

# SENATE JOURNAL

EIGHTY-SEVENTH LEGISLATURE — SECOND CALLED SESSION

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AUSTIN, TEXAS

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## PROCEEDINGS

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### THIRD DAY

(Continued)

(Wednesday, August 11, 2021)

### AFTER RECESS

The Senate met at 10:16 a.m. and was called to order by the President.

Senator Springer offered the invocation as follows:

O God, from whom all powers come, by whose divine will all must abide, we thank You for our civil liberties and freedom, for our opportunities and our privileges. We beg of You to bless, assist, and enlighten those on this floor. May we prove worthy of the confidence placed in our fellow citizens. May we be just and upright in our thinking, honest in all of our actions, and ever be guided by a true conscience in the legislation that we vote upon today. Forgive us for all of our mistakes, our selfish tendencies, and help prepare us by our good deeds for the eternal union with You, through Christ our Lord. Amen.

### SENATE RULE 14.02 SUSPENDED

(Notice Rule)

On motion of Senator Campbell and by unanimous consent, Senate Rule 14.02 was suspended in order to consider for confirmation those nominees reported by the Committee on Nominations.

### SESSION TO CONSIDER EXECUTIVE APPOINTMENTS

The President announced the time had arrived to consider executive appointments to agencies, boards, and commissions.

Senator Campbell moved confirmation of the nominees reported by the Committee on Nominations.

The President asked if there were requests to sever nominees.

There were no requests offered.

### NOMINEES CONFIRMED

The following nominees, as reported by the Committee on Nominations, were confirmed by the following vote: Yeas 29, Nays 0.

Absent-excused: Menéndez, Miles.

Judge, 169th Judicial District Court, Bell County: Cari Starritt-Burnett, Bell County.

Member, Council on Sex Offender Treatment: Jarett Troy Lujan, Lubbock County.

Justice, Court of Appeals, Tenth Court of Appeals District: Steven Lee Smith, Brazos County.

Criminal District Attorney, Eastland County: Brad Stephenson, Eastland County.

Member, Board of Directors, Guadalupe-Blanco River Authority: Emanuel Valdez, Comal County.

Members, Board of Directors, Lavaca-Navidad River Authority: Sandra Yvonne Harvey Johs, Jackson County; Michael V. Mitchell, Jackson County; Jennifer Powell Storz, Jackson County.

Commissioner, Public Utility Commission of Texas: James Walter Glotfelty, Harris County.

Members, Texas Board of Architectural Examiners: Lauren C. Taylor, Denton County; Jennifer Nicole Walker, Lampasas County.

Member, Texas State Library and Archives Commission: David Ryan Herring Iglesias, Smith County.

#### **SENATE BILL 14 ON SECOND READING**

Senator Creighton moved to suspend the regular order of business to take up for consideration **SB 14** at this time on its second reading:

**SB 14**, Relating to the regulation by a municipality or county of certain employment benefits and policies.

The motion prevailed by the following vote: Yeas 18, Nays 11.

Yeas: Bettencourt, Birdwell, Buckingham, Campbell, Creighton, Hall, Hancock, Huffman, Hughes, Kolkhorst, Nelson, Nichols, Paxton, Perry, Schwertner, Seliger, Springer, Taylor.

Nays: Alvarado, Blanco, Eckhardt, Gutierrez, Hinojosa, Johnson, Lucio, Powell, West, Whitmire, Zaffirini.

Absent-excused: Menéndez, Miles.

The bill was read second time.

Senator Creighton offered the following amendment to the bill:

#### **Floor Amendment No. 1**

Amend **SB 14** (senate committee printing) in SECTION 1 of the bill, in added Section 83.002(c), Labor Code (page 1, lines 44-48), by adding the following appropriately numbered subdivision to that subsection and renumbering subsequent subdivisions of that subsection accordingly:

( ) the authority of a political subdivision to negotiate the terms of employment with the political subdivision's employees;

The amendment to **SB 14** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1 except as follows:

Absent-excused: Menéndez, Miles.

Senator Powell offered the following amendment to the bill:

### **Floor Amendment No. 2**

Amend **SB 14** (senate committee report) in SECTION 1 of the bill, in added Section 83.002(c), Labor Code (page 1, lines 44-48), by inserting the following appropriately numbered subdivision and renumbering subsequent subdivisions accordingly:

( ) an ordinance, order, rule, regulation, or policy that prohibits discrimination, regardless of whether the ordinance, order, rule, regulation, or policy is adopted before, on, or after January 1, 2022;

The amendment to **SB 14** was read and failed of adoption by the following vote: Yeas 11, Nays 18.

