCEMENT, below.)

ARTICLE 8. ENFORCEMENT

SECTION 8.01. Section 18.065, Election Code, is amended by amending Subsection (a) and adding Subsections (e), (f), and (g) to read as follows:

(a) The secretary of state shall monitor each registrar for substantial compliance with Sections 15.083, 16.032, 16.0332, and 18.061 and with rules implementing the statewide computerized voter registration list.

(e) A registrar shall correct a violation within 30 days of a notice under Subsection (b). If a registrar fails to correct the violation within 30 days of a notice under Subsection (b), the secretary of state shall:

(1) correct the violation on behalf of the registrar; and

(2) notify the attorney general that the registrar failed to correct a violation under this subsection.

(f) A county served by a registrar who fails to correct a violation under Subsection (e) is liable to this state for a civil penalty of $1,000 for each violation corrected by the secretary of state under that subsection. The attorney general...
(g) A civil penalty collected by the attorney general under this section shall be deposited in the state treasury to the credit of the general revenue fund.

SECTION 1.06. The changes in law made by this article apply only to an application for voter registration submitted on or after the effective date of this Act.

ARTICLE 2. VOTING BY MAIL

No equivalent provision.

ARTICLE 5. VOTING BY MAIL

No equivalent provision.

CONFERENCE

[The conference committee may have exceeded the limitations imposed on its jurisdiction, but only the presiding officer can make the final determination on this issue.]

may bring an action to recover a civil penalty imposed under this section.

(a) A civil penalty collected by the attorney general under this section shall be deposited in the state treasury to the credit of the general revenue fund.

SECTION 11.03 (part)

(e) The changes in law made by this Act apply only to an application for voter registration submitted on or after the effective date of this Act.

ARTICLE 5. VOTING BY MAIL

SECTION 5.01. Section 82.002, Election Code, is amended to read as follows:

Sec. 82.002. DISABILITY. (a) A qualified voter is eligible for early voting by mail if the voter is not capable of [has a illness or physical condition that prevents the voter from] appearing at the polling place on election day without [a likelihood of needing personal assistance or] injuring the voter's health due to the voter's:

(1) illness;
(2) injury;
(3) medical confinement ordered by a health care professional;
(4) mental or physical disability.
SECTION 2.01. Subchapter A, Chapter 84, Election Code, is amended by adding Section 84.0011 to read as follows:

Sec. 84.0011. SOLICITATION OF BALLOT BY MAIL APPLICATIONS PROHIBITED. The early voting clerk may make no attempt to solicit a person to complete an application for an early voting ballot by mail, whether directly or through a third party.
SECTION 2.02. Section 84.002, Election Code, is amended by adding Subsection (c) to read as follows:

No equivalent provision.

SECTION 5.03. Section 84.002, Election Code, is amended by amending Subsection (a) and adding Subsection (c) to read as follows:

(a) An early voting ballot application must include:

(1) the applicant's name and the address at which the applicant is registered to vote;

(1-a) the following information:

(A) the number of the applicant's driver's license or personal identification card issued by the Department of Public Safety;

(B) if the applicant has not been issued a number described by Paragraph (A), the last four digits of the applicant's social security number; or

(C) a statement by the applicant that the applicant has not been issued a number described by Paragraph (A) or (B);

(2) for an application for a ballot to be voted by mail on the ground of absence from the county of residence, the address outside the applicant's county of residence to which the ballot is to be mailed;

(3) for an application for a ballot to be voted by mail on the ground of age or disability;

(A) the address of the hospital, nursing home or other long-term care facility, or retirement center, or of a person related to the applicant within the second degree by affinity or the third degree by consanguinity, as determined under Chapter 573, Government Code, if the applicant is living at
(c) An application for a ballot to be voted by mail on the ground of disability must require the applicant to affirmatively indicate that the applicant agrees with the statement "I have a sickness or physical condition that prevents me from appearing at the polling place on election day without a likelihood of needing personal assistance or injuring my health," as prescribed by Section 82.002(a).

No equivalent provision.

(c) A person may use the number of a driver's license or personal identification card that has expired for the purpose of fulfilling the requirement under Subsection (a)(1-a) if the license or identification is otherwise valid.

No equivalent provision.

Same as Senate version.

Same as House version.
SECTION 2.03. Section 84.011(a), Election Code, is amended to read as follows:
(a) The officially prescribed application form for an early voting ballot must include:
(1) immediately preceding the signature space the statement: "I certify that the information given in this application is true, and I understand that giving false information in this application is a state jail felony [crime].";
(2) a statement informing the applicant of the offenses prescribed by Sections 84.003 and 84.004;
(3) spaces for entering an applicant's voter registration number and county election precinct of registration, with a statement informing the applicant that failure to furnish that information does not invalidate the application; and

(4) on an application for a ballot to be voted by mail:
(A) a space for an applicant applying on the ground of absence from the county of residence to indicate the date on or after which the applicant can receive mail at the address outside the county;
(B) a space for indicating the fact that an applicant whose application is signed by a witness cannot make the applicant's mark and a space for indicating the relationship or lack of relationship of the witness to the applicant;
(C) a space for entering an applicant's telephone number, with a statement informing the applicant that failure to furnish that information does not invalidate the application; and

No equivalent provision.

SECTION 5.04. Section 84.011(a), Election Code, is amended to read as follows:
(a) The officially prescribed application form for an early voting ballot must include:
(1) immediately preceding the signature space the statement: "I certify that the information given in this application is true, and I understand that giving false information in this application is a crime.";
(2) a statement informing the applicant of the offenses prescribed by Sections 84.003 and 84.004;
(3) spaces for entering an applicant's voter registration number and county election precinct of registration, with a statement informing the applicant that failure to furnish that information does not invalidate the application;
(3-a) a space for entering the information required under Section 84.002(a)(1-a); and

(4) on an application for a ballot to be voted by mail:
(A) a space for an applicant applying on the ground of absence from the county of residence to indicate the date on or after which the applicant can receive mail at the address outside the county;
(B) a space for indicating the fact that an applicant whose application is signed by a witness cannot make the applicant's mark and a space for indicating the relationship or lack of relationship of the witness to the applicant;
(C) a space for entering an applicant's telephone number, with a statement informing the applicant that failure to furnish that information does not invalidate the application;
Senate Bill 7
Conference Committee Report
Section-by-Section Analysis

SENATE VERSION

(D) a space or box for an applicant applying on the ground of age or disability to indicate that the address to which the ballot is to be mailed is the address of a facility or relative described by Section 84.002(a)(3), if applicable;
(E) a space or box for an applicant applying on the ground of confinement in jail to indicate that the address to which the ballot is to be mailed is the address of a relative described by Section 84.002(a)(4), if applicable;
(F) a space for an applicant applying on the ground of age or disability to indicate if the application is an application under Section 86.0015;
(G) spaces for entering the signature, printed name, and residence address of any person assisting the applicant;
(H) a statement informing the applicant of the condition prescribed by Section 81.005; and
(I) a statement informing the applicant of the requirement prescribed by Section 86.003(c).

SECTION 2.04. Subchapter A, Chapter 84, Election Code, is amended by adding Section 84.0111 to read as follows:
Sec. 84.0111. PROHIBITION ON DISTRIBUTION OF APPLICATION FORM. (a) Unless authorized by this code, an officer or employee of this state or of a political subdivision of this state may not distribute an application form for an early voting ballot to a person who did not request an application under Section 84.001.
(b) An officer or employee of this state or of a political subdivision of this state may not use public funds to facilitate

HOUSE VERSION (IE)

CONFERENCES

[The conference committee may have exceeded the limitations imposed on its jurisdiction, but only the presiding officer can make the final determination on this issue.]

(D) a space or box for an applicant applying on the ground of age or disability to indicate that the address to which the ballot is to be mailed is the address of a facility or relative described by Section 84.002(a)(3), if applicable;
(E) a space or box for an applicant applying on the ground of confinement in jail to indicate that the address to which the ballot is to be mailed is the address of a relative described by Section 84.002(a)(4), if applicable;
(F) a space for an applicant applying on the ground of age or disability to indicate if the application is an application under Section 86.0015;
(G) spaces for entering the signature, printed name, and residence address of any person assisting the applicant;
(H) a statement informing the applicant of the condition prescribed by Section 81.005; and
(I) a statement informing the applicant of the requirement prescribed by Section 86.003(c).

Same as House version.
the distribution by another person of an application form for an early voting ballot to a person who did not request an application under Section 84.001.

SECTION 2.05. Section 84.035, Election Code, is amended to read as follows:
Sec. 84.035. BALLOT SENT TO APPLICANT. (a) If the early voting clerk cancels an application by an applicant to whom an early voting ballot has been sent, the clerk shall:
(1) remove the applicant's name from the early voting roster; and
(2) make any other entries in the records and take any other action necessary to prevent the ballot from being counted if returned.
(b) A person to whom an early voting ballot has been sent who cancels the person's application for a ballot to be voted by mail in accordance with Section 84.032 but fails to return the ballot to be voted by mail to the early voting clerk, deputy early voting clerk, or presiding judge as provided by that section may only vote a provisional ballot under Section 63.011.

SECTION 5.05. Section 84.035, Election Code, is amended to read as follows:
Sec. 84.035. BALLOT SENT TO APPLICANT. (a) If the early voting clerk cancels an application by an applicant to whom an early voting ballot has been sent, the clerk shall:
(1) remove the applicant's name from the early voting roster; and
(2) make any other entries in the records and take any other action necessary to prevent the ballot from being counted if returned.
(b) An election judge may permit a person to whom an early voting ballot has been sent who cancels the person's application for a ballot to be voted by mail in accordance with Section 84.032 but fails to return the ballot to be voted by mail to the early voting clerk, deputy early voting clerk, or presiding judge as provided by that section to vote only a provisional ballot under Section 63.011.

SECTION 5.06. Section 86.001, Election Code, is amended by adding Subsection (f) to read as follows:
(f) If the information required under Section 84.002(a)(1-a) included on the application does not match the information on the applicant's application for voter registration under Section 13.002(c)(8), the clerk shall reject the application.
SENATE VERSION

SECTION 2.06. Section 86.006, Election Code, is amended by amending Subsections (a) and (e) and adding Subsection (a-2) to read as follows:

(a) A marked ballot voted under this chapter must be returned to the early voting clerk in the official carrier envelope. The carrier envelope may be delivered in another envelope and must be transported and delivered only by:

No equivalent provision.

HOUSE VERSION (IE)

SECTION 2.06. Section 86.006, Election Code, is amended by amending Subsections (a) and (e) and adding Subsection (a-2) to read as follows:

(a) Same as Senate version.

CONFERENCE

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

No equivalent provision.

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

SECTION 4.08. Section 86.006, Election Code, is amended by amending Subsection (a) and adding Subsection (a-2) to read as follows:

(a) Same as Senate version.

SECTION 5.07. Section 86.002, Election Code, is amended by adding Subsections (g), (h), and (i) to read as follows:

(g) The carrier envelope must include a space that is hidden from view when the envelope is sealed for the voter to enter the following information:

1. the number of the voter's driver's license or personal identification card issued by the Department of Public Safety;
2. if the voter has not been issued a number described by Subdivision (1), the last four digits of the voter's social security number; or
3. a statement by the applicant that the applicant has not been issued a number described by Subdivision (1) or (2).

(h) A person may use the number of a driver's license or personal identification card that has expired for purposes of Subsection (g) if the license or identification is otherwise valid.

(i) No record associating an individual voter with a ballot may be created.

[The conference committee may have exceeded the limitations imposed on its jurisdiction, but only the presiding officer can make the final determination on this issue.]
(1) mail;
(2) common or contract carrier; or
(3) subject to Subsections [Subsection] (a-1) and (a-2), in-person delivery by the voter who voted the ballot.

No equivalent provision.

(a-1) The voter may deliver a marked ballot in person to the early voting clerk's office only while the polls are open on election day. A voter who delivers a marked ballot in person must present an acceptable form of identification described by Section 63.0101. If a poll watcher duly accepted for service is available at the time of the delivery of ballots under this subsection, the watcher is entitled to observe the delivery. The poll watcher must be able to determine how the ballots are being delivered and how election officials are making decisions about the delivery of ballots, if applicable. The poll watcher may not disrupt the process of delivering ballots. [FA4(8);FA6(17)-(18)]

(a-2) An in-person delivery of a marked ballot voted under this chapter must be received by a person at the time of delivery. A ballot delivered in violation of this subsection may not be counted.

No equivalent provision.

(c) Carrier envelopes may not be collected and stored at another location for subsequent delivery to the early voting

No equivalent provision.

(a-2) An in-person delivery of a marked ballot voted under this chapter must be received by an election official at the time of delivery. The receiving official shall record the voter’s name, signature, and type of identification provided under Section 63.0101 on a roster prescribed by the secretary of state. The receiving official shall attest on the roster that the delivery complies with this section.

Same as House version.

Same as Senate version.
The secretary of state shall prescribe appropriate procedures to implement this subsection and to provide accountability for the delivery of the carrier envelopes from the voting place to the early voting clerk. A ballot delivered in violation of this subsection may not be counted.

SECTION 2.07. Section 86.011(c), Election Code, is amended to read as follows:
(c) If the return is not timely, the clerk shall enter the time of receipt on the carrier envelope and retain it in a locked container for the period for preserving the precinct election records. The clerk shall destroy the unopened envelope and its contents after the preservation period.

(See ARTICLE 3, ELECTION SECURITY, below.)

No equivalent provision.

ARTICLE 2. REGISTRATION OF VOTERS AND CONDUCT OF ELECTIONS

SECTION 2.053(a), Election Code, is amended to read as follows:
(a) On receipt of the certification, the governing body of the political subdivision by order or ordinance shall declare each unopposed candidate elected to the office. If no election is to be held on election day by the political subdivision, a copy of the order or ordinance shall be posted on election day at each polling place used or that would have been used in the election. [FA10]
No equivalent provision.

**No equivalent provision.**

SECTION 2.056(c), Election Code, is amended to read as follows:

(c) A certifying authority shall [may] declare a candidate elected to an office of the state or county government if, were the election held, only the votes cast for that candidate in the election for that office may be counted. [FA10]

**No equivalent provision.**

SECTION 2.056(c), Election Code, is amended to read as follows:

(c) A certifying authority shall [may] declare a candidate elected to an office of the state or county government if, were the election held, only the votes cast for that candidate in the election for that office may be counted. [FA10]

**No equivalent provision.**

SECTION 2.056(c), Election Code, is amended to read as follows:

(c) A certifying authority shall [may] declare a candidate elected to an office of the state or county government if, were the election held, only the votes cast for that candidate in the election for that office may be counted. [FA10]
(b) Each month the clerk of each court having probate jurisdiction shall prepare an abstract of each application for probate of a will, administration of a decedent's estate, or determination of heirship, and each affidavit under Chapter 205, Estates Code, that is filed in the month with a court served by the clerk. The clerk shall file each abstract with the voter registrar and the secretary of state as soon as possible, but not later than the 7th day after the month following the month in which the abstract is prepared.