Yeas: Alvarado, Blanco, Eckhardt, Gutierrez, Hinojosa, Johnson, Lucio, Powell, West, Whitmire, Zaffirini.

Nays: Bettencourt, Birdwell, Buckingham, Campbell, Creighton, Hall, Hancock, Huffman, Hughes, Kolkhorst, Nelson, Nichols, Paxton, Perry, Schwertner, Seliger, Springer, Taylor.

Absent-excused: Menéndez, Miles.

Senator Eckhardt offered the following amendment to the bill:

### **Floor Amendment No. 3**

Amend **SB 14** (senate committee report) in SECTION 1 of the bill, in added Section 83.002(c), Labor Code (page 1, lines 44-48), by inserting the following appropriately numbered subdivision and renumbering subsequent subdivisions accordingly:

( ) an ordinance, order, rule, regulation, or policy that requires rest breaks of not more than 15 minutes for construction workers, regardless of whether the ordinance, order, rule, regulation, or policy is adopted before, on, or after January 1, 2022;

The amendment to **SB 14** was read and failed of adoption by the following vote: Yeas 11, Nays 18.

Yeas: Alvarado, Blanco, Eckhardt, Gutierrez, Hinojosa, Johnson, Lucio, Powell, West, Whitmire, Zaffirini.

Nays: Bettencourt, Birdwell, Buckingham, Campbell, Creighton, Hall, Hancock, Huffman, Hughes, Kolkhorst, Nelson, Nichols, Paxton, Perry, Schwertner, Seliger, Springer, Taylor.

Absent-excused: Menéndez, Miles.

**SB 14** as amended was passed to engrossment by the following vote: Yeas 18, Nays 11.

Yeas: Bettencourt, Birdwell, Buckingham, Campbell, Creighton, Hall, Hancock, Huffman, Hughes, Kolkhorst, Nelson, Nichols, Paxton, Perry, Schwertner, Seliger, Springer, Taylor.

Nays: Alvarado, Blanco, Eckhardt, Gutierrez, Hinojosa, Johnson, Lucio, Powell, West, Whitmire, Zaffirini.

Absent-excused: Menéndez, Miles.

### SENATE BILL 5 ON SECOND READING

Senator Hughes moved to suspend the regular order of business and Senate Rule 12.09(a) to take up for consideration **SB 5** at this time on its second reading:

**SB 5**, Relating to complaint procedures and disclosure requirements for, and to the censorship of users' expressions by, social media platforms.

The motion prevailed by the following vote: Yeas 17, Nays 12.

Yeas: Bettencourt, Birdwell, Buckingham, Campbell, Creighton, Hall, Hancock, Huffman, Hughes, Kolkhorst, Nelson, Nichols, Paxton, Perry, Schwertner, Springer, Taylor.

Nays: Alvarado, Blanco, Eckhardt, Gutierrez, Hinojosa, Johnson, Lucio, Powell, Seliger, West, Whitmire, Zaffirini.

Absent-excused: Menéndez, Miles.

The bill was read second time.

Senator Johnson offered the following amendment to the bill:

#### Floor Amendment No. 1

Amend **SB 5** (senate committee printing) as follows:

(1) In SECTION 2 of the bill, in added Section 120.001, Business & Commerce Code (page 1, between lines 34 and 35), insert the following appropriately numbered subdivision and renumber subsequent subdivisions of added Section 120.001, Business & Commerce Code, and cross-references to those subdivisions accordingly:

( ) "Bot" means an automated online account on a social media platform in which all or substantially all of the actions of or posts by that account are not the result of an individual other than any necessary account initialization.

(2) In SECTION 2 of the bill, immediately following added Section 120.003, Business & Commerce Code (page 2, between lines 5 and 6), insert the following:

Sec. 120.004. RESTRICTIONS ON BOT ACTIVITY. Nothing in this chapter shall be construed to:

(1) limit the ability of a social media platform to restrict bot activity; or

(2) allow a bot to use the complaint or appeal procedures described by this chapter.

(3) In SECTION 3 of the bill, in added Section 143A.001, Civil Practice and Remedies Code (page 4, between lines 29 and 30), insert the following appropriately numbered subdivision and renumber subsequent subdivisions of added Section 143A.001, Civil Practice and Remedies Code, and cross-references to those subdivisions accordingly:

( ) "Bot" means an automated online account on a social media platform in which all or substantially all of the actions of or posts by that account are not the result of an individual other than any necessary account initialization.

(4) In SECTION 3 of the bill, immediately following added Section 143A.002(b), Civil Practice and Remedies Code (page 4, between lines 57 and 58), insert the following:

(c) This section does not apply to restrictions on an expression communicated by or received from a bot.

The amendment to **SB 5** was read and failed of adoption by the following vote: Yeas 11, Nays 18.

Yeas: Alvarado, Blanco, Eckhardt, Gutierrez, Hinojosa, Johnson, Lucio, Powell, West, Whitmire, Zaffirini.

Nays: Bettencourt, Birdwell, Buckingham, Campbell, Creighton, Hall, Hancock, Huffman, Hughes, Kolkhorst, Nelson, Nichols, Paxton, Perry, Schwertner, Seliger, Springer, Taylor.

Absent-excused: Menéndez, Miles.

Senator Johnson offered the following amendment to the bill:

### **Floor Amendment No. 2**

Amend **SB 5** (senate committee printing) in SECTION 3 of the bill, in added Chapter 143A, Civil Practice and Remedies Code, as follows:

(1) In Section 143A.003(a) (page 4, lines 61-62), strike ", including in an action brought under Section 143A.007,".

(2) Strike Section 143A.007 (page 5, lines 35-50) and renumber subsequent sections of Chapter 143A accordingly.

The amendment to **SB 5** was read.

Senator Johnson withdrew Floor Amendment No. 2.

**SB 5** was passed to engrossment by the following vote: Yeas 17, Nays 12.

Yeas: Bettencourt, Birdwell, Buckingham, Campbell, Creighton, Hall, Hancock, Huffman, Hughes, Kolkhorst, Nelson, Nichols, Paxton, Perry, Schwertner, Springer, Taylor.

Nays: Alvarado, Blanco, Eckhardt, Gutierrez, Hinojosa, Johnson, Lucio, Powell, Seliger, West, Whitmire, Zaffirini.

Absent-excused: Menéndez, Miles.

**COMMITTEE SUBSTITUTE**  
**SENATE BILL 15 ON SECOND READING**

Senator Taylor moved to suspend the regular order of business and Senate Rule 12.09(a) to take up for consideration **CSSB 15** at this time on its second reading:

**CSSB 15**, Relating to virtual and off-campus electronic instruction at a public school, the satisfaction of teacher certification requirements through an internship teaching certain virtual courses, and the allotment for certain special-purpose school districts under the Foundation School Program.

The motion prevailed by the following vote: Yeas 27, Nays 2.

Yeas: Alvarado, Bettencourt, Birdwell, Blanco, Buckingham, Campbell, Creighton, Eckhardt, Gutierrez, Hall, Hancock, Hinojosa, Huffinan, Hughes, Johnson, Kolkhorst, Lucio, Nelson, Nichols, Paxton, Perry, Powell, Springer, Taylor, West, Whitmire, Zaffirini.

Nays: Schwertner, Seliger.

Absent-excused: Menéndez, Miles.

The bill was read second time.

Senator Taylor offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSSB 15** (senate committee printing) as follows:

(1) In SECTION 1 of the bill, in added Section 21.051(g), Education Code (page 1, line 36), strike "2027" and substitute "2023".

(2) In SECTION 2 of the bill, in added Section 25.092(a-4), Education Code (page 1, line 43), strike "2027" and substitute "2023".

(3) In SECTION 3 of the bill, in added Section 29.9091(r), Education Code (page 3, line 30), strike "2027" and substitute "2023".

(4) In SECTION 4 of the bill, in added Section 39.301(c-1), Education Code (page 3, line 38), strike "2027" and substitute "2023".

(5) In SECTION 5 of the bill, in added Section 48.005(m-2), Education Code (page 3, line 58), strike "2027" and substitute "2023".

(6) In SECTION 7 of the bill, in added Section 48.007(e), Education Code (page 4, line 29), strike "2027" and substitute "2023".

(7) In SECTION 8 of the bill, in added Section 48.053(b-2), Education Code (page 4, line 40), strike "2027" and substitute "2023".

The amendment to **CSSB 15** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1 except as follows:

Absent-excused: Menéndez, Miles.

Senator Taylor offered the following amendment to the bill:

**Floor Amendment No. 2**

Amend **CSSB 15** (senate committee printing) in SECTION 3 of the bill, in added Section 29.9091, Education Code, by striking Subsection (p) (page 3, lines 17 through 21) and substituting the following appropriately lettered subsection:

( ) In evaluating under Section 39.054 the performance of a school district or open-enrollment charter school that operates a full-time local remote learning program, the commissioner shall assign the program separate overall and domain performance ratings as if the program were a campus of the district or school. For purposes of assigning performance ratings under this subsection, only students who spend at least half of the students' instructional time in virtual courses offered under the program are considered enrolled in the program.

The amendment to **CSSB 15** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 2 except as follows:

Absent-excused: Menéndez, Miles.