SECTION 2.04. Section 52.092(a), Election Code, is amended to read as follows:

(a) Except as provided by Section 2.053(c) or 2.056(e), for an election at which offices regularly filled at the general election for state and county officers are to appear on the ballot, the offices shall be listed in the following order:
1. offices of the federal government;
2. offices of the state government:
   (A) statewide offices;
   (B) district offices;
3. offices of the county government:
   (A) county offices;
   (B) precinct offices. [FA10]
SECTION 2.08. Chapter 86, Election Code, is amended by adding Section 86.015 to read as follows:

Sec. 86.015. ELECTRONIC TRACKING OF APPLICATION FOR BALLOT VOTED BY MAIL OR BALLOT VOTED BY MAIL. (a) The secretary of state shall develop or otherwise provide an online tool to each early voting clerk that enables a person who submits an application for a ballot to be voted by mail to track the location and status of the person's application and ballot on the secretary's Internet website and on the county's Internet website if the early voting clerk is the county clerk of a county that maintains an Internet website.

(b) The online tool developed or provided under Subsection (a) must require the voter to provide, before permitting the voter to access information described by that subsection:

(1) the voter's name and registration address and the last four digits of the voter's social security number; and

(2) the voter's:

(A) driver's license number; or

(B) personal identification card number issued by the Department of Public Safety.

(c) An online tool used under this section must update the applicable Internet website as soon as practicable after each of the following events occurs:

(1) receipt by the early voting clerk of the person's application for a ballot to be voted by mail;

(2) acceptance or rejection by the early voting clerk of the person's application for a ballot to be voted by mail;

Substantially same as Senate version. [FA14]

CONFERENCE

[The conference committee may have exceeded the limitations imposed on its jurisdiction, but only the presiding officer can make the final determination on this issue.]

No equivalent provision.
(3) placement in the mail by the early voting clerk of the person’s official ballot; 
(4) receipt by the early voting clerk of the person’s marked ballot; and 
(5) acceptance or rejection by the early voting ballot board of a person’s marked ballot. 

(c-1) The information contained in Subsection (c) is not public information for the purposes of Chapter 552, Government Code, until after Election Day.

(d) The secretary of state shall adopt rules and prescribe procedures as necessary to implement this section.

SECTION 2.09. Section 87.027(i), Election Code, is amended to read as follows:

(i) The signature verification committee shall compare the signature on each carrier envelope certificate, except those signed for a voter by a witness, with the signature on the voter's ballot application to determine whether the signatures are those of the voter. The committee may also compare the signatures with any known signature of the voter made within the preceding six years and on file with the county clerk or voter registrar to determine whether the signatures are those of the voter. Except as provided by Subsection (i), a determination under this subsection that the signatures are not those of the voter must be made by a majority vote of the committee’s membership. The committee shall place the jacket envelopes, carrier envelopes, and applications of voters associated.

SECTION 5.09. Same as Senate version.

[The conference committee may have exceeded the limitations imposed on its jurisdiction, but only the presiding officer can make the final determination on this issue.]
whose signatures are not those of the voter in separate containers from those of voters whose signatures are those of the voter.

The committee chair shall deliver the sorted materials to the early voting ballot board at the time specified by the board's presiding judge.

SECTION 2.10. Section 87.041(e), Election Code, is amended to read as follows:

No equivalent provision.

(b) Except as provided by Section 87.041(b), a [A] ballot may be accepted only if:
(1) the carrier envelope certificate is properly executed;
(2) neither the voter's signature on the ballot application nor the signature on the carrier envelope certificate is determined to have been executed by a person other than the voter, unless signed by a witness;

SECTION 5.10. Section 87.041, Election Code, is amended by amending Subsections (b) and (e) and adding Subsection (d-1) to read as follows:

(b) A ballot may be accepted only if:
(1) the carrier envelope certificate is properly executed;
(2) neither the voter's signature on the ballot application nor the signature on the carrier envelope certificate is determined to have been executed by a person other than the voter, unless signed by a witness;
(3) the voter's ballot application states a legal ground for early voting by mail;  
(4) the voter is registered to vote, if registration is required by law;  
(5) the address to which the ballot was mailed to the voter, as indicated by the application, was outside the voter's county of residence, if the ground for early voting is absence from the county of residence;  
(6) for a voter to whom a statement of residence form was required to be sent under Section 86.002(a), the statement of residence is returned in the carrier envelope and indicates that the voter satisfies the residence requirements prescribed by Section 63.0011; and  
(7) the address to which the ballot was mailed to the voter is an address that is otherwise required by Sections 84.002 and 86.003. [FA15]  

No equivalent provision.  

(d) Except as provided by Section 87.0411(h), a [A] ballot shall be rejected if any requirement prescribed by Subsection (b) is not satisfied. In that case, the board shall indicate the rejection by entering "rejected" on the carrier envelope and on the corresponding jacket envelope. [FA15]  

CONGRESS  

[The conference committee may have exceeded the limitations imposed on its jurisdiction, but only the presiding officer can make the final determination on this issue.]  

(3) the voter's ballot application states a legal ground for early voting by mail;  
(4) the voter is registered to vote, if registration is required by law;  
(5) the address to which the ballot was mailed to the voter, as indicated by the application, was outside the voter's county of residence, if the ground for early voting is absence from the county of residence;  
(6) for a voter to whom a statement of residence form was required to be sent under Section 86.002(a), the statement of residence is returned in the carrier envelope and indicates that the voter satisfies the residence requirements prescribed by Section 63.0011; and  
(7) the address to which the ballot was mailed to the voter is an address that is otherwise required by Sections 84.002 and 86.003; and  
(8) the information required under Section 86.002(c) provided by the voter matches the information on the voter's application for voter registration under Section 13.002(c)(8).  

Same as Senate version.
No equivalent provision.

(e) In making the determination under Subsection (b)(2), the board may also compare the signatures with any known signature [two or more signatures] of the voter [made within the preceding six years and] on file with the county clerk or voter registrar to determine whether the signatures are those of the voter.

No equivalent provision.

SECTION 2.11. Sections 87.062(a) and (c), Election Code, are amended to read as follows:

(a) On the direction of the presiding judge, the early voting ballot board, in accordance with Section 85.032(b), shall open the containers [seal] for the early voting ballots that are to be counted by the board, remove the contents from

No equivalent provision.

CONFERENCES

[The conference committee may have exceeded the limitations imposed on its jurisdiction, but only the presiding officer can make the final determination on this issue.]

(d)(1) If a voter provides the information required under Section 86.002(g) and it matches the information on the voter's application for voter registration under Section 13.002(c)(8), the signature on the ballot application and on the carrier envelope certificate shall be rebuttably presumed to be the signatures of the voter.

(e) In making the determination under Subsection (b)(2), to determine whether the signatures are those of the voter, the board:

(1) shall request from the Department of Public Safety any signature of the voter's on file with that department and compare the signatures of the voter on the ballot application and the carrier envelope certificate with any signature provided; and

(2) may also compare the signatures with any known signature [two or more signatures] of the voter [made within the preceding six years and] on file with the county clerk or voter registrar [to determine whether the signatures are those of the voter].

SECTION 5.12. Sections 87.062(a) and (c), Election Code, are amended to read as follows:

(a) Same as Senate version.
each [the] container, and remove any ballots enclosed in ballot envelopes from their envelopes.

(c) Ballots voted by mail shall be tabulated separately from the ballots voted by personal appearance and shall be separately reported on the returns. [The results of all early voting-ballots counted by the board under this subchapter shall be included in the same return].

SECTION 2.12. Section 87.103, Election Code, is amended to read as follows: Sec. 87.103. COUNTING BALLOTS AND PREPARING RETURNS. (a) The early voting electronic system ballots counted at a central counting station, the ballots cast at precinct polling places, and the ballots voted by mail shall be tabulated separately [from the ballots cast at precinct polling places] and shall be separately reported on the returns. (b) The early voting returns prepared at the central counting station must include any early voting results obtained by the early voting ballot board under Subchapter [Subchapters] D (and E).

SECTION 2.13. Section 87.126, Election Code, is amended by adding Subsection (a-1) to read as follows: (a-1) Electronic records made under this section shall record both sides of any application, envelope, or ballot recorded, and all such records shall be provided to the early voting ballot board, the signature verification committee, or both.

House Version (IE)

No equivalent provision.

(c) Same as Senate version, except requires ballots voted by mail to be stored separately from the ballots voted by personal appearance.

Senate Bill 7
Conference Committee Report
Section-by-Section Analysis

[The conference committee may have exceeded the limitations imposed on its jurisdiction, but only the presiding officer can make the final determination on this issue.]

CONFERENCE

SECTION 5.13. Same as Senate version.

SECTION 5.14. Same as Senate version.

Associated CCR Draft: 87R30396

27
SENA
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VERSION

No equivalent provision.

SECTION 2.14. The changes in law made by this article apply only to an application for an early voting ballot to be voted by mail that is submitted on or after the effective date of this Act.

ARTICLE 3. ELECTION SECURITY

SECTION 3.01. Section 33.006(b), Election Code, is amended to read as follows:

(b) A certificate of appointment must:
(1) be in writing and signed by the appointing authority or, for an appointment for a write-in candidate under Section 33.004, by each of the voters making the appointment;
(2) indicate the capacity in which the appointing authority is acting;
(3) state the name, residence address, and voter registration number of the appointee and be signed by the appointee;
(4) identify the election and the precinct polling place or other location at which the appointee is to serve; and

CONFEREE

[The conference committee may have exceeded the limitations imposed on its jurisdiction, but only the presiding officer can make the final determination on this issue.]

SECTION 5.15. Subchapter G, Chapter 87, Education Code, is amended by adding Section 87.128 to read as follows:

Sec. 87.128. NOTES. Each member of an early voting ballot board and each member of a signature verification committee is entitled to take and keep any notes reasonably necessary to perform the member's duties under this chapter.

Same as House version.

(See ARTICLE 3, CONDUCT AND SECURITY OF ELECTIONS, above.)

Same as House version.
(5) in an election on a measure, identify the measure if more than one is to be voted on and state which side of the measure the appointee represents; and
(6) contain an affidavit executed by the appointee stating that the appointee will not have possession of a device capable of recording images or sound or that the appointee will disable or deactivate the device while serving as a watcher.

SECTION 3.02. Section 33.051(c), Election Code, is amended to read as follows:
(c) [A watcher may not be accepted for service if the watcher has possession of a device capable of recording images or sound unless the watcher agrees to disable or deactivate the device.] The presiding judge may inquire whether a watcher has possession of a [any prohibited] recording device before accepting the watcher for service.

SECTION 3.03. Section 33.056, Election Code, is amended by amending Subsection (a) and adding Subsections (e) and (f) to read as follows:

(a) Except as provided by Section 33.057, a watcher is entitled to observe any activity conducted at the location at which the watcher is serving. A watcher is entitled to sit or stand [conveniently] near enough to see and hear the election officers conducting the observed activity, except as otherwise prohibited by this chapter.

No equivalent provision.

SECTION 3.04. Section 33.056, Election Code, is amended by adding Subsections (e) and (f) to read as follows: [FA6(10)]

No equivalent provision.

CONFERENCE

[The conference committee may have exceeded the limitations imposed on its jurisdiction, but only the presiding officer can make the final determination on this issue.]

Same as House version.

SECTION 4.03. Section 33.056, Election Code, is amended by amending Subsection (a) and adding Subsections (e) and (f) to read as follows:

(a) Same as Senate version.
(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.

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

(See SECTION 4.03 below, adding Sec. 33.062.)

SECTION 3.04. Section 33.061, Election Code, is amended by adding Subsection (d) to read as follows:

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

Associated CCR Draft: 87R30396
(c) An offense under Subsection (a) includes an action taken to distance or obstruct the view of a watcher in a way that makes observation reasonably ineffective.

SECTION 3.05. Subchapter C, Chapter 33, Election Code, is amended by adding Section 33.063 to read as follows: Sec. 33.063. DELIVERY OF CERTAIN EVIDENCE TO SECRETARY OF STATE. (a) A watcher may electronically transmit a photo, video, or audio recording made by the watcher during the watcher's service directly to the secretary of state if the watcher reasonably believes the photo, video, or recording contains evidence of unlawful activity. The means of transmission must be approved by the secretary of state.
(b) The secretary of state shall make a photo, video, or audio recording submitted under this section available to the attorney general upon request.
(c) Except as expressly provided by this section, a watcher may not share or transmit a photo, video, or audio recording, or allow a photo, video, or audio recording to be shared or transmitted, if the photo, video, or recording was created by the watcher during the watcher's service.

No equivalent provision.

[The conference committee may have exceeded the limitations imposed on its jurisdiction, but only the presiding officer can make the final determination on this issue.]
(d) The secretary of state shall adopt rules to administer this section.

No equivalent provision.

SECTION 2. Section 43.007(c) and (d), Election Code, are amended to read as follows: [FA20]

(c) In conducting the program, the secretary of state shall provide for an audit of the voting system equipment before and after the election, and during the election to the extent such an audit is practicable. [FA20]

(d) The secretary of state shall select to participate in the program each county that:
(1) has held a public hearing under Subsection (b);
(2) has submitted documentation listing the steps taken to solicit input on participating in the program by organizations or persons who represent the interests of voters;
(3) has implemented a computerized voter registration list that allows an election officer at the polling place to verify that a voter has not previously voted in the election;
(4) uses direct recording electronic voting machines, ballot marking devices, or hand-marked scannable paper ballots that are printed and scanned at the polling place or any other type of voting system equipment that the secretary of state determines is capable of processing votes for each type of ballot to be voted in the county; and
SECTION 3.06. Section 43.007, Election Code, is amended by amending Subsection (m) and adding Subsection (m-l) to read as follows:

(m) In adopting a methodology under Subsection (f), the county must ensure that:

(1) in a county with a population of less than one million:

(A) each county commissioners precinct contains at least one countywide polling place; and

(B) the total number of permanent branch and temporary branch polling places open for voting in a county commissioners precinct does not exceed more than twice the number of permanent branch and temporary branch polling places in another county commissioners precinct; and

(2) in a county with a population of one million or more, the number of polling places located in each state representative district included in the territory of the county is calculated by dividing the number of eligible voters residing in that district by the total number of eligible voters residing in the county and using the number generated as a percentage to allocate the same percentage of polling place locations, rounding up to the nearest whole number, if necessary.

(m-l) Election officials and voting equipment, materials, and supplies must be allocated to each polling place based

CONFERENCE

[The conference committee may have exceeded the limitations imposed on its jurisdiction, but only the presiding officer can make the final determination on this issue.]
on the same percentage as polling place locations are determined under Subsection (m) with no greater than a five percent deviation in the allocation between state representative districts. Each polling place location must be able to accommodate 100 percent of the equipment allocated to be operational at the same time.

SECTION 3.07. 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 a motor vehicle. No voter may cast a vote from inside a motor vehicle unless the voter meets the requirements of Section 64.009.

SECTION 3.08. Section 61.014, Election Code, is amended by adding Subsections (a) and (b) and adding Subsection (b-1) to read as follows:
(a) A person, other than a watcher using the device solely to record image or sound as permitted under Subsection (b), may not use a wireless communication device within 100 feet of a voting station.
(b) A person, other than a watcher, may not use a mechanical or electronic device to record (means of recording) images or sound at a polling place. A watcher may use such a device to record images or sound at a polling place, except that a watcher may record activity [within 100
(b-1) A recording made by a watcher under Subsection (b) may not capture or record any information on a voter’s ballot.

SECTION 3.09. Section 64.007(c), Election Code, is amended to read as follows:

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

SECTION 3.10. Section 64.009, Election Code, is amended by amending Subsection (b) and adding Subsections (b-1), (e), (f), (f-1), (g), and (h) 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

[The conference committee may have exceeded the limitations imposed on its jurisdiction, but only the presiding officer can make the final determination on this issue.]
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.