Senator Hughes offered the following amendment to the bill:

### **Floor Amendment No. 3**

Amend **CSSB 15** (senate committee report) in SECTION 3 of the bill, in added Section 29.9091, Education Code, by adding the following appropriately lettered subsection and relettering subsequent subsections and cross-references to those subsections accordingly:

( ) A school district or open-enrollment charter school may not assign a teacher to teach a full-time local remote learning program unless the teacher agrees to the assignment in writing or the assignment is specifically stated in the employment contract of the teacher for the academic school year. A district or school may not directly or indirectly coerce any teacher to agree to an assignment to teach a full-time local remote learning program.

The amendment to **CSSB 15** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 3 except as follows:

Absent-excused: Menéndez, Miles.

**CSSB 15** as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Nays: Schwertner, Seliger.

Absent-excused: Menéndez, Miles.

### **COMMITTEE SUBSTITUTE SENATE BILL 15 ON THIRD READING**

Senator Taylor moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 15** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 2.

Yeas: Alvarado, Bettencourt, Birdwell, Blanco, Buckingham, Campbell, Creighton, Eckhardt, Gutierrez, Hall, Hancock, Hinojosa, Huffman, Hughes, Johnson, Kolkhorst, Lucio, Nelson, Nichols, Paxton, Perry, Powell, Springer, Taylor, West, Whitmire, Zaffirini.

Nays: Schwertner, Seliger.

Absent-excused: Menéndez, Miles.

The bill was read third time and was passed by the following vote: Yeas 27, Nays 2. (Same as previous roll call)

### SENATE BILL 3 ON SECOND READING

Senator Hughes moved to suspend the regular order of business and Senate Rule 12.09(a) to take up for consideration **SB 3** at this time on its second reading:

**SB 3**, Relating to civics training programs for certain public school social studies teachers and principals, parental access to certain learning management systems, and certain curriculum in public schools, including certain instructional requirements and prohibitions.

The motion prevailed by the following vote: Yeas 18, Nays 11.

Yeas: Bettencourt, Birdwell, Buckingham, Campbell, Creighton, Hall, Hancock, Huffman, Hughes, Kolkhorst, Nelson, Nichols, Paxton, Perry, Schwertner, Seliger, Springer, Taylor.

Nays: Alvarado, Blanco, Eckhardt, Gutierrez, Hinojosa, Johnson, Lucio, Powell, West, Whitmire, Zaffirini.

Absent-excused: Menéndez, Miles.

The bill was read second time.

Senator Hughes offered the following amendment to the bill:

#### Floor Amendment No. 1

Amend **SB 3** (senate committee printing) in SECTION 5 of the bill, in added Section 28.0022, Education Code, by striking Subsection (b) (page 4, lines 12 through 15) and substituting the following appropriately lettered subsection:

( ) Subsection (a)(3) does not apply to a student's participation in:

(1) community charitable projects, such as building community gardens, volunteering at local food banks, or other service projects; or

(2) an internship or practicum:

(A) for which the student receives course credit under the P-TECH program established under Section 29.553; and

(B) that does not involve the student directly engaging in lobbying, social policy advocacy, or public policy advocacy.

The amendment to **SB 3** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1 except as follows:



Absent-excused: Menéndez, Miles.

Senator Zaffirini offered the following amendment to the bill:

**Floor Amendment No. 2**

Amend **SB 3** (senate committee printing) in SECTION 5 of the bill, in added Section 28.0022(d), Education Code (page 4, lines 22 through 23), by striking "including a standard provided by a student code of conduct adopted under Section 37.001,",

The amendment to **SB 3** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 2 except as follows:

Absent-excused: Menéndez, Miles.

**SB 3** as amended was passed to engrossment by the following vote: Yeas 18, Nays 11.

Yeas: Bettencourt, Birdwell, Buckingham, Campbell, Creighton, Hall, Hancock, Huffman, Hughes, Kolkhorst, Nelson, Nichols, Paxton, Perry, Schwertner, Seliger, Springer, Taylor.

Nays: Alvarado, Blanco, Eckhardt, Gutierrez, Hinojosa, Johnson, Lucio, Powell, West, Whitmire, Zaffirini.

Absent-excused: Menéndez, Miles.

**SENATE JOINT RESOLUTION 1 ON SECOND READING**

The President laid before the Senate **SJR 1** by Senator Birdwell, at this time on its second reading:

**SJR 1**, Proposing a constitutional amendment relating to the determination of a quorum of the senate or house of representatives.

The bill was read second time.

Senator Birdwell offered the following amendment to the resolution:

**Floor Amendment No. 1**

Amend **SJR 1** (senate committee printing) in SECTION 2 of the joint resolution (page 1, line 27), by striking "November 8" and substituting "May 7".

The amendment to **SJR 1** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1 except as follows:

Absent-excused: Menéndez, Miles.

**SJR 1** as amended was passed to engrossment by the following vote: Yeas 19, Nays 10.

Yeas: Bettencourt, Birdwell, Buckingham, Campbell, Creighton, Hall, Hancock, Hinojosa, Huffman, Hughes, Kolkhorst, Lucio, Nelson, Paxton, Perry, Schwertner, Seliger, Springer, Taylor.

Nays: Alvarado, Blanco, Eckhardt, Gutierrez, Johnson, Nichols, Powell, West, Whitmire, Zaffirini.

Absent-excused: Menéndez, Miles.

**COMMITTEE SUBSTITUTE**  
**SENATE BILL 1 ON SECOND READING**

Senator Hughes moved to suspend the regular order of business to take up for consideration **CSSB 1** at this time on its second reading:

**CSSB 1**, 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.

The motion prevailed by the following vote: Yeas 18, Nays 11.

Yeas: Bettencourt, Birdwell, Buckingham, Campbell, Creighton, Hall, Hancock, Huffman, Hughes, Kolkhorst, Nelson, Nichols, Paxton, Perry, Schwertner, Seliger, Springer, Taylor.

Nays: Alvarado, Blanco, Eckhardt, Gutierrez, Hinojosa, Johnson, Lucio, Powell, West, Whitmire, Zaffirini.

Absent-excused: Menéndez, Miles.

The bill was read second time.

**REMARKS ORDERED PRINTED**

On motion of Senator Hughes and by unanimous consent, the remarks by Senators Hughes and Springer regarding **SB 1** were ordered reduced to writing and printed in the *Senate Journal* as follows:

**President:** Senator Springer, for what purpose?

**Senator Springer:** To ask the author a question.

**President:** Do you yield?

**Senator Hughes:** Of course, I'll yield.

**Senator Springer:** Senator Hughes, I appreciate you bringing this forward and working with us on this. And, as we discussed, I have something that I'd like to bring forward for legislative intent. For our tax collector assessors, as you're aware, those tax assessor-collectors in some counties serve as the voter registrar. These folks have expressed concern that the bill may require one county to wait on confirmation of registration from another county before they can remove the voter from the voter roll. I just want to clarify for legislative intent that given the fact that the voter's already filled out and attested to the fact that they now reside in a new address in another county that the previous county where the voter was registered may go ahead and be removed, remove that voter from their rolls. The voter attesting to the fact that they now reside in another county should be a strong implication that they need to be removed from a previous county's voters rolls. So, I just want to make sure that this

bill will not require the former county registration to wait on the application to be fully processed in the new county before the residence and registration. And if you could help confirm for that form, that would be fantastic.

**Senator Hughes:** Senator Springer, you are correct. That's exactly what the bill does.

**Senator Springer:** Alright, thank you for clarifying that for us. Thank you, Mr. President.

Senator Hughes offered the following amendment to the bill:

### **Floor Amendment No. 1**

Amend **CSSB 1** (senate committee printing) as follows:

(1) In SECTION 2.13, amending Section 127.1232, Election Code, strike Subsections (b) and (c) (page 7, lines 3 through 18) and substitute the following:

(b) The general custodian of election records 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) shall be made available to the public by a livestream.

(2) Add the following appropriately numbered SECTION to ARTICLE 3 of the bill and renumber subsequent SECTIONS of ARTICLE 3 accordingly:

SECTION 3. \_\_\_\_. Subchapter A, Chapter 33, Election Code, is amended by adding Section 33.0015 to read as follows:

Sec. 33.0015. REFERENCES TO EARLY VOTING BALLOT BOARD IN THIS CHAPTER. A reference in this chapter to an early voting ballot board includes a signature verification committee.

(3) Strike SECTION 2.04 (page 4, lines 28 through 33) and renumber subsequent SECTIONS of ARTICLE 2 accordingly.

The amendment to **CSSB 1** was read and was adopted by the following vote: Yeas 18, Nays 11.

Yeas: Bettencourt, Birdwell, Buckingham, Campbell, Creighton, Hall, Hancock, Huffman, Hughes, Kolkhorst, Nelson, Nichols, Paxton, Perry, Schwertner, Seliger, Springer, Taylor.

Nays: Alvarado, Blanco, Eckhardt, Gutierrez, Hinojosa, Johnson, Lucio, Powell, West, Whitmire, Zaffirini.

Absent-excused: Menéndez, Miles.

**(Senator Taylor in Chair)**

Senator Hughes offered the following amendment to the bill:

### **Floor Amendment No. 2**

Amend **CSSB 1** (senate committee printing) as follows:

(1) In SECTION 6.03, adding Section 276.016, Election Code, strike Subsections (c), (d), and (e) (page 18, lines 5 through 28) and substitute the following:

(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; or

(3) a penalty in the amount of \$35,000.