(f) A person who simultaneously assists three or more voters voting under this section by providing the voters with transportation to the polling place must complete and sign a form provided by an election officer that contains the person's name and address and whether the person is providing assistance solely under this section or under both this section and Subchapter B.

Subsection (f) does not apply if the person is related to each voter within the second degree by affinity or the third degree by consanguinity, as determined under Subchapter B, Chapter 573, Government Code.

(g) A form completed under Subsection (f) shall be delivered to the secretary of state as soon as practicable. The secretary shall retain a form delivered under this section for the period for preserving the precinct election records and shall make the form available to the attorney general for inspection if the attorney general has received a complaint to which the information may be responsive.

(h) The secretary of state shall prescribe the form described by Subsection (f).
No equivalent provision.

SECTION 2. Section 87.121, Election Code, as amended by Chapters 1083 (H.B. 1850) and 1215 (S.B. 902), Acts of the 86th Legislature, Regular Session, 2019, is reenacted and amended to read as follows:

Sec. 87.121. EARLY VOTING ROSTERS. (a) The early voting clerk shall maintain for each election a roster listing each person who votes an early voting ballot by personal appearance and a roster listing each person to whom an early voting ballot to be voted by mail is sent.

(b) For each person listed, the applicable roster must include:

(1) the person's name, address, and voter registration number;

(2) an identification of the person's county election precinct of registration; and

(3) the date of voting or the date the ballot was mailed to the person, as applicable.

(c) Each roster shall be updated daily.

(d) Each roster may be maintained in any form approved by the secretary of state.

(e) The clerk shall preserve each roster after the election for the period for preserving the precinct election records.

(f) Information on the roster for a person to whom an early voting mail ballot has been sent is not available for public inspection, except to the voter seeking to verify that the
information pertaining to the voter is accurate, until the first business day after election day.

(g) Information on the roster for a person who votes an early voting ballot by personal appearance shall be made available for public inspection as provided by Subsection (i) not later than 11 a.m. on the day after the date the information is entered on the roster under Subsection (c).

(h) Information on the roster for a person who votes an early voting ballot by mail shall be made available for public inspection as provided by Subsection (i) not later than 11 a.m. on the day following the day the early voting clerk receives any [a] ballot voted by mail.

(i) The information under Subsections (g) and (h) must be made available:
   (1) for an election in which the county clerk is the early voting clerk:
      (A) on the publicly accessible Internet website of the county;
      or
      (B) if the county does not maintain a website, on the bulletin board used for posting notice of meetings of the commissioners court;
   or
   (2) for an election not described by Subdivision (1):
      (A) on the publicly accessible Internet website of the authority ordering the election;
      or
      (B) if the authority ordering the election does not maintain a website, on the bulletin board used for posting notice of meetings of the governing body of the authority.

[The conference committee may have exceeded the limitations imposed on its jurisdiction, but only the presiding officer can make the final determination on this issue.]
(i) (f) The early voting clerk for a primary election or the general election for state and county officers shall submit to the secretary of state for posting on the secretary of state's Internet website the information described by:
(1) Subsection (g) not later than 11 a.m. on the day after the date the information is entered on the roster under Subsection (c); and
(2) Subsection (h) not later than 11 a.m. on the day following the day the early voting clerk receives any [a] ballot voted by mail.
(k) The early voting clerk for a primary election or the general election for state and county officers shall submit to the secretary of state for posting on the secretary of state's Internet website the election day information described by Subsections (g) and (h) not later than 11 a.m. on the day after the election.
(l) The early voting clerk for a primary election or the general election for state and county officers shall submit to the secretary of state for posting on the secretary of state's Internet website the final rosters containing information described by Subsections (g) and (h) not later than the 20th day after the date of the local canvass.
(m) (f) The secretary of state shall [make any early voting roster created under this section available to the public on the secretary's Internet website.]
(n) The secretary of state shall post the information described by Subsection (j) [f(b)] on the secretary of state's Internet website in a downloadable format not later than 11
<table>
<thead>
<tr>
<th>SENATE VERSION</th>
<th>HOUSE VERSION (IE)</th>
<th>CONFERENCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Senate Bill 7</td>
<td>Conference Committee Report</td>
<td>Section-by-Section Analysis</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>ARTICLE 2. CONFERENCE</strong></td>
<td><strong>ARTICLE 3. ELECTION OFFICERS AND OBSERVERS</strong></td>
<td><strong>ARTICLE 4. ELECTION OFFICERS AND OBSERVERS</strong></td>
</tr>
<tr>
<td>Same as Senate version.</td>
<td>SECTION 11.04. Not later than January 1, 2022, the secretary of state shall develop the training course required by Section 31.019, Election Code, as added by this Act.</td>
<td>Same as Senate version.</td>
</tr>
<tr>
<td>SECTION 11.05. Same as House version.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>SECTION 2. To the extent of any conflict, this Act prevails over another Act of the 87th Legislature, Regular Session, 2021, relating to nonsubstantive additions to and corrections in enacted codes. [FA14]</td>
<td></td>
<td></td>
</tr>
<tr>
<td>SECTION 3.01. Section 32.075, Election Code, is amended by adding Subsections (g) and (h) to read as follows: [FA4(4)] (g) A presiding judge may not have a watcher duly accepted for service under Subchapter A, Chapter 33, removed from the polling place for violating a provision of this code, the Penal Code, or any other provision of law relating to the conduct of elections, unless the violation was observed by an</td>
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<td></td>
</tr>
</tbody>
</table>

[The conference committee may have exceeded the limitations imposed on its jurisdiction, but only the presiding officer can make the final determination on this issue.]
election judge or clerk after the watcher was previously warned that the watcher's conduct violated the law. [FA6(7)]

(h) Notwithstanding subsection (g), a presiding judge may call a law enforcement officer to request that a poll watcher be removed if the poll watcher commits a breach of the peace or a violation of this code. [FA4(5)]
SECTION 3.05. Subchapter C, Chapter 33, Election Code, is amended by adding Section 33.0605 to read as follows: Sec. 33.0605. OBSERVING DATA STORAGE SEALING AND TRANSFER.

Notwithstanding any other provision of this code, a watcher duly accepted for service at a polling place is entitled to follow the transfer of election materials from the polling place at which the watcher was accepted to a regional tabulating center, the central counting station, or any other location designated to process election materials. The authority responsible for administrating a regional tabulating center or another location where election materials are processed must accept duly appointed watchers for service in the same manner a watcher is accepted for service under Section 33.051 and must accept the same number of watchers that may serve under Section 33.007(a). (FA4(7); FA6(13))

SECTION 4.04. Subchapter C, Chapter 33, Election Code, is amended by adding Section 33.0605 to read as follows: Sec. 33.0605. OBSERVING DATA STORAGE SEALING AND TRANSFER.

(a) A watcher appointed to serve at a polling place in an election who is available at the time of the action may observe all election activities relating to closing the polling place, including the sealing and transfer of a memory card, flash drive, hard drive, data storage device, or other medium now existing or later developed used by the voting system equipment.

(b) Same as House version.
SEC 3.07. [Deleted by FA6(14)]

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

(a) Except as permitted by this code and as described by Subsection (a-1), a person may not be in the polling place from the time the presiding judge arrives there on election day to make the preliminary arrangements until the precinct returns have been certified and the election records have been assembled for distribution following the election.

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

1. an election judge or clerk;
2. a watcher;
3. the secretary of state;
4. a staff member of the Elections Division of the Office of the Secretary of State performing an official duty in accordance with this code;
5. an election official, a sheriff, or a staff member of an election official or sheriff delivering election supplies;
6. an inspector designated by law; [FA6(15)-(16)]
7. a person admitted to vote;
8. a child under 18 years of age who is accompanying a parent who has been admitted to vote;

SEC 4.07. Section 61.001, Election Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a) Except as permitted by this code and as described by Subsection (a-1), a person may not be in the polling place from the time the presiding judge arrives there on election day to make the preliminary arrangements until the precinct returns have been certified and the election records have been assembled for distribution following the election.

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

1. an election judge or clerk;
2. a watcher;
3. the secretary of state;
4. a staff member of the Elections Division of the Office of the Secretary of State performing an official duty in accordance with this code;
5. an election official, a sheriff, or a staff member of an election official or sheriff delivering election supplies;
6. a state inspector;
7. a person admitted to vote;
8. a child under 18 years of age who is accompanying a parent who has been admitted to vote;
(9) a person providing assistance to a voter under Section 61.032 or 64.032;
(10) a person accompanying a voter who has a disability;
(11) a special peace officer appointed by the presiding judge under Section 32.075;
(12) the county chair of a political party conducting a primary election, as authorized by Section 172.1113;
(13) a voting system technician, as authorized by Section 125.010;
(14) the county election officer, as defined by Section 31.091, as necessary to perform tasks related to the administration of the election; or
(15) a person whose presence has been authorized by the presiding judge and alternate presiding judge in accordance with this code.

No equivalent provision.

SECTION 3.10. Section 87.026, Election Code, is amended to read as follows:
Sec. 87.026. BYSTANDERS EXCLUDED. (a) Except as permitted by this code and as described by Subsection (b), a person may not be in the meeting place of an early voting ballot board during the time of the board's operations.
(b) Under this code, a person may be lawfully present in the meeting place of an early voting ballot board during the time of the board's operations if the person is:
(1) a presiding judge or member of the board;
(2) a watcher;

CONFERENCE
[The conference committee may have exceeded the limitations imposed on its jurisdiction, but only the presiding officer can make the final determination on this issue.]

(9) a person providing assistance to a voter under Section 61.032 or 64.032;
(10) a person accompanying a voter who has a disability;
(11) a special peace officer appointed by the presiding judge under Section 32.075;
(12) the county chair of a political party conducting a primary election, as authorized by Section 172.1113;
(13) a voting system technician, as authorized by Section 125.010;
(14) the county election officer, as defined by Section 31.091, as necessary to perform tasks related to the administration of the election; or
(15) a person whose presence has been authorized by the presiding judge and alternate presiding judge in accordance with this code.

SECTION 4.09. Same as House version, except also includes an inspector, as provided for by law, among those who may be present in the meeting place of an early voting ballot board during the specified period.
SECTION 3.11. Subchapter B, Chapter 64, Election Code, is amended by adding Section 64.0322 to read as follows:

Sec. 64.0322. SUBMISSION OF FORM BY ASSISTANT.

(a) A person, other than an election officer, who assists a voter in accordance with this chapter is required to complete a form stating:

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

(2) the manner in which the person assisted the voter;

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

(4) the county election officer, as defined by Section 31.09, as necessary to perform tasks related to the administration of the election; [FA6(19)]

(5) the county chair of a political party conducting a primary election or runoff primary election or [FA6(20)]

(6) a person whose presence has been authorized by the presiding judge in accordance with this code. [FA6(21)]

ARTICLE 4. ASSISTANCE OF VOTERS

(See ARTICLE 6, ASSISTANCE OF VOTERS, above.)

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

Sec. 64.0322. SUBMISSION OF FORM BY ASSISTANT.

(a) Same as Senate.

(1) Same as Senate.

(2) the manner in which the person is assisting the voter under Section 64.031; [Deleted by FA5(1) and then amended by FA19(1)]

Same as House version.

CONFERENCE

[The conference committee may have exceeded the limitations imposed on its jurisdiction, but only the presiding officer can make the final determination on this issue.]
(3) the reason the assistance was necessary; and

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

No equivalent provision.

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

No equivalent provisions.

SECTION 3.12. Subchapter A, Chapter 65, Election Code, is amended by adding Section 65.016 to read as follows:

Sec. 65.016. VOTE COUNTING EQUIPMENT. Beginning January 1, 2024, no equipment to count votes shall be used that is capable of being connected to the Internet or any other computer network.

No equivalent provision.

SECTION 3.06. Subchapter A, Chapter 65, Election Code, is amended by adding Section 65.016 to read as follows:

Sec. 65.016. VOTE TABULATING EQUIPMENT. Beginning January 1, 2024, equipment to tabulate votes may not be used if any wireless connectivity capability of the equipment has not been disabled or removed.

No equivalent provision.

CONFERENCE

[The conference committee may have exceeded the limitations imposed on its jurisdiction, but only the presiding officer can make the final determination on this issue.]

Same as House version.

(2) Substantially the same as House version.

(3) whether the person assisting the voter received or accepted any form of compensation or other benefit from a candidate, campaign, or political committee in exchange for providing assistance. [FA19(3)]

(b) Same as Senate version.

(b) Same as Senate version.

SECTION 3.07. Subchapter A, Chapter 66, Election Code, is amended by adding Section 66.004 to read as follows:
Section 66.052, Election Code, is amended to read as follows:

**Sec. 66.052. DELIVERY BY ELECTION CLERK: CHAIN OF CUSTODY.**

(a) A delivery of election records or supplies that is to be performed by the presiding judge may be performed by an election clerk designated by the presiding judge.

No equivalent provision.

(b) The presiding judge or an election clerk designated by the presiding judge under this section must keep records of each person that has custody of a precinct election record until the records are delivered.

No equivalent provision.

**SECTION 3.13.** Section 66.052, Election Code, is amended to read as follows:

Sec. 66.052. DELIVERY BY ELECTION CLERK: CHAIN OF CUSTODY.

(a) Same as Senate version.

(b) Same as Senate version.

**CONFERENCE**

[The conference committee may have exceeded the limitations imposed on its jurisdiction, but only the presiding officer can make the final determination on this issue.]

**SECTION 3.08.** Section 66.052, Election Code, is amended to read as follows:

Sec. 66.052. DELIVERY BY ELECTION CLERK: CHAIN OF CUSTODY.

(a) Same as Senate version.

(b) Same as House version.

The presiding judge shall attest to the designation, and the clerk shall attest to the clerk's acceptance of the responsibility. The secretary of state shall create and promulgate a form to facilitate compliance with this section.
Sections 66.058(b) and (g), Election Code, are amended to read as follows:

(b) For a period of at least 60 days after the date of the election, or until any election contest is resolved, whichever is longer, the voted ballots shall be preserved securely in a locked room in the locked ballot box in which they are delivered to the general custodian of election records. On the 61st day after election day, or the day an election contest is resolved, whichever is later, the general custodian of election records may:

1. require a person who has possession of a key that operates the lock on a ballot box containing voted ballots to return the key to the custodian; and
2. unlock the ballot box and transfer the voted ballots to another secure container for the remainder of the preservation period.

(g) Electronic records created under Chapter 129 shall be preserved in a secure container. An electronic device used to store records may not be altered in any manner as to delete or overwrite the records during the preservation period.

SECTION 3.15. Section 85.005, Election Code, is amended to read as follows:

(a) Except as provided by Subsection (c), in an election in which a county clerk (or city secretary) is the early voting

SEC. 85.005. REGULAR DAYS AND HOURS FOR VOTING.

(a) Same as Senate version.
Senate Bill 7
Conference Committee Report
Section-by-Section Analysis

SENATE VERSION

clerk under Section 83.002 [or-83.006], early voting by personal appearance at the main early voting polling place shall be conducted on each weekday of the early voting period that is not a legal state holiday for a period of at least nine hours, except that voting may not be conducted earlier than 6 a.m. or later than 9 p.m. during the hours the county clerk’s or city secretary’s main business office is regularly open for business.

(b) In an election to which Subsection (a) does not apply, early voting by personal appearance at the main early voting polling place shall be conducted at least nine [eight] hours each weekday of the early voting period that is not a legal state holiday unless the territory covered by the election has fewer than 1,000 registered voters. In that case, the voting shall be conducted at least four [three] hours each day. The authority ordering the election, or the county clerk if that person is the early voting clerk, shall determine which hours the voting is to be conducted.