(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 additional damages in an amount equal to the amount of liability attributed to the defendant under Subsection (c).

(e) If an action under this section is brought by a candidate for office, the period for commencing the action begins on the day after the date the election is certified and ends on the 90th day after the later of that date or the date election records are made publicly available under Section 1.012. If an action under this section is brought by a political party, the period for commencing the action begins on the day after the last day a candidate may bring an action and ends on the 90th day after that date. If an action under this section is brought by a candidate for office, a political party may not bring an action under this section for the same instance of vote harvesting activity.

(2) Strike SECTION 7.05 of the bill (page 20, lines 4 through 34) and renumber subsequent SECTIONS of Article 7 accordingly.

(3) Add the following appropriately numbered SECTIONS to Article 7 of the bill and renumber subsequent SECTIONS of Article 7 accordingly:

SECTION 7. \_\_\_\_. The heading to Title 14, Election Code, is amended to read as follows:

TITLE 14. ELECTION CONTESTS AND OTHER ELECTION LAWSUITS

SECTION 7. \_\_\_\_. Title 14, Election Code, is amended by adding Subtitle D to read as follows:

SUBTITLE D. OTHER ELECTION LAWSUITS

CHAPTER 247. LAWSUIT ALLEGING IMPROPER ELECTION ACTIVITIES

Sec. 247.001. PETITION ALLEGING FRAUD. This chapter applies to a civil suit in which a candidate in an election 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;

(3) Section 64.036;

(4) Section 84.003;

(5) Section 84.0041;

(6) Section 86.0051;

(7) Section 86.006;

(8) Section 86.010; or

(9) Section 276.013.

Sec. 247.002. PROCEDURE. A candidate in an election may file a petition for an action under this chapter in any county where a defendant resided at the time of the election. If the election is for a statewide office, the candidate may also file the petition in a district court in Travis County.

Sec. 247.003. FILING PERIOD FOR PETITION. A candidate in an election may file a petition for an action under this chapter not earlier than the day after the date the election is certified and not later than the 45th day after the later of that date or the date election records are made publicly available under Section 1.012.

Sec. 247.004. DAMAGES. (a) If it is shown by a preponderance of the evidence that a defendant, an agent of the defendant, or a person acting on behalf of the defendant with the defendant's knowledge committed one or more violations of a section described by Section 247.001, the defendant is liable to the plaintiff for damages in an amount of \$1,000 for each violation.

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

Sec. 247.005. ATTORNEY'S FEES. In an action under this chapter, the court may award reasonable attorney's fees to the prevailing party.

The amendment to **CSSB 1** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 2 except as follows:

Nays: Alvarado, Blanco, Eckhardt, Gutierrez, Hinojosa, Johnson, Lucio, Powell, West, Whitmire, Zaffirini.

Absent-excused: Menéndez, Miles.

Senator Johnson offered the following amendment to the bill:

### **Floor Amendment No. 3**

Amend **CSSB 1** (senate committee printing) by adding the following appropriately numbered SECTION to ARTICLE 1 of the bill and renumbering subsequent SECTIONS of the ARTICLE accordingly:

SECTION 1.\_\_\_\_. Subchapter A, Chapter 13, Election Code, is amended by adding Section 13.009 to read as follows:

Sec. 13.009. ELECTRONIC VOTER REGISTRATION. (a) The secretary of state shall, in coordination with the Department of Public Safety, implement a program to allow a person with an unexpired driver's license or personal identification card issued in this state to complete a voter registration application over the Internet from a secure Internet website.

(b) The Internet website established under this section must allow a person to submit:

- (1) an initial application for registration; and
- (2) an application to update a voter registration record.

(c) When a person submits an application under this section, the secretary of state shall compare the information provided by the applicant against Department of Public Safety records.

(d) The completed online application and information from the Department of Public Safety, including the applicant's digital signature, shall be provided to:

(1) the county voter registration office for the county where the applicant currently resides; and

(2) the secretary of state for the statewide computerized voter registration list under Section 18.061.

(e) An application electronically submitted under this section is considered for all purposes as an application submitted by mail under this title. A digital signature given as provided by secretary of state rule meets the signature requirement under Section 13.002(b).

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

The amendment to **CSSB 1** was read and failed of adoption by the following vote: Yeas 11, Nays 18.

Yeas: Alvarado, Blanco, Eckhardt, Gutierrez, Hinojosa, Johnson, Lucio, Powell, West, Whitmire, Zaffirini.