(c) In a county with a population of 20,000 [400,000] or more, the voting in a special election ordered by the governor shall be conducted at the main early voting polling place for at least 12 hours on each weekday of the last week of the early voting period, and the voting in a special election ordered by the governor shall be conducted at the main early voting polling place for at least 12 hours on each of the last two days of the early voting period.

HOUSE VERSION (IE)

No equivalent provision.

CONFERENCE

[The conference committee may have exceeded the limitations imposed on its jurisdiction, but only the presiding officer can make the final determination on this issue]

(b) Same as Senate version.

(c) In a county with a population of 20,000 [400,000] or more, the voting in a primary election or the general election for state and county officers shall be conducted at the main early voting polling place for at least 12 hours on each weekday of the last week of the early voting period, and the voting in a special election ordered by the governor shall be conducted at the main early voting polling place for at least 12 hours on each of the last two days of the early voting period. 

Associated CCR Draft: 87R30396

49

21.149.734
period. Voting under this subsection may not be conducted earlier than 6 a.m. or later than 9 p.m. Voting shall be conducted in accordance with this subsection in those elections in a county with a population under 30,000 (or 40,000) on receipt by the early voting clerk of a written request for the extended hours submitted by at least 15 registered voters of the county. The request must be submitted in time to enable compliance with Section 85.067.

No equivalent provision.

SECTON 3.16. Subchapter A, Chapter 85, Election Code, is amended by adding Section 85.0055 to read as follows: Sec. 85.0055. VOTING AFTER POLLS CLOSE. (a) A voter who has not voted before the time for closing an early voting polling place is entitled to vote after that time if the

CONFERENCE

[The conference committee may have exceeded the limitations imposed on its jurisdiction, but only the presiding officer can make the final determination on this issue.]

period. Voting under this subsection may not be conducted earlier than 6 a.m. or later than 9 p.m. Voting shall be conducted in accordance with this subsection in those elections in a county with a population under 30,000 (or 40,000) on receipt by the early voting clerk of a written request for the extended hours submitted by at least 15 registered voters of the county. The request must be submitted in time to enable compliance with Section 85.067.

No equivalent provision.

(d) A voter who has not voted before the scheduled time for closing a polling place is entitled to vote after that time if the voter is in line at the polling place by closing time. The secretary of state shall promulgate any materials and provide any training to presiding judges necessary to properly process voters under this subsection. In an election ordered by a city, early voting by personal appearance at the main early voting polling place shall be conducted for at least 12 hours:

[(2) on one weekday, if the early voting period consists of less than six weekdays; or
[(3) on two weekdays, if the early voting period consists of six or more weekdays.]

No equivalent provision.

Same as House version.
voter is inside or waiting to enter the polling place at closing time.
(b) If voters are waiting to enter the polling place at closing time, the presiding judge shall direct them to enter the polling place and shall close it to others. However, if that procedure is impracticable, at closing time the presiding judge shall distribute numbered identification cards to the waiting voters and permit entry into the polling place for voting after closing time only by those possessing a card.
(c) The presiding judge shall take the precautions necessary to prevent voting after closing time by persons who are not entitled to do so.

SECTION 3.17. Section 85.006(b), Election Code, is amended to read as follows:

(b) In an election in which a county clerk [or city secretary] is the early voting clerk under Section 83.002 [or 83.006], only the early voting clerk may order voting on a Saturday or Sunday. The clerk must do so by written order.

No equivalent provision.

SECTION 3.10. Sections 85.006(b) and (e), Election Code, are amended to read as follows:

(b) Same as Senate version.

(e) In a primary election or the general election for state and county officers in a county with a population of 30,000 (or 300,000) or more, the early voting clerk shall order voting by personal appearance [voting] at the main early voting polling place to be conducted on the last Saturday of the early voting period for at least 12 hours, except that voting may not be conducted earlier than 6 a.m. or later than 9 p.m. [on
Section 85.010(a-1), Election Code, is amended to read as follows:

(a-1) In this section, "eligible county polling place" means an early voting polling place established by a county.

Section 85.033, Election Code, is amended to read as follows:

Sec. 85.033. Security of Voting Machine. (a) At the close of early voting each day, the early voting clerk shall secure each voting machine used for early voting in the manner prescribed by the secretary of state so that its unauthorized operation is prevented. The clerk shall unsecure the machine before the beginning of early voting the following day.

No equivalent provision.

No equivalent provision.

Same as House version.
(b) A voting machine used for early voting may not be removed from the polling place until the polls close on election day. A defective, or in need of repair, machine may be removed from service and replaced.

SECTION 3.20. 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 [a] 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 3.21. Section 85.062, Election Code, is amended by amending Subsection (b) and adding Subsection (f-1) 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

No equivalent provision.

No equivalent provision.

SECTION 3.12. 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 [a] 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 similar temporary movable structure or a parking garage, parking lot, or similar facility designed primarily for motor vehicles.

SECTION 3.13. Section 85.062, Election Code, is amended by amending Subsection (b) and adding Subsection (f-1) 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 similar 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.

(F-1) Notwithstanding any other provision of this section concerning the location of temporary branch polling places, in an election in which countywide polling places are used under Section 43.007, the commissioners court of a county shall employ the same methodology it uses to determine the location of countywide polling places to determine the location of temporary branch polling places.

SECTION 3.22. Chapter 121, Election Code, is amended by adding Section 121.004 to read as follows:

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

(1) is not confidential;
(2) is public information for purposes of Chapter 552, Government Code; and

No equivalent provision. 

SECTION 4.11. Chapter 121, Election Code, is amended by adding Section 121.004 to read as follows:

Sec. 121.004. COMMUNICATIONS WITH VOTING SYSTEMS VENDOR PUBLIC INFORMATION. (a) Except as provided by Subsection (b) and notwithstanding any other law, including Chapter 552, Government Code, a written letter, e-mail, or other communication, including a communication made confidential by other law, between a public official and a voting systems vendor:

(1) is not confidential;
(2) is public information for purposes of Chapter 552, Government Code; and
version (3) is not subject to an exception to disclosure provided by Chapter 552, Government Code.

SECTION 3.23. Section 124.002, Election Code, is amended by adding Subsection (c) to read as follows:

(c) Voting system ballots may not be arranged in a manner that allows a political party's candidates to be selected in one motion or gesture.

SECTION 3.24. Subchapter A, Chapter 125, Election Code, is amended by adding Section 125.0071 to read as follows:

Sec. 125.0071. VOTER ALLOWED TO CAST BALLOT AT ANY TIME. A voting machine or ballot marking device must allow a voter the option to cast or complete the voter's ballot without voting on all races or measures if the voter affirmatively chooses to do so.

SECTION 3.25. Subchapter A, Chapter 127, Election Code, is amended by adding Section 127.008 to read as follows:

Sec. 127.008. ELECTRONIC DEVICES IN CENTRAL COUNTING STATION.

(a) A counting station manager and the presiding judge of the counting station shall develop a protocol under which any electronic device inside a central counting station that is

CONFERENCES [The conference committee may have exceeded the limitations imposed on its jurisdiction, but only the presiding officer can make the final determination on this issue.]

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

(b) Subsection (a) does not apply to a written letter, e-mail, or other communication related to the bidding process.

SECTION 3.14. Same as Senate version.

Same as House version.

SECTION 4.12. Subchapter A, Chapter 127, Election Code, is amended by adding Section 127.008 to read as follows:

Sec. 127.008. ELECTRONIC DEVICES IN CENTRAL COUNTING STATION.

(a)-(b) Same as Senate version.
necessary to count votes is equipped with software that tracks all input and activity on the electronic device.

(b) The counting station manager and the presiding judge of the counting station shall ensure that the input and activity tracked by the software is printed and delivered to the secretary of state not later than the fifth day after vote counting is complete.

No equivalent provision.

No equivalent provision.

SECTION 3.11. Subchapter A, Chapter 127, Election Code, is amended by adding Section 127.008 to read as follows: Sec. 127.008. BYSTANDERS EXCLUDED. (a) Except as permitted by this code and as described by Subsection (b), a person may not be in a central counting station while ballots are being counted.

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

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

(2) a watcher;

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

(c) This section applies only to a central counting station located in a county with a population of 250,000 or more.

SECTION 4.10. Same as House version except also includes an inspector, as provided for by law, among those who may be present in the central counting station during the specified period.
[The conference committee may have exceeded the limitations imposed on its jurisdiction, but only the presiding officer can make the final determination on this issue.]

(4) the county election officer, as defined by Section 31.091, as necessary to perform tasks related to the administration of the election; or
(5) a person whose presence has been authorized by the presiding judge of the central counting station in accordance with this code.

SECTION 3.15. 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 in a county with a population of less than 100,000 may, and the general custodian of election records in a county with a population of 100,000 or more 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:
   (1) from the time the voted ballots are delivered to the central counting station until the canvass of precinct election returns; and
   (2) from the time the voted ballots are delivered to the signature verification committee or early voting ballot board until the canvass of precinct election returns.
(c) A video from a system implemented under Subsection (b) may be made available to the public by a livestream in a

Same as Senate version.
SENATE VERSION

The video may be made available to the public by a livestream in a county with a population of less than 100,000, and shall be made available to the public by a livestream in a county with a population of 100,000 or more.

(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 or until an election contest filed in the county has been resolved, whichever is later.

SECTION 3.27. Section 127.1301, Election Code, is amended to read as follows:

Sec. 127.1301. [TALLYING, TABULATING, AND REPORTING] CENTRALLY COUNTED OPTICAL SCAN BALLOTS [BALLOT UNDERVOTES AND OVERVOTES]. (a) In an election using centrally counted optical scan ballots, the undervotes and overvotes on those ballots shall be tallied, tabulated, and reported by race and by election precinct in the form and manner prescribed by the secretary of state.

(b) After January 1, 2024, an authority operating a central counting station under this chapter may not purchase or use a centrally counted optical ballot scan system that uses a data storage disc on which information, once written, is capable of being modified.

CONFERENCE

[The conference committee may have exceeded the limitations imposed on its jurisdiction, but only the presiding officer can make the final determination on this issue.]

county with a population of less than 100,000, and shall be made available to the public by a livestream in a county with a population of 100,000 or more.

(d) 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 or until an election contest filed in the county has been resolved, whichever is later.

SECTION 4.13. Same as Senate version.
Senate Bill 7
Conference Committee Report
Section-by-Section Analysis

SENATE VERSION

SECTION 3.28. Subchapter A, Chapter 129, Election Code, is amended by adding Section 129.003 to read as follows:
Sec. 129.003. PAPER AUDIT TRAIL REQUIRED. (a) In this section, "auditable voting system" means a voting system that:
(1) uses a paper record; or
(2) produces a paper record by which a voter can verify that the voter's ballot will be counted accurately.
(b) Except as provided by Subsection (a), a voting system that consists of direct recording electronic voting machines may not be used in an election unless the system is an auditable voting system.
(c) Except for a recount under Title 13 or an election contest under Title 14, the electronic vote is the official record of the ballot. For a recount of ballots cast on a system involving direct recording electronic voting machines, or in an election contest, the paper record is the official record of the vote cast.
(d) An authority that purchased a voting system other than an auditable voting system after September 1, 2016, and before September 1, 2021, may use available federal funding and, if federal funding is not available, available state funding to retrofit the purchased voting system as an auditable voting system in accordance with the following schedule:
(1) if the voting system was retrofitted as an auditable voting system not later than the election taking place November 8,

No equivalent provision.

HOUSE VERSION (IE)

SECTION 3.28. Subchapter A, Chapter 129, Election Code, is amended by adding Section 129.003 to read as follows:
Sec. 129.003. PAPER AUDIT TRAIL REQUIRED. (a) In this section, "auditable voting system" means a voting system that:
(1) uses a paper record; or
(2) produces a paper record by which a voter can verify that the voter's ballot will be counted accurately.
(b) Except as provided by Subsection (a), a voting system that consists of direct recording electronic voting machines may not be used in an election unless the system is an auditable voting system.
(c) Except for a recount under Title 13 or an election contest under Title 14, the electronic vote is the official record of the ballot. For a recount of ballots cast on a system involving direct recording electronic voting machines, or in an election contest, the paper record is the official record of the vote cast.
(d) An authority that purchased a voting system other than an auditable voting system after September 1, 2016, and before September 1, 2021, may use available federal funding and, if federal funding is not available, available state funding to retrofit the purchased voting system as an auditable voting system in accordance with the following schedule:
(1) if the voting system was retrofitted as an auditable voting system not later than the election taking place November 8,

[The conference committee may have exceeded the limitations imposed on its jurisdiction, but only the presiding officer can make the final determination on this issue.]

CONFERENCE

SECTION 4.14. Subchapter A, Chapter 129, Election Code, is amended by adding Section 129.003 to read as follows:
Sec. 129.003. PAPER AUDIT TRAIL REQUIRED. (a) In this section, "auditable voting system" means a voting system that:
(1) uses a paper record; or
(2) produces a paper record by which a voter can verify that the voter's ballot will be counted accurately.
(b) Except as provided by Subsection (a), a voting system that consists of direct recording electronic voting machines may not be used in an election unless the system is an auditable voting system.
(c) Except for a recount under Title 13 or an election contest under Title 14, the electronic vote is the official record of the ballot. For a recount of ballots cast on a system involving direct recording electronic voting machines, or in an election contest, the person requesting the recount may request a recount of the electronic vote or the paper record.
(d) An authority that purchased a voting system other than an auditable voting system after September 1, 2016, and before September 1, 2021, may use available federal funding and, if federal funding is not available, available state funding to retrofit the purchased voting system as an auditable voting system in accordance with the following schedule:
(1) if the voting system was retrofitted as an auditable voting system not later than the election taking place November 8, 2022, the authority is eligible to have 100
SENATE VERSION

2022, the authority is eligible to have 100 percent of the cost of retrofitting reimbursed under this section; and

(2) if the authority is not eligible for a 100 percent reimbursement of cost under Subdivision (1) and the voting system was retrofitted as an auditable voting system not later than the election taking place November 3, 2026, the authority is eligible to have 50 percent of the cost of retrofitting reimbursed under this section.

(e) Subsections (a)-(c) do not apply to an election held before September 1, 2026.

(f) Before opening the polls for voting, the presiding election judge shall confirm that each voting machine has any public counter reset to zero and shall print the tape that shows the counter was set to zero. After closing the polls for voting, the presiding election judge shall print the tape that shows the number of votes cast. Each election judge present shall sign a tape printed under this subsection.

SECTION 3.29. Section 129.023, Election Code, is amended by adding Subsections (b-2) and (c-1) to read as follows:

(b-2) If the test is being conducted for an election in which a county election board has been established under Section 51.002, the general custodian of election records shall notify each member of the board of the test at least 48 hours before the date of the test. If the county election board chooses to conduct the test, the test shall be held before an appointed time on the day of the test. The general custodian of election records shall prepare a report of the test and shall file the report with the county election board. The report shall include the results of the test and any findings or recommendations for improving the voting system.

No equivalent provision.

HOUSE VERSION (IE)

2022, the authority is eligible to have 100 percent of the cost of retrofitting reimbursed under this section; and

(2) if the authority is not eligible for a 100 percent reimbursement of cost under Subdivision (1) and the voting system was retrofitted as an auditable voting system not later than the election taking place November 3, 2026, the authority is eligible to have 50 percent of the cost of retrofitting reimbursed under this section.

(e) Subsections (a)-(c) do not apply to an election held before September 1, 2026.

(f) Before opening the polls for voting, the presiding election judge shall confirm that each voting machine has any public counter reset to zero and shall print the tape that shows the counter was set to zero. After closing the polls for voting, the presiding election judge shall print the tape that shows the number of votes cast. Each election judge present shall sign a tape printed under this subsection.

SECTION 4.15. Same as Senate version.

[The conference committee may have exceeded the limitations imposed on its jurisdiction, but only the presiding officer can make the final determination on this issue.]
witness the test, each member shall sign the statement required by Subsection (e)(1).

(c-1) A test conducted under this section must also require the general custodian of election records to demonstrate, using a representative sample of voting system equipment, that the source code of the equipment has not been altered.

No equivalent provision.

SECTION 4.16. Section 127.131, Election Code, is amended by adding Subsection (f) to read as follows:

(f) The presiding judge of the central counting station shall provide and attest to a written reconciliation of votes and voters at the close of tabulation for election day and again after the central counting station meets for the last time to process late-arriving ballots by mail and provisional ballots. The secretary of state shall create and promulgate rules and a form to facilitate compliance with this subsection. The form shall be posted on a website maintained by the county along with election returns and results.

Same as House version.

SECTION 3.30. Section 216.001, Election Code, is amended to read as follows:

Sec. 216.001. APPLICABILITY OF CHAPTER. (a) Except as provided by Subsection (b), this [This] chapter applies only to an election that results in a tie vote as provided by Sections 2.002(i), 2.023(b) and (c), and 2.028. (b) If the results of an election show that the number of votes cast in an election precinct exceeds the number of registered voters in the precinct, the authority designated under Section

No equivalent provision.

Same as Senate version.
212.026 shall initiate an automatic recount for that precinct in accordance with this chapter.

SECTION 3.31. 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.

(e) The secretary of state may grant consent under Subsection (b) only if:

(1) the secretary consults with the governor, the lieutenant governor, and the speaker of the house of representatives on the proposed donation; and

(2) the governor, the lieutenant governor, and the speaker of the house of representatives unanimously agree to the secretary's grant of consent.

SECTION 3.32. The changes in law made by this article apply only to an election ordered on or after the effective date of this Act. An election ordered before the effective date of
this Act is governed by the law in effect when the election was ordered, and the former law is continued in effect for that purpose.

No equivalent provision.

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

Sec. 64.034. OATH. A person selected to provide assistance to a voter must take the following oath, administered by an election officer at the polling place, before providing assistance:

"I swear (or affirm) under penalty of perjury that the voter I am assisting is eligible to receive assistance because of a physical disability that renders the voter unable to write or see or to read the language in which the ballot is written; I will not suggest, by word, sign, or gesture, how the voter should vote; I will confine my assistance to reading the ballot to the voter, directing the voter to read the ballot, marking the voter’s ballot, or directing the voter to mark the ballot; answering the voter’s questions, to stating propositions on the ballot, and to naming candidates and, if listed, their political parties; I will prepare the voter’s ballot as the voter directs; I did not pressure, encourage, coerce, or intimidate the voter into choosing me to provide assistance; I am not the voter’s employer, an agent of the voter’s employer, or an officer or agent of a labor union to which the voter belongs; I will not communicate information about how the voter has voted to another person; and I understand that if assistance is

SECTION 6.04. Section 64.034, Election Code, is amended to read as follows:

Sec. 64.034. OATH. A person, other than an election officer, selected to provide assistance to a voter must take the following oath, administered by an election officer at the polling place, before providing assistance:

"I swear (or affirm) under penalty of perjury that the voter I am assisting represented to me they are eligible to receive assistance because of a physical disability that renders the voter unable to write or see or an inability to read the language in which the ballot is written; I will not suggest, by word, sign, or gesture, how the voter should vote; I will confine my assistance to reading the ballot to the voter, directing the voter to read the ballot, marking the voter’s ballot, or directing the voter to mark the ballot; answering the voter’s questions, to stating propositions on the ballot, and to naming candidates and, if listed, their political parties; I will prepare the voter’s ballot as the voter directs; I did not pressure, encourage, coerce the voter into choosing me to provide assistance; I am not the voter’s employer, an agent of the voter’s employer, or an officer or agent of a labor union to which the voter belongs; I will not communicate information about how the voter has voted to another person; and I understand that if assistance is

[The conference committee may have exceeded the limitations imposed on its jurisdiction, but only the presiding officer can make the final determination on this issue.]
<table>
<thead>
<tr>
<th>SENATE VERSION</th>
<th>HOUSE VERSION (IE)</th>
<th>CONFERENCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>provided to a voter who is not eligible for assistance, the voter's ballot may not be counted.&quot; [FA19(5)-(8)]</td>
<td>provided to a voter who is not eligible for assistance, the voter's ballot may not be counted.&quot;</td>
<td>The conference committee may have exceeded the limitations imposed on its jurisdiction, but only the presiding officer can make the final determination on this issue.]</td>
</tr>
</tbody>
</table>

No equivalent provision.

<table>
<thead>
<tr>
<th>SECTION 4.03. Sections 86.010(e), (h), and (i) are amended to read as follows: [FA6(22)]</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>(e) A person who assists a voter to prepare a ballot to be voted by mail shall enter on the official carrier envelope of the voter:</td>
<td>(e) Same as House version, except as follows:</td>
<td></td>
</tr>
<tr>
<td>(1) the person's signature, printed name, and residence address;</td>
<td>(1) Same as House version.</td>
<td></td>
</tr>
<tr>
<td>(2) the manner of any assistance provided to the voter by the person under Section 64.031 [Deleted by FAS(2) and then amended by FA19(9)]</td>
<td>Same as Senate version.</td>
<td></td>
</tr>
<tr>
<td>(3) the relationship of the person providing the assistance to the voter under Section 64.031; and [FA19(10)]</td>
<td>(2) the relationship of the persons providing the assistance to the voter; and</td>
<td></td>
</tr>
<tr>
<td>(4) whether the person received or accepted any form of compensation or other benefit from a candidate, campaign, or political committee in exchange for providing assistance [on the official carrier envelope of the voter].</td>
<td>(3) Same as House version.</td>
<td></td>
</tr>
</tbody>
</table>

No equivalent provision.

<table>
<thead>
<tr>
<th>SECTION 6.05. Sections 86.010(e), (h), and (i), Election Code, are amended to read as follows:</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>(e) Same as House version, except as follows:</td>
<td>(e) Same as House version.</td>
<td></td>
</tr>
<tr>
<td>(h) Subsection (f) does not apply to:</td>
<td>(h) Subsection (f) does not apply to:</td>
<td></td>
</tr>
</tbody>
</table>

31.149.734
(1) a violation of Subsection (e), if the person is related to the voter within the second degree by affinity or the third degree by consanguinity, as determined under Subchapter B, Chapter 573, Government Code, or was physically living in the same dwelling as the voter at the time of the event; [FA5(3)]

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

(3) the voter is a person with a disability whose attendant is a previously known attendant, caregiver, or friend, whether paid or unpaid. [FA5(4)]

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

(1) the defendant was previously convicted of an offense under this code;
(2) the offense involved a voter 65 years of age or older; or
(3) the defendant committed another offense under this section in the same election.

No equivalent provision.

(i-1) [Deleted by FA6(23)]

No equivalent provision.

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

SECTION 6.06. Same as House version.
(a) A person commits an offense if the person:

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

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

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

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

e) For purposes of this section, compensation means an economic benefit as defined by Section 38.01, Penal Code [any form of monetary payment, goods, services, benefits, or promises or offers of employment, or any other form of consideration offered to another person in exchange for assisting voters]. [FA6(24)]
No equivalent provision.

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

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

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

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

(3) indicating the relationship of that person to the voter.

[FA5(5)]

ARTICLE 5. FRAUD AND OTHER UNLAWFUL PRACTICES

No equivalent provision.

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

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

[FA11]

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

No equivalent provision.

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

ARTICLE 7. FRAUD AND OTHER UNLAWFUL PRACTICES

SECTION 6.07. Same as House version.

SECTION 7.01 Same as House version.

SECTION 9.03. Section 64.012, Election Code, is amended by amending Subsection (a) and adding Subsections (c) and (d) to read as follows:
SENATE VERSION

No equivalent provision.

HOUSE VERSION (IE)

(a) A person commits an offense if the person:
   (1) votes or attempts to vote in an election [in which] the person knows:
   (A) of particular circumstances that make the person ineligible to vote in the election; and
   (B) that those circumstances make the person ineligible to vote in the election; [FA7(1)]

   (2) knowingly votes or attempts to vote more than once in an election;
   (3) knowingly votes or attempts to vote a ballot belonging to another person, or by impersonating another person;
   (4) knowingly marks or attempts to mark any portion of another person's ballot without the consent of that person, or without specific direction from that person how to mark the ballot; or
   (5) knowingly votes or attempts to vote in an election in this state after voting in another state in an election in which a federal office appears on the ballot and the election day for both states is the same day.

CONFEREENCE

[The conference committee may have exceeded the limitations imposed on its jurisdiction, but only the presiding officer can make the final determination on this issue.]

(a) A person commits an offense if the person:
   (1) votes or attempts to vote in an election in which the person knows the person is not eligible to vote;

   (2) knowingly votes or attempts to vote more than once in an election;
   (3) knowingly votes or attempts to vote a ballot belonging to another person, or by impersonating another person; [or]
   (4) knowingly marks or attempts to mark any portion of another person's ballot without the consent of that person, or without specific direction from that person how to mark the ballot; or
   (5) knowingly votes or attempts to vote in an election in this state after voting in another state in an election in which a federal office appears on the ballot and the election day for both states is the same day.

(c) A person may not be convicted solely upon the fact that the person signed a provisional ballot affidavit under Section 63.011 unless corroborated by other evidence that the person knowingly committed the offense.

(d) Same as House version.

No equivalent provision.

No equivalent provision.

No equivalent provision.

(c) 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.
No equivalent provision.

ARTICLE 4. ENFORCEMENT

SECTION 4.01. Subchapter E, Chapter 31, Election Code, is amended by adding Sections 31.126 and 31.127 to read as follows:

Sec. 31.126. RESTRICTION ON ELIGIBILITY. (a) In this section, "election official" means:
(1) a county clerk;
(2) a permanent or temporary deputy county clerk;
(3) an elections administrator;
(4) a permanent or temporary employee of an elections administrator;
(5) an election judge;
(6) an alternate election judge;
(7) an early voting clerk;
(8) a deputy early voting clerk;
(9) an election clerk;
(10) the presiding judge of an early voting ballot board;
(11) the alternate presiding judge of an early voting ballot board;
(12) a member of an early voting ballot board;

(See ARTICLE 6, ENFORCEMENT, below.)

No equivalent provision.

(See ARTICLE 6, ENFORCEMENT, above.)
(13) the chair of a signature verification committee;
(14) the vice chair of a signature verification committee;
(15) a member of a signature verification committee;
(16) the presiding judge of a central counting station;
(17) the alternate presiding judge of a central counting station;
(18) a central counting station manager;
(19) a central counting station clerk;
(20) a tabulation supervisor; and
(21) an assistant to a tabulation supervisor.

(b) A person may not serve as an election official if the person has been finally convicted of an offense under Section 33.061.

Sec. 31.127. CIVIL PENALTY. (a) In this section, "election official" has the meaning assigned by Section 31.126.
(b) An election official may be liable to this state for a civil penalty if the official:
(1) is employed by or is an officer of this state or a political subdivision of this state; and
(2) violates a provision of this code.
(c) A civil penalty imposed under this section may include termination of the person's employment and loss of the person's employment benefits.

SECTION 4.02. Section 33.051, Election Code, is amended by adding Subsections (g) and (h) to read as follows:

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HOUSE VERSION (IE)

CONFERENCE

[The conference committee may have exceeded the limitations imposed on its jurisdiction, but only the presiding officer can make the final determination on this issue.]
(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.

(h) Before accepting a watcher, the officer presented with a watcher's certificate of appointment shall require the watcher to take the following oath, administered by the officer: "I swear (or affirm) that I will not disrupt the voting process or harass voters in the discharge of my duties."

SECTION 4.03. 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 4.04. Section 87.0431(b), Election Code, is amended to read as follows:

(b) The early voting clerk shall, not later than the 30th day after election day, deliver notice to the attorney general, including certified copies of the carrier envelope and corresponding ballot application, of any ballot rejected because:

(See SECTION 3.04 above adding Sec. 33.056(f).)

No equivalent provision.

(See SECTION 4.06 above adding Sec. 33.063.)
(1) the voter was deceased;
(2) the voter already voted in person in the same election;
(3) the signatures on the carrier envelope and ballot application were not executed by the same person;
(4) the carrier envelope certificate lacked a witness signature; or
(5) the carrier envelope certificate was improperly executed by an assistant; or
(6) any form of voter fraud was committed.

SECTION 4.05. Section 232.006(a), Election Code, is amended to read as follows:
(a) The venue of an election contest for a statewide office is in Travis County or any county where a contestee resided at the time of the election. For purposes of this section, a contestee’s residence is determined under Section 411.0257, Government Code.

No equivalent provision.

SECTION 8.03. Same as Senate version.

SECTION 8.04. Sections 232.008 (b), (c), and (d), Election Code, are amended to read as follows:
(b) Except as provided by Subsection (c), a contestant must file the petition not later than the later of the 45th (30th) day after the date the election records are publicly available under Section 1.012 or the official result of the contested election is determined.
SECTION 4.06. Chapter 232, Election Code, is amended by adding Subchapter C to read as follows:

SUBCHAPTER C. CONTEST INVOLVING ALLEGED FRAUD

Sec. 232.061. PETITION ALLEGING FRAUD. This subchapter applies to an election contest in which the contestant alleges in the petition that an opposing candidate, an agent of the opposing candidate, or a person acting on behalf of the opposing candidate with the candidate's knowledge committed election fraud under any of the following sections of this code:

(1) Section 13.007;
(2) Section 64.012;
(3) Section 64.036;
(4) Section 84.003;

No equivalent provision.

[The conference committee may have exceeded the limitations imposed on its jurisdiction, but only the presiding officer can make the final determination on this issue.]

(c) A contestant must file the petition not later than the later of the 15th (40th) day after the date the election records are publicly available under Section 1.012 or the official result is determined in a contest of:

(1) a primary or runoff primary election; or
(2) a general or special election for which a runoff is necessary according to the official result or will be necessary if the contestant prevails.

(d) A contestant must deliver, electronically or otherwise, a copy of the petition to the secretary of state by the same deadline prescribed for the filing of the petition.

SECTION 8.05. Chapter 232, Election Code, is amended by adding Subchapter C to read as follows:

SUBCHAPTER C. CONTEST INVOLVING ALLEGED FRAUD

Sec. 232.061. PETITION ALLEGING FRAUD. This subchapter applies to an election contest in which the contestant alleges in the petition that an opposing candidate, an agent of the opposing candidate, or a person acting on behalf of the opposing candidate with the candidate's knowledge committed election fraud under any of the following sections of this code:

(1) Section 13.007;
(2) Section 64.012;
(3) Section 64.036;
(4) Section 84.003;
Senate Bill 7
Conference Committee Report
Section-by-Section Analysis

SENEATE VERSION

Sec. 232.062. EVIDENTIARY STANDARD. A contestant must prove an allegation described by Section 232.061 by a preponderance of the evidence.

No equivalent provision.