Nays: Bettencourt, Birdwell, Buckingham, Campbell, Creighton, Hall, Hancock, Huffman, Hughes, Kolkhorst, Nelson, Nichols, Paxton, Perry, Schwertner, Seliger, Springer, Taylor.

Absent-excused: Menéndez, Miles.

Senator Bettencourt offered the following amendment to the bill:

#### **Floor Amendment No. 4**

Amend **CSSB 1** (senate committee printing) by adding the following appropriately numbered SECTIONS to Article 3 of the bill and renumbering subsequent SECTIONS of the ARTICLE accordingly:

SECTION 3. \_\_\_\_ Section 87.002, Election Code, is amended to read as follows:

Sec. 87.002. COMPOSITION OF BOARD. (a) The early voting ballot board consists of a presiding judge, an alternate presiding judge, and at least one ~~[two]~~ other member ~~[members]~~.

(b) Except as provided by Subsection (d), the presiding judge and the alternate presiding judge are ~~[is]~~ appointed in the same manner as a presiding election judge and alternate presiding election judge, respectively. Except as provided by Subsection (c), each ~~[the]~~ other member is ~~[members are]~~ appointed by the presiding judge in the same manner as the precinct election clerks.

(c) In the general election for state and county officers, each county chair of a political party with nominees on the general election ballot shall submit to the county election board a list of names of persons eligible to serve on the early voting ballot board in order of the county chair's preference. The county election board shall appoint at least one person from each list to serve as a member of the early voting ballot board. The same number of members must be appointed from each list. The county election board shall appoint persons as members of the early voting ballot board in the order of preference indicated on each list.

(d) In addition to the members appointed under Subsection (c), the county election board shall appoint as the presiding judge the highest-ranked person on [from] the list provided under that subsection by the political party whose nominee for governor received the most votes in the county in the most recent gubernatorial general election and as the alternate presiding judge the highest-ranked person on the list provided under that subsection by the political party whose nominee for governor received the second most votes in the county in the most recent gubernatorial general election.

SECTION 3. \_\_\_\_ . Sections 87.027(d) and (e), Election Code, are amended to read as follows:

(d) The early voting clerk shall determine the number of members who are to compose the signature verification committee and shall state that number in the order calling for the committee's appointment. A committee must consist of not fewer than five members. In an election in which party alignment is indicated on the ballot, each county chair of a political party with a nominee or aligned candidate on the ballot shall submit to the appointing authority a list of names of persons eligible to serve on the signature verification committee in order of the county chair's preference. The authority shall appoint at least two persons from each list in the order of preference indicated on each list to serve as members of the committee. The same number of members must be appointed from each list. The authority shall appoint as [the] chair of the committee the highest-ranked person on [from] the list provided by the political party whose nominee for governor received the most votes in the county in the most recent gubernatorial general election. The authority shall appoint as vice chair of the committee the highest-ranked person on the list provided by the political party whose nominee for governor received the second most votes in the county in the most recent gubernatorial general election. A vacancy on the committee shall be filled by appointment from the original list or from a new list submitted by the appropriate county chair.

(e) To be eligible to serve on a signature verification committee, a person must be eligible under Subchapter C, Chapter 32, for service as a presiding election judge, except that the person must be a qualified voter:

(1) of the county, in a countywide election ordered by the governor or a county authority or in a primary election;

(2) of the part of the county in which the election is held, for an election ordered by the governor or a county authority that does not cover the entire county of the person's residence; or

(3) of the political subdivision, in an election ordered by an authority of a political subdivision other than a county.

SECTION 3. \_\_\_\_ . Sections 127.006(a) and (c), Election Code, are amended to read as follows:

(a) The [Both the] manager, [and] the presiding judge, and the alternate presiding judge may appoint clerks to serve at the central counting station.

(c) A clerk appointed by the manager serves under the manager and shall perform the functions directed by the manager. A clerk appointed by the presiding judge or the alternate presiding judge serves under the presiding judge and shall perform the functions directed by the presiding judge.

The amendment to **CSSB 1** was read.

Question: Shall Floor Amendment No. 4 to **CSSB 1** be adopted?

**AT EASE**

Senator Taylor at 2:01 p.m. announced the Senate would stand At Ease subject to the call of the Chair.

### **IN LEGISLATIVE SESSION**

The President at 2:06 p.m. called the Senate to order as In Legislative Session.

Question: Shall Floor Amendment No. 4 to **CSSB 1** be adopted?

The amendment to **CSSB 1** was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 4 except as follows:

Absent-excused: Menéndez, Miles.