Sec. 232.063. CIVIL PENALTY. (a) If the court in its judgment finds that the contestee, an agent of the contestee, or a person acting on behalf of the contestee with the contestee's knowledge committed one or more violations of a section described by Section 232.061, the contestee is liable to this state for a civil penalty of $1,000 for each violation.

(b) A penalty collected under this section by the attorney general shall be deposited in the state treasury to the credit of the general revenue fund.

No equivalent provision.

HOUSE VERSION (IE)

CONFERENCE

[The conference committee may have exceeded the limitations imposed on its jurisdiction, but only the presiding officer can make the final determination on this issue.]

Sec. 232.062. EVIDENTIARY STANDARD. A contestant must prove an allegation described by Section 232.061 by a preponderance of the evidence.

Same as Senate version.

Sec. 232.063. CIVIL PENALTY. (a) If the court in its judgment finds that the contestee, an agent of the contestee, or a person acting on behalf of the contestee with the contestee's knowledge committed one or more violations of a section described by Section 232.061, the contestee is liable to this state for a civil penalty of $1,000 for each violation.

Same as Senate version.

(b) A penalty collected under this section by the attorney general shall be deposited in the state treasury to the credit of the general revenue fund.

No equivalent provision.

Sec. 232.064. DAMAGES. (a) If a contestee, an agent of the contestee, or a person acting on behalf of the contestee with the contestee's knowledge committed one or more violations of a section described by Section 232.061, the contestee is liable to the contestant for damages in an amount of $1,000 for each violation.

No equivalent provision.

Associated CCR Draft: 87R30396
No equivalent provision.

Sec. 232.064. ATTORNEY'S FEES. In an election contest to which this subchapter applies, the court may award reasonable attorney's fees to the prevailing party.

No equivalent provision.

No equivalent provision.

Sec. 273.061. JURISDICTION. (a) The supreme court or a court of appeals may issue a writ of mandamus to compel the performance of any duty imposed by law in connection with the holding of an election or a political party convention, regardless of whether the person responsible for performing the duty is a public officer.

(b) The court of criminal appeals may issue a writ of mandamus to compel the performance of any duty imposed by law in connection with the provision, sequestration, transfer, or impoundment of evidence in or records relating to a criminal investigation conducted under this code or conducted in connection with the conduct of an election or political party convention. If a writ of mandamus is issued under this subsection, it shall include an order requiring the provision, sequestration, transfer, or impoundment of the evidence or record.
SENATE VERSION

SECTION 4.07. Section 276.013(a), Election Code, is amended to read as follows:

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

(1) influence the independent exercise of the vote of another in the presence of the ballot or during the voting process;

(2) cause a voter to become registered, a ballot to be obtained, or a vote to be cast under false pretenses; [ee]

(3) count votes or alter a report to include votes the person knows are invalid;

(4) refuse to count valid votes or alter a report to exclude valid votes; or

(5) [E3] cause any intentionally misleading statement, representation, or information to be provided:

(A) to an election official; or

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

HOUSE VERSION (IE)

SECTION 5.01. Sections 276.013(a) and (b), Election Code, are amended to read as follows:

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

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

(2) Same as Senate version.

(3) count votes that are invalid or should otherwise not be counted under law, fail to count votes that were lawfully cast, or alter a report to include invalid votes; [FA6(25)]

(4) fail to count valid votes or alter a report to exclude valid votes; [FA6(26)]

(5) Substantially the same as Senate version.

CONFERENCE

[The conference committee may have exceeded the limitations imposed on its jurisdiction, but only the presiding officer can make the final determination on this issue.]

SECTION 7.03. Sections 276.013(a) and (b), Election Code, are amended to read as follows:

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

(1) Same as House version.

(2) Same as Senate version.

(3) count votes that are invalid, or should otherwise not be counted, fail to count votes that were lawfully cast, or alter a report to include invalid votes;

(4) Same as House version.

(5) Substantially the same as Senate version.
No equivalent provision.

(6) prevent a voter from casting a legal ballot in an election in which the voter is eligible to vote; or [FA6(28)]

(7) provide false information to a voter with the intent of preventing the voter from voting in an election in which the voter is eligible to vote. [FA6(28)]

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

SECTION 4.08. Chapter 276, Election Code, is amended by adding Sections 276.014 and 276.015 to read as follows:

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

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

(B) a benefit to any other person in whose welfare the beneficiary has an interest.
### Senate Bill 7
Conference Committee Report
Section-by-Section Analysis

<table>
<thead>
<tr>
<th>SENATE VERSION</th>
<th>HOUSE VERSION (IE)</th>
<th>CONFERENCE</th>
</tr>
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<tr>
<td>(a) In this section and Section 276.015, &quot;vote harvesting services&quot; 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.</td>
<td>(2) &quot;Vote harvesting services&quot; 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.</td>
<td>[The conference committee may have exceeded the limitations imposed on its jurisdiction, but only the presiding officer can make the final determination on this issue.]</td>
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<td>(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 benefit to a party whose welfare is of interest to the person.</td>
<td>(b) A person commits an offense if the person, directly or through a third party, knowingly provides or offers to provide vote harvesting services in exchange for compensation or other benefit.</td>
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<td>(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.</td>
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<td>(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.</td>
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<td>(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</td>
<td>(e) This section does not apply to: (1) an activity not performed in exchange for compensation or a benefit; (2) interactions that do not directly involve an official ballot, ballot by mail, or an application for ballot by mail;</td>
<td>(e) This section does not apply to: (1) an activity not performed in exchange for compensation or a benefit; (2) interactions that do not directly involve an official ballot, ballot by mail, or an application for ballot by mail;</td>
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</table>
Sec. 276.015. CIVIL LIABILITY FOR UNLAWFUL VOTE HARVESTING.

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

No equivalent provision.

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

No equivalent provision.

(1) 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.

(1) In this section, compensation or other benefit in exchange for 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.

(1) Interactions that are not conducted in-person with a voter; or

(1) activity that is not designed to deliver votes for or against a specific candidate or measure.

(1) In this section, compensation in exchange for vote harvesting services is inferred if a person who performed 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 vote harvesting services provided.

(1) Records necessary to investigate an offense under this section or any other section of this code shall be provided by an election officer in an unredacted form to a law enforcement officer upon request. Records obtained under this subsection are not subject to public disclosure.

Sec. 276.015. CIVIL LIABILITY FOR VOTE HARVESTING.
A person who is shown by a preponderance of the evidence to have violated 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).

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.

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 this section and shows that the number of voters contacted by the vote harvesting activity exceeds the number of votes by which the litigant lost the election shall recover damages in an amount including:
(1) 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.

CONERENCE

[The conference committee may have exceeded the limitations imposed on its jurisdiction, but only the presiding officer can make the final determination on this issue.]

(1) the amount of compensation paid to or received by a party in exchange for vote harvesting services;
(2) the fair market value of any benefit given or received in exchange for vote harvesting services;
(3) a penalty in the amount of $25,000; or
(4) reasonable and necessary attorney's fees, court costs, witness fees, and discovery costs.

(d) A party who is a candidate for office who prevails in an action under this section and shows that the number of voters contacted by the vote harvesting activity exceeds the number of votes by which the party lost the election shall recover damages in an amount including any or all of:
(1) the party's campaign expenditures properly filed on a campaign finance report in connection with the election; or
(2) any fees and expenses incurred by the party in filing and securing a place on the ballot.

(e) A person who commits an offense under Section 276.014 and is found civilly liable, including by vicarious liability, 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.
The cause of action created by this section is cumulative to any other remedy provided by common law or statute. No equivalent provision.

No equivalent provision.

The expedited actions process created by Rule 169, Texas Rules of Civil Procedure, does not apply to an action under this section. No equivalent provision.

Chapter 27, Civil Practice and Remedies Code, does not apply to a cause of action under this section. No equivalent provision.

A cause of action under this section may be brought in the county where any part of the vote harvesting services occurred. No equivalent provision.

The expedited actions process created by Rule 169, Texas Rules of Civil Procedure, does not apply to an action under this section. No equivalent provision.

Chapter 27, Civil Practice and Remedies Code, does not apply to a cause of action under this section. No equivalent provision.

A cause of action under this section may be brought in the county where any element of a violation under Section 276.014 occurred, or where any part of the vote harvesting services occurred. No equivalent provision.

This section shall be liberally construed and applied to promote its underlying purpose to protect candidates and the voting public from unlawful vote harvesting and provide an efficient and economical remedy to secure that protection.
Sec. 276.016. UNLAWFUL SOLICITATION AND DISTRIBUTION OF APPLICATION TO VOTE BY MAIL.

(a) An early voting clerk commits an offense if the clerk, while acting in an official capacity, knowingly: [FA6(30), (31)]
(1) solicits the submission of an application to vote by mail from a person who did not request an application;
(2) distributes an application to vote by mail to a person who did not request the application unless the distribution is expressly authorized by another provision of this code;
(3) authorizes or approves the expenditure of public funds to facilitate third-party distribution of an application to vote by mail to a person who did not request the application; or
(4) completes any portion of an application to vote by mail and distributes the application to an applicant.

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

(c) It is an exception to the application of Subsection (a)(2) that the early voting clerk engaged in the conduct described by Subsection (a)(2) by providing access to an application to vote by mail from a publicly accessible Internet website. [FA6(32)]

Sec. 276.016. UNLAWFUL SOLICITATION AND DISTRIBUTION OF APPLICATION TO VOTE BY MAIL.

(a) A public official commits an offense if the official, while acting in an official capacity, knowingly:
(1) solicits the submission of an application to vote by mail from a person who did not request an application;
(2) distributes an application to vote by mail to a person who did not request the application unless the distribution is expressly authorized by another provision of this code;
(3) authorizes or approves the expenditure of public funds to facilitate third-party distribution of an application to vote by mail to a person who did not request the application; or
(4) completes any portion of an application to vote by mail and distributes the application to an applicant.

(b) Same as House version.

(c) Subsection (a)(2) does not apply if the public official engaged in the conduct described by Subsection (a)(2) by providing access to an application to vote by mail from a publicly accessible Internet website.
(d) It is an exception to the application of Subsection (a)(4) that the early voting clerk engaged in the conduct described by Subsection (a)(4) while lawfully assisting the applicant under Section 84.003. [FA6(33)]

(e) It is an exception to the application of Subsection (a) that the public official provided general information about voting by mail, the vote by mail process, or the timelines associated with voting to a person or the public. [FA5(6)]

No equivalent provision.

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

(b) An offense under this section is a Class A misdemeanor. [FA6(34)]

No equivalent provision.

Sec. 276.018. PERJURY IN CONNECTION WITH CERTAIN ELECTION PROCEDURES.

[The conference committee may have exceeded the limitations imposed on its jurisdiction, but only the presiding officer can make the final determination on this issue.]
(a) A person commits an offense if the person makes a false statement or swears to the truth of a false statement previously made while making the oath described by Section 64.034.

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

SECTION 4.09. (a) The changes in law made by this article apply only to an election contest for which the associated election occurred after the effective date of this Act.

(b) The changes in law made by this article apply only to an election ordered on or after the effective date of this Act. An election ordered before the effective date of this Act is governed by the law in effect when the election was ordered, and the former law is continued in effect for that purpose.

No equivalent provision.

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

(FA4(10))

No equivalent provision.

SECTION 11.03 (part)

(c) The changes in law made by this Act apply only to an election contest for which the associated election occurred after the effective date of this Act.

No equivalent provision.

SECTION 11.03 (part)

(d) The changes in law made by this Act apply only to an application to vote an early voting ballot by mail submitted on or after the effective date of this Act. An application to vote an early voting ballot by mail submitted before the effective date of this Act is governed by the law in effect...
when the application was submitted, and the former law is continued in effect for that purpose. [FA.18]

ARTICLE 6. ENFORCEMENT

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

Sec. 22.2235. COURT SITTING IN PANELS FOR CERTAIN ELECTION PROCEEDINGS: CRIMINAL OFFENSE.

(a) In this section, "public official" means any person elected, selected, appointed, employed, or otherwise designated as an officer, employee, or agent of this state, a government agency, a political subdivision, or any other public body established by state law. [FA.6(35)]

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

(c) A person, including a public official, commits an offense if the person communicates with a court clerk with the

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[The conference committee may have exceeded the limitations imposed on its jurisdiction, but only the presiding officer can make the final determination on this issue.]

effective date of this Act is governed by the law in effect when the application was submitted, and the former law is continued in effect for that purpose.

(See ARTICLE 8, ENFORCEMENT, above.)

SECTION 8.07. Subchapter D, Chapter 22, Government Code, is amended by adding Sections 22.304 and 22.305 to read as follows:

Sec. 22.304. COURT SITTING IN PANELS FOR CERTAIN ELECTION PROCEEDINGS: CRIMINAL OFFENSE.

No equivalent provision.

Same as House version.
SENATE VERSION

intention of influencing or attempting to influence the composition of a three-justice panel assigned a specific proceeding under this section.

(d) An offense under this section is a Class A misdemeanor. [FA6(36)]

No equivalent provision.

HOUSE VERSION (IE)

CONERENCE

[The conference committee may have exceeded the limitations imposed on its jurisdiction, but only the presiding officer can make the final determination on this issue.]

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

(d) If a court clerk does not comply with this section, a person may seek from the supreme court, the court of criminal appeals, or a court of appeals a writ of mandamus as provided by Section 273.061, Election Code, to compel compliance with this section.

No equivalent provision.

SECTION 6.02. Subchapter D, Chapter 22, Government Code, is amended by adding Section 22.304 to read as follows:

Sec. 22.304. PRIORITY OF CERTAIN ELECTION PROCEEDINGS.

(a) The supreme court or a court of appeals shall prioritize over any other proceeding pending or filed in the court a proceeding for injunctive relief under Chapter 273, Election Code, pending or filed in the court on or after the 70th day before a general or special election. [FA6(37)-(38)]

(b) The court with jurisdiction over a proceeding described by Subsection (a), on request of any party to the proceeding,

No equivalent provision.

Associated CCR Draft: 87R30396

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shall grant the party the opportunity to present an oral argument and begin hearing the argument as soon as practicable but not later than 48 hours after the time the last brief for the proceeding is due to be filed with the court. [FA6(39)]

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

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

(a) Except as provided by Subsection (b-1), the trial courts of this state shall regularly and frequently set hearings and trials of pending matters, giving preference to hearings and trials of the following:
1) temporary injunctions;
2) criminal actions, with the following actions given preference over other criminal actions:
   A) criminal actions against defendants who are detained in jail pending trial;
   B) criminal actions involving a charge that a person committed an act of family violence, as defined by Section 71.004, Family Code;
   C) an offense under:
      i) Section 21.02 or 21.11, Penal Code;

(b) If granted, oral argument for a proceeding described by Subsection (a) may be given in person or through electronic means.

SECTION 8.08. Section 23.101, Government Code, is amended by amending Subsection (a) and adding Subsections (b-1) and (b-2) to read as follows:

(a) Same as House version.
(ii) Chapter 22, Penal Code, if the victim of the alleged offense is younger than 17 years of age;
(iii) Section 25.02, Penal Code, if the victim of the alleged offense is younger than 17 years of age;
(iv) Section 25.06, Penal Code;
(v) Section 43.25, Penal Code; or
(vi) Section 20A.02(a)(7), 20A.02(a)(8), or 20A.03, Penal Code;
(D) an offense described by Article 62.001(6)(C) or (D), Code of Criminal Procedure; and
(E) criminal actions against persons who are detained as provided by Section 51.12, Family Code, after transfer for prosecution in criminal court under Section 54.02, Family Code;
(3) election contests and suits under the Election Code;
(4) orders for the protection of the family under Subtitle B, Title 4, Family Code;
(5) appeals of final rulings and decisions of the division of workers' compensation of the Texas Department of Insurance regarding workers' compensation claims and claims under the Federal Employers' Liability Act and the Jones Act;
(6) appeals of final orders of the commissioner of the General Land Office under Section 51.3021, Natural Resources Code;
(7) actions in which the claimant has been diagnosed with malignant mesothelioma, other malignant asbestos-related
cancer, malignant silica-related cancer, or acute silicosis; and
(8) appeals brought under Section 42.01 or 42.015, Tax Code, of orders of appraisal review boards of appraisal districts established for counties with a population of less than 175,000.

(b-1) The trial courts of this state shall prioritize over any other proceeding pending or filed in the court a proceeding for injunctive relief under Chapter 273, Election Code, pending or filed in the court on or after the 70th day before a general or special election. [FA6(40)-(41)]

(b-2) The hearing may be held in person or through electronic means. [FA6(42)]

No equivalent provision.

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

SUBCHAPTER D. GENERAL PROVISIONS

SECTION 8.09. Chapter 23, Government Code, is amended by adding Subchapter D to read as follows:

SUBCHAPTER D. GENERAL PROVISIONS
Sec. 23.301. ASSIGNMENT OF CERTAIN ELECTION PROCEEDINGS.

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

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

No equivalent provision.

CONFERENCE

[The conference committee may have exceeded the limitations imposed on its jurisdiction, but only the presiding officer can make the final determination on this issue.]

Sec. 23.301. ASSIGNMENT OF CERTAIN ELECTION PROCEEDINGS: CRIMINAL OFFENSE.

(c) Notwithstanding any other law or rule, a proceeding entitled to priority under Section 23.101(b-1) relating to a temporary injunction shall have a court assigned under Subsection (b) not later than 24 hours after the proceeding is filed and, if a temporary injunction is granted, the injunction may not remain in effect for longer than four days.

No equivalent provision.

(d) A person, including a public official, commits an offense if the person communicates with a county or district clerk with the intention of influencing or attempting to influence
(c) If a district or county clerk does not comply with this section, a person may seek from the supreme court or a court of appeals a writ of mandamus as provided by Section 273.061 to compel compliance with this section. [FA6(43)]

No equivalent provision.

(c) If a district or county clerk does not comply with this section, a person may seek from the supreme court or a court of appeals a writ of mandamus as provided by Section 273.061 to compel compliance with this section.

No equivalent provision.

Sec. 23.302, DEADLINES IN CERTAIN ELECTION PROCEEDINGS. (a) Not later than 24 hours after the proceeding is filed, a judge to whom a case is assigned under Section 23.301(b) who wishes to be recused from the proceeding must, before recusal:

(1) hear an application for any emergency temporary relief sought;
(2) grant or deny any emergency temporary relief sought; and
(3) set a scheduling order that provides:
(A) a date for a hearing on any injunction sought not later than five days after the date on which the proceeding was filed; and
ARTICLE 5. REPEALER AND EFFECTIVE DATE

SECTION 5.01. The following provisions of the Election Code are repealed:

(1) Section 85.062(e); and

Senate Bill 7
Conference Committee Report
Section-by-Section Analysis

ASSOCIATED CCR DRAFT: 87R30396

ARTICLE 7. REPEALER; SEVERABILITY; TRANSITION; EFFECTIVE DATE

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

(1) Section 86.0052(b); and

HOUSE VERSION (IE)

CONFERENCE

[The conference committee may have exceeded the limitations imposed on its jurisdiction, but only the presiding officer can make the final determination on this issue.]

(b) discovery and deposition deadlines before the expiration of any emergency relief order entered;

(b) The presiding judge of an administrative region shall assign a new judge to a proceeding assigned under Section 23.301(b) not later than 12 hours after the original judge assigned to the proceeding is recused under Subsection (a).

(c) A final order in a proceeding filed under Section 273.081, Election Code, shall be submitted in writing to the parties not later than 24 hours after the judge makes a final determination in the proceeding.

(d) If a district judge does not comply with this section, a person may seek from the supreme court, the court of criminal appeals, or a court of appeals a writ of mandamus as provided by Section 273.061, Election Code, to compel compliance with this section.

(e) Notwithstanding Section 23.101(b-1), a proceeding relating to a permanent injunction being sought in connection to a challenge under Section 141.034, Election Code, may be heard after the primary election has been canvassed.

ARTICLE 11. REPEALER; SEVERABILITY; TRANSITION; EFFECTIVE DATE

SECTION 11.01. The following provisions of the Election Code are repealed:

(1) Section 85.062(e);
SECTION 5.02. The secretary of state is required to implement Section 86.015, Election Code, as added by this Act, only if the legislature appropriates money specifically for that purpose. If the legislature does not appropriate money specifically for that purpose, the secretary of state may, but is not required to, implement Section 86.015, Election Code, using other appropriations available for that purpose.

No equivalent provision.

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

No equivalent provision.

SECTION 11.02. Same as House version.

SECTION 11.03. (part) (a) Except as otherwise provided by this Act, the changes in law made by this Act apply only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect when the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.
SECTION 5.03. Subject to Section 5.02 of this Act, this Act takes effect September 1, 2021.

No equivalent provision.

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

No equivalent provision.

ARTICLE __. INTERNET POSTING [FA9]

SECTION __.01. Chapter 4, Election Code, is amended by adding Section 4.009 to read as follows:

Sec. 4.009. INTERNET POSTING. (a) Not later than the 21st day before election day, a county that holds or provides election services for an election and maintains an Internet website shall post on its public Internet website for an election administered by the county:

(1) the date of the election;

(2) the location of each polling place;

(3) each candidate for an elected office on the ballot; and

(4) each measure on the ballot.

(b) Not later than the 21st day before election day, a city or independent school district that holds an election and maintains an Internet website shall post on the public Internet

SECTION 11.06. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2021.

ARTICLE 10. INTERNET POSTING AND DATABASE

SECTION 10.01. Same as House version.
SENATE VERSION

website for the city or independent school district, as applicable:
(1) the date of the next election;
(2) the location of each polling place;
(3) each candidate for an elected office on the ballot; and
(4) each measure on the ballot. [FA9]

SEC. 65.016. INTERNET POSTING OF ELECTION RESULTS. (a) A county that holds or provides election services for an election and maintains an Internet website shall post on its public Internet website for an election administered by the county:
(1) the results of each election;
(2) the total number of votes cast;
(3) the total number of votes cast for each candidate or for or against each measure;
(4) the total number of votes cast by personal appearance on election day;
(5) the total number of votes cast by personal appearance or mail during the early voting period; and
(6) the total number of counted and uncounted provisional ballots cast.
(b) A city or independent school district that holds an election and maintains an Internet website shall post on the public Internet website for the city or independent school district, as applicable:

No equivalent provision.

HOUSE VERSION (IE)

CONFERENCE

[The conference committee may have exceeded the limitations imposed on its jurisdiction, but only the presiding officer can make the final determination on this issue.]

Same as Senate version.
(1) the results of each election;
(2) the total number of votes cast;
(3) the total number of votes cast for each candidate or for or against each measure;
(4) the total number of votes cast by personal appearance on election day;
(5) the total number of votes cast by personal appearance or mail during the early voting period; and
(6) the total number of counted and uncounted provisional ballots cast.
(c) The information described by Subsections (a) and (b) must be:
(1) clearly labeled in plain language;
(2) provided as soon as practicable after the election;
(3) accessible without having to make more than two selections or view more than two network locations after accessing the Internet website home page of the county, city, or district, as applicable, for the most recent election; and
(4) accessible without having to make more than four selections or view more than four network locations after accessing the Internet website home page of the county, city, or district, as applicable, for a previous election. [FA9]

No equivalent provision.

SECTION 11.03
The changes in law made in this article apply only to an election ordered on or after the effective date of this Act. An election ordered before the effective date of this Act is governed by the law in effect when the election was ordered.

SECTION 11.03 (part)
(b) The changes in law made by this Act apply only to an election ordered on or after the effective date of this Act. An election ordered before the effective date of this Act is
and the former law is continued in effect for that purpose.

No equivalent provision.

ARTICLE __, CORRECTING MAIL BALLOT DEFECTS

No equivalent provision.

SECTION __, Section 84.032(c) and (d), Election Code, is amended to read as follows:

(c) An applicant may submit a request after the close of early voting by personal appearance by appearing in person and:
(1) returning the ballot to be voted by mail to the early voting clerk; or
(2) executing an affidavit that the applicant:
(A) has not received the ballot to be voted by mail; or
(B) never requested a ballot to be voted by mail; or
(C) received a notice of defect under Section 87.0411(b).

(d) An applicant may also submit a request by appearing in person and returning the ballot to be voted by mail or presenting a notice received under Section 86.006(h) or 87.0411(b) to:
(1) the early voting clerk or deputy early voting clerk at any polling place that is open for early voting by personal appearance; or
(2) the presiding election judge on election day at the applicant's precinct polling place. [FA15]

No equivalent provision.

SECTION __, Section 87.022, Election Code, is amended to read as follows: Same as Senate version.
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No equivalent provision.

SENATE VERSION

HOUSE VERSION (IE)

Sec. 87.022. TIME OF DELIVERY: GENERAL RULE. Except as provided by Section 87.0221, 87.023, or 87.024, the materials shall be delivered to the early voting ballot board under this subchapter during the time the polls are open on election day, or as soon after the polls close as practicable, at the time or times specified by the presiding judge of the board. [FA15]

No equivalent provision.

SECTION __. Section 87.0221(a), Election Code, is amended to read as follows:

(a) In an election in which regular paper ballots are used for early voting by personal appearance or by mail, the materials may be delivered to the board beginning on the ninth day before the last day of the period for early voting by personal appearance. The early voting clerk shall deliver all early voting ballots voted by mail to the board that have been returned to the clerk by the end of the third day before the last day of the period for early voting by personal appearance, and shall deliver all early voting ballots voted by mail received thereafter to the board at least once per day [and the closing of the polls on election day, or as soon after closing as practicable, at the time or times specified by the presiding judge of the board]. [FA15]

No equivalent provision.

SECTION __, Section 87.024(a), Election Code, is amended to read as follows:

(a) In an election in which early voting votes by personal appearance are cast on voting machines, the jacket envelopes

CONFERENCES

[The conference committee may have exceeded the limitations imposed on its jurisdiction, but only the presiding officer can make the final determination on this issue.]

Same as Senate version.

Same as Senate version.

Associated CCR Draft: 87R30396

99

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containing the early voting ballots voted by mail may be delivered to the board beginning on the ninth day before the last day of [between the end of] the period for early voting by personal appearance. The early voting clerk shall deliver all early voting ballots voted by mail to the board that have been returned to the clerk by the end of the third day before the last day of the period for early voting by personal appearance, and shall deliver all early voting ballots voted by mail received thereafter to the board at least once per day (and the closing of the polls on election day, or as soon after closing as practicable, at a time specified by the presiding judge of the board). [FA15]

No equivalent provision.

SECTION ___, Section 87.0241(a), Election Code, is amended to read as follows:
(a) The early voting ballot board may determine whether to accept early voting ballots voted by mail in accordance with Section 87.041 at any time after the ballots are delivered to the board except that the board shall determine whether to accept any early voting ballots voted by mail delivered to the board by the end of the third day before the last day of the period for early voting by personal appearance by the end of the last day of the period for early voting by personal appearance. [FA15]

No equivalent provision.

SECTION ___, Subchapter C, Chapter 87, Election Code, is amended by adding Section 87.0411 to read as follows:

Same as Senate version.
Sec. 87.0411. OPPORTUNITY TO CORRECT DEFECT: EARLY VOTING BALLOT BOARD. (a) This section applies to an early voting ballot voted by mail: (1) for which the voter did not sign the carrier envelope certificate; (2) for which it cannot immediately be determined whether the signature on the carrier envelope certificate is that of the voter; or (3) that does not contain a statement of residence form if required pursuant to Section 86.002(a). (b) Before deciding whether to accept or reject a ballot under Section 87.041, the early voting ballot board shall notify a voter within one business day of the discovery of a defect under Subsection (a) to advise the voter of the defect and provide the voter an opportunity to correct the defect by providing: (1) if the defect involves the voter's signature: (A) the following identification: (i) the identification number from an unexpired driver's license, election identification certificate, or personal identification card issued to the voter by the Department of Public Safety: (ii) the last four digits of the voter's Social Security number; or (iii) if the voter does not possess any identification described by Subdivisions (i) or (ii), a form of identification described by Section 63.0101; and
(B) a signed cure attestation in a form prescribed by the secretary of state stating that the ballot at issue is that of the voter; or
(2) if the defect involves a required statement of residence form, a signed and completed statement of residence form.
(c) Subsection (b) does not apply if the early voting ballot board determines that it would be impossible to correct the defect before the ninth day after the date of the election.
(d) A voter may submit materials listed under Subsection (b) to the early voting clerk by:
(1) personal delivery;
(2) mail;
(3) e-mail; or
(4) telephonic facsimile machine, if a machine is available in the clerk's office.
(e) The notice under Subsection (b) must:
(1) inform the voter that the voter's vote will not be counted unless the voter submits the materials listed under Subsection (b) not later than the ninth day after the date of the election;
(2) instruct the voter on the methods of returning the materials listed under Subsection (b);
(3) include a copy of the cure attestation or statement of residence in the form prescribed by the secretary of state; and
(4) direct the voter to the location of the cure attestation or statement of residence form on the secretary of state's Internet website.
(f) The early voting ballot board shall provide notice to the voter under Subsection (b) by mail and any other method reasonably calculated to provide sufficient time for the voter to submit the required materials before the deadline prescribed by this section.

(a) The early voting ballot board is not required to provide notice under Subsection (b) if the board makes a determination under Section 87.027(b) that the signature on the carrier envelope certificate and ballot application are those of the voter.

(b) If the early voting ballot board does not provide notice to the voter under Subsection (b) and the ballot meets the requirements of Sections 87.041(b)(1),(3),(4),(5),(6), and (7), the board shall accept the ballot in the manner provided by Section 87.042.

(i) The secretary of state shall:

(1) prominently display and maintain on the main page of the secretary's Internet website a link to blank versions of the statement of residence form and the cure attestation described by Subsection (b); and

(2) adopt rules and prescribe forms as necessary to implement this section.

(j) A statement of residence form or a cure attestation prescribed under this section must include clear instructions for completion and notice of the penalties associated with election fraud and voting more than once in an election. The cure attestation and statement of residence may not require the voter to have the form notarized or signed by a witness.

[The conference committee may have exceeded the limitations imposed on its jurisdiction, but only the presiding officer can make the final determination on this issue.]
(k) The signature provided by the voter on a cure attestation or a statement of residence form shall be placed on file with the county clerk or voter registrar to allow its use for future signature comparison as provided by Section 87.027(i) and Section 87.041(e). [FA15]

No equivalent provision.

SECTION __. Section 87.0222, Election Code, is repealed. [FA15]

No equivalent provision.

ARTICLE __. DATABASE [FA12]

No equivalent provision.

SECTION __.01. Section 4.003(e), Election Code, is amended to read as follows:
(e) The authority responsible for giving notice of the election shall deliver to the secretary of state:
(1) a copy of the notice of a consolidated precinct required by Subsection (b) not later than the date of the election; and
(2) information for the secretary of state's database of election information under Section 31.017 in an electronic format required by the secretary of state. [FA12]

No equivalent provision.

SECTION __.02. Subchapter A, Chapter 31, Election Code, is amended by adding Sections 31.017 and 31.018 to read as follows:
Sec. 31.017. INTERNET DATABASE OF ELECTION INFORMATION. (a) The secretary of state shall post on the secretary of state's public Internet website a database

SECTION 10.02. Same as House version, except does not include a requirement for the incumbent and candidate database to include a public telephone number and public email address, if available, of a holder of an elective office nor does it include the requirement for the database to
containing information provided by each authority responsible for giving notice of an election in this state. The database must include the following information:
(1) the name of the authority;
(2) each office to be filled at the election;
(3) whether the office is elected at large or by district; and
(4) the dates of the preceding and next election for the office.
(b) The secretary of state shall adopt rules as necessary to implement this section.
Sec. 31.018. INTERNET DATABASE FOR INCUMBENTS AND CANDIDATES. (a) The secretary of state shall post on the secretary of state's Internet website a database containing information about each holder of and candidate for any elected office in this state.
(b) The database must include the following information about a holder of an elected office:
(1) name;
(2) office title, including any district, place, or position;
(3) if the office is elected at large or by district;
(4) date of the previous and next election for the office;
(5) public mailing address;
(6) public telephone number, if available; and
(7) public e-mail address, if available.
(c) The database must include the following information about a candidate for an elected office:
(1) name;
(2) office sought, including any district, place, or position;
(3) if the office is elected at large or by district;
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| No equivalent provision. | SECTION __.03. Section 141.032, Election Code, is amended by adding Subsection (h) to read as follows:

(h) The authority with whom the application is filed shall provide the secretary of state with the candidate's information required for the secretary of state's Internet website under Section 31.018. [FA12] |

No equivalent provision. | SECTION 10.03. Same as House version, except also requires the secretary of state to adopt rules as necessary to implement the provision. |
| No equivalent provision. | ARTICLE __. MISCELLANEOUS PROVISIONS [FA3, FA16, FA17, FA18] |
| No equivalent provision. | SECTION __. Section 64.031, Election Code, is amended to read as follows:

Sec. 64.031. ELIGIBILITY FOR ASSISTANCE. A voter is eligible to receive assistance in marking or reading the | SECTION 6.02. Same as House version. |

Associated CCR Draft: 87R30366
SENATE VERSION

ballot, as provided by this subchapter, if the voter cannot prepare or read the ballot because of:
(1) a physical disability that renders the voter unable to write or see; or
(2) an inability to read the language in which the ballot is written. [FA3]

SECTION __. Section 64.032, Election Code, is amended by adding Subsection (e) to read as follows:
(e) A person may only provide assistance to a voter who is eligible to receive assistance under section 64.031. [FA3]

HOUSE VERSION (IE)

No equivalent provision.

SECTION __. Sections 276.004(a) and (b), Election Code, are amended to read as follows:
(a) A person commits an offense if, with respect to another person over whom the person has authority in the scope of employment, the person knowingly:
(1) refuses to permit the other person to be absent from work on election day or while early voting is in progress for the purpose of attending the polls to vote; or
(2) subjects or threatens to subject the other person to a penalty for attending the polls on election day or while early voting is in progress to vote.
(b) It is an exception to the application of this section that the person's conduct occurs in connection with an election in which the polls are open on election day or while early voting is in progress for voting for two consecutive hours outside of the voter's working hours. [FA16]

CONFERENCE

[The conference committee may have exceeded the limitations imposed on its jurisdiction, but only the presiding officer can make the final determination on this issue.]
SECTION ___. Section 15.021, Election Code, is amended by amending Subsections (b) and (d) and adding Subsections (d-1) and (d-2) to read as follows:

(b) Except as provided by Subsection (d), the [The] voter shall use the registration certificate or a registration application form as the notice, indicating the correct information in the appropriate space on the certificate or application form unless the voter does not have possession of the certificate or an application form at the time of giving the notice.

(d) A voter [who continues to reside in the county in which the voter is registered] may correct information under this section by digital transmission of the information under a program administered by the secretary of state and the Department of Information Resources.

(d-1) If the notice indicates that a voter no longer resides in the county in which the voter is registered, the registrar shall forward the notice and the voter's original application for registration to the registrar of the county in which the voter resides. The registrars shall coordinate to ensure that the voter's existing registration is canceled immediately after the voter is registered in the county in which the voter resides in accordance with Subsection (d-2).

(d-2) A registrar who receives a voter's notice and application from another registrar under Subsection (d-1) shall treat it as an original application for registration under Section 13.002, and shall register the voter if the voter...
No equivalent provision.

**SECTION 2.** Sections 52.03(b) and (c), Election Code, are amended to read as follows:

(b) In combination with the surname, a candidate may use one or more of the following:

1. a given name;
2. a contraction or familiar form of a given name by which the candidate is known; or
3. an initial of a given name;
4. a name under which the candidate has been commonly known for at least three years preceding the election may be used in combination with a candidate's name. A nickname that constitutes a slogan or otherwise indicates a political, economic, social, or religious view or affiliation may not be used. A nickname may not be used unless the candidate has complied with the requirements of Section 141.031(c) and files with the application for a place on the ballot an affidavit indicating that the nickname complies with this subsection. [FA18]

**SECTION 3.** Same as Senate version.
No equivalent provision.

SECTION ___, Section 141.031, Election Code, is amended by amending Subsection (a) and adding Subsections (e) and (f) to read as follows:

(a) A candidate's application for a place on the ballot that is required by this code must:
   (1) be in writing;
   (2) be signed and sworn to before a person authorized to administer oaths in this state by the candidate and indicate the date that the candidate swears to the application;
   (3) be timely filed with the appropriate authority; and
   (4) include:
   (A) the candidate's name, and if the candidate is seeking to run under a name other than the candidate's surname acquired by law or marriage and given name, or a contraction or familiar form of a given name by which the candidate is known or an initial of a given name, the affidavits required by Subsection (e);
   (B) the candidate's occupation;
   (C) the office sought, including any place number or other distinguishing number;
   (D) an indication of whether the office sought is to be filled for a full or unexpired term if the office sought and another office to be voted on have the same title but do not have place numbers or other distinguishing numbers;
   (E) a statement that the candidate is a United States citizen;
   (F) a statement that the candidate has not been determined by a final judgment of a court exercising probate jurisdiction to be:
(i) totally mentally incapacitated; or
(ii) partially mentally incapacitated without the right to vote;
(G) a statement that the candidate has not been finallyconvicted of a felony from which the candidate has not beenpardoned or otherwise released from the resultingdisabilities;
(H) the candidate's date of birth;
(I) the candidate's residence address or, if the residence hasno address, the address at which the candidate receives mailand a concise description of the location of the candidate'sresidence;
(J) the candidate's length of continuous residence in the stateand in the territory from which the office sought is elected asof the date the candidate swears to the application;
(K) the statement: "I, ___________ of ___________ County,Texas, being a candidate for the office of __________, swearthat I will support and defend the constitution and laws ofthe United States and of the State of Texas";
(L) a statement that the candidate is aware of the nepotismlaw, Chapter 573, Government Code; and
(M) a public mailing address at which the candidate receivescorrespondence relating to the candidate's campaign, ifavailable, and an electronic mail address at which thecandidate receives correspondence relating to the candidate'scampaign, if available.
(e) A candidate seeking to have placed on the ballot a nameother than the candidate's surname acquired by law ormarriage and given name, or a contraction or familiar form
of a given name by which the candidate is known or an initial of a given name, must include with the application 50 affidavits each:
(1) signed by a person eligible to vote in the election for which the candidate is applying; and
(2) stating that the candidate is known to the person signing the affidavit by the name under which the candidate is seeking to run.
(f) A person who gives false information in order to acquire the affidavits required by Subsection (e) or who induces a person to sign a false affidavit submitted under Subsection (e) is liable to the state for a civil penalty in an amount not to exceed $10,000. A suit brought under this subsection shall be advanced for trial and determined as expeditiously as possible. No postponement or continuance shall be granted except for reasons considered imperative by the court.

[FA18]
TO: Honorable Dan Patrick, Lieutenant Governor, Senate  
Honorable Dade Phelan, Speaker of the House, House of Representatives

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: SB7 by Hughes (relating to election integrity and security, including by preventing fraud in the conduct of elections in this state; increasing criminal penalties; creating criminal offenses; providing civil penalties.), Conference Committee Report


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According to the Office of the Attorney General, the bill could result in an increase in cases; however, the agency assumes that any legal work resulting from the passage of this bill could be reasonably absorbed with current resources.

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The SOS estimates that complying with the requirements of the bill would require 1,894 hours for configuration, implementation and testing of changes in Texas Elections Administration Management (TEAM) system. The agency assumes a contractor cost of $132 per hour and estimates the total cost of these modifications would be $250,000. The SOS also indicates there would be an increase in bandwidth and storage costs of $10,000 per month for the new database and this would also represent an increase in operational costs for the TEAM system in subsequent years.

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The fiscal impact on local jurisdictions of provisions of the legislation related to changes in voting procedures cannot be estimated at this time.

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According to Hidalgo County, the cost for upgrading its existing voting system to meet the requirements of the bill would be $4.0 million for 1,419 conversions and 250 scanning machines. Of this amount, $48,515 would either not be eligible for reimbursement or would represent an ongoing operational expense.

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The bill creates or expands a Class A misdemeanor is punishable by a fine of not more than $4,000, confinement in jail for a term not to exceed one year, or both. Costs associated with enforcement, prosecution and confinement could likely be absorbed within existing resources. Revenue gain from fines imposed and collected is not anticipated to have a significant fiscal implication.
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Estimated Two-year Net Impact to General Revenue Related Funds for SB7, Conference Committee

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The SOS estimates that the total salaries for these nine new positions would be $405,000 per fiscal year with an additional $137,781 in related benefits.

Other Provisions of the Bill
According to the Office of the Attorney General, the bill could result in an increase in cases; however, the agency assumes that any legal work resulting from the passage of this bill could be reasonably absorbed with current resources.

According to the Office of Court Administration, although the bill would add new felony-level offenses, any additional case volume driven by the bill should be absorbed by existing resources and no significant fiscal impact is anticipated.
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This analysis assumes implementing the provisions of the bill addressing felony sanctions for criminal offenses would not result in a significant impact on state correctional agencies.

Technology

The SOS estimates that complying with the requirements of the bill would require 1,894 hours for configuration, implementation and testing of changes in Texas Elections Administration Management (TEAM) system. The agency assumes a contractor cost of $132 per hour and estimates the total cost of these modifications would be $250,000. The SOS also indicates there would be an increase in bandwidth and storage costs of $10,000 per month for the new database and this would also represent an increase in operational costs for the TEAM system in subsequent years.

Additional technology costs associated with the total additional 9 FTEs would be required to support hardware and software costs. There would be an initial cost of $40,878 in fiscal year 2022 with an recurring cost of $22,536 beginning in fiscal year 2023 that would increase with inflation.

Increased processing costs for reimbursements related to voting machines would be $10,000.

Local Government Impact

The fiscal impact on local jurisdictions of provisions of the legislation related to changes in voting procedures cannot be estimated at this time.

According to the SOS, in addition to reimbursable equipment costs, counties would also have to secure additional software updates, perform acceptance testing of new equipment, and receive training from the vendor on the new equipment. The agency estimates the average cost to the counties for the additional training would be approximately $4,000 for a week of on-site training.

According to Hidalgo County, the cost for upgrading its existing voting system to meet the requirements of the bill would be $4.0 million for 1,419 conversions and 250 scanning machines. Of this amount, $48,515 would either not be eligible for reimbursement or would represent an ongoing operational expense.

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According to Brazoria County, the cost to retrofit the current system would be $2.6 million.

According to El Paso County, the county anticipates the fiscal impact of the bill would be between $400,000 to $600,000 per election.

According to Chambers County, the county anticipates the fiscal impact of the bill would be approximately $1.1 million.

According to Fort Bend County, the cost to the county would range from $246,000 to $350,000 per year.

The bill creates or expands a Class A misdemeanor is punishable by a fine of not more than $4,000, confinement in jail for a term not to exceed one year, or both. Costs associated with enforcement, prosecution and confinement could likely be absorbed within existing resources. Revenue gain from fines imposed and collected is not anticipated to have a significant fiscal implication.
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Source Agencies: 212 Office of Court Admin, 302 Office of the Attorney General, 304 Comptroller of Public Accounts, 307 Secretary of State, 356 Texas Ethics Commission, 403 Veterans Commission

LBB Staff: JMc. CMA, GP, LBO, LCO, SLE, LM, MP, AF, SMAT
TO: Honorable Dan Patrick, Lieutenant Governor, Senate  
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FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: SB7 by Hughes (relating to election integrity and security, including by preventing fraud in the conduct of elections in this state; increasing criminal penalties; creating criminal offenses; providing civil penalties.), Conference Committee Report

**Estimated Two-year Net Impact to General Revenue Related Funds for SB7, Conference Committee Report:** a negative impact of ($35,896,476) through the biennium ending August 31, 2023.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

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<tr>
<th>Fiscal Year</th>
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The bill would impose certain limits on polling place procedures and prohibit the use of direct recording electronic machines unless the system contains an auditable voting system. The bill would allow certain entities to seek reimbursement of the costs of retrofitting or replacing non-auditable voting systems.

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The bill would provide for civil penalties for certain election violations.

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Provisions of the Bill Related to Voting Machine Reimbursement
The SOS assumes that 47 counties that have purchased direct-recording electronic voting systems would be subject to reimbursement under the provisions of the bill. In counties using these systems, 9,492 voting machines would have to be retrofitted at a total cost of $21,635,000. Another 628 machines would have to be replaced at a total cost of $2,584,100. The total cost for replacement or retrofitting of these machines would be $24,219,100.

In addition to upgrading or replacing voting machines, counties would also be able to seek reimbursement for tabulation machines compliant with the upgraded systems. At least one scanning device would be required for each polling place. The SOS assumes that there would be one polling place for each of 1,425 precincts. In addition, scanners would also be required for an estimated 220 early voting locations. At a list cost of approximately $6,100 per scanner, the SOS estimates these reimbursements would result in an additional potential reimbursement to counties of $10,028,400.

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IN RE: SB7 by Hughes (relating to election integrity and security, including by preventing fraud in the
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The provisions of the bill addressing felony sanctions are the subject of this analysis. The bill would amend
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The provisions of the bill addressing felony sanctions are the subject of this analysis. The bill would amend various codes as they relate to election integrity and security, including by preventing fraud in the conduct of elections in this state. Under the provisions of the bill, several new election fraud-related criminal offenses would be created and would be punishable at the felony and misdemeanor level with the level and degree based on the specific circumstances of the offense.

Creating an offense for which a criminal penalty is applied is expected to result in additional demands upon the correctional resources of counties or of the State due to an increase in the number of individuals placed under supervision in the community or sentenced to a term of confinement within state correctional institutions. In fiscal years 2018 through 2020 there were a total of 45 arrests for the election-related offenses, fewer than ten in each fiscal year placed onto community supervision, and fewer than ten in each fiscal year admitted into a state correctional institution for election-related offenses. This analysis assumes implementing the provisions of the bill addressing felony sanctions would not result in a significant impact on state correctional populations or on the demand for state correctional resources.

Source Agencies:
LBB Staff: JMc, CMA, LM, LBO, DGI, SLE, MP
TO: Honorable Dan Patrick, Lieutenant Governor, Senate
    Honorable Dade Phelan, Speaker of the House, House of Representatives

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