Senator Zaffirini offered the following amendment to the bill:

#### **Floor Amendment No. 5**

Amend **CSSB 1** (senate committee printing) as follows:

(1) In SECTION 4.12 of the bill, adding Section 87.0271, Election Code, strike added Sections 87.0271(3) and (4) (page 12, lines 53 through 55) and substitute the following:

(3) missing any required statement of residence;

(4) missing information or containing incorrect information required under Section 84.002(a)(1-a) or Section 86.002; or

(5) containing incomplete information with respect to a witness.

(2) In SECTION 4.14 of the bill, adding Section 87.0411, Election Code, strike added Sections 87.0411(3) and (4) (page 13, lines 60 through 62) and substitute the following:

(3) missing any required statement of residence;

(4) missing information or containing incorrect information required under Section 84.002(a)(1-a) or Section 86.002; or

(5) containing incomplete information with respect to a witness.

The amendment to **CSSB 1** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 5 except as follows:

Absent-excused: Menéndez, Miles.

Senator Bettencourt offered the following amendment to the bill:

#### **Floor Amendment No. 6**

Amend **CSSB 1** (senate committee printing) by adding the following appropriately numbered SECTION to ARTICLE 4 of the bill and renumbering subsequent SECTIONS of ARTICLE 4 accordingly:

SECTION 4.\_\_\_\_. Section 86.015(c), Election Code, as effective September 1, 2021, is amended to read as follows:



(c) An online tool used under this section must:

(1) for each election, record:

(A) each application for a ballot to be voted by mail received by the clerk; and

(B) each carrier envelope sent to a voter by the clerk;

(2) for each carrier envelope, record or assign a serially numbered and sequentially issued barcode or tracking number that is unique to each envelope; ~~and~~

(3) update the applicable Internet website as soon as practicable after each of the following events occurs:

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

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

(C) placement in the mail by the early voting clerk of the person's official ballot;

(D) receipt by the early voting clerk of the person's marked ballot; and

(E) acceptance or rejection by the early voting ballot board of a person's marked ballot; and

(4) allow a voter to add or correct information required under Section 84.002(a)(1-a) or Section 86.002(g).

The amendment to **CSSB 1** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 6 except as follows:

Absent-excused: Menéndez, Miles.

Senator Zaffirini offered the following amendment to the bill:

### **Floor Amendment No. 7**

Amend **CSSB 1** (senate committee printing) by adding the following appropriately numbered SECTION to ARTICLE 5 of the bill and renumbering subsequent SECTIONS of the ARTICLE accordingly:

SECTION \_\_.\_\_. (a) The secretary of state shall conduct a study regarding the implementation of educational programs, including the production and publication on the secretary of state's Internet website of instructional videos, to help voters with disabilities understand how to use voting systems used in this state.

(b) Not later than December 1, 2022, the secretary of state shall submit to the standing committees of the legislature with jurisdiction over elections a report on the study required by this section.

(c) The secretary of state, using existing resources, may contract with a qualified vendor to conduct the study required by this section.

(d) This section expires December 1, 2023.

The amendment to **CSSB 1** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 7 except as follows:

Absent-excused: Menéndez, Miles.

Senator Hinojosa offered the following amendment to the bill:

**Floor Amendment No. 8**

Amend **CSSB 1** (senate committee printing) in SECTION 6.03 of the bill, in added Section 276.016(a), Election Code (page 17, line 58), by striking "a preponderance of the evidence" and substituting "clear and convincing evidence".

The amendment to **CSSB 1** was read and failed of adoption by the following vote: Yeas 11, Nays 18.

Yeas: Alvarado, Blanco, Eckhardt, Gutierrez, Hinojosa, Johnson, Lucio, Powell, West, Whitmire, Zaffirini.

Nays: Bettencourt, Birdwell, Buckingham, Campbell, Creighton, Hall, Hancock, Huffman, Hughes, Kolkhorst, Nelson, Nichols, Paxton, Perry, Schwertner, Seliger, Springer, Taylor.

Absent-excused: Menéndez, Miles.

Senator West offered the following amendment to the bill:

**Floor Amendment No. 9**

Amend **CSSB 1** (senate committee printing) by adding the following appropriately numbered SECTION to ARTICLE 7 of the bill and renumbering subsequent SECTIONS of that article accordingly:

SECTION 7.\_\_\_\_. Subchapter E, Chapter 31, Election Code, is amended by adding Section 31.130 to read as follows:

Sec. 31.130. SUIT AGAINST ELECTION OFFICER. An action, including an action for a writ of mandamus, alleging that an election officer violated a provision of this code while acting in the officer's official capacity may only be brought against the officer in the officer's official capacity.

WEST  
ECKHARDT  
HUGHES

The amendment to **CSSB 1** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 9 except as follows:

Absent-excused: Menéndez, Miles.

Senator Hinojosa offered the following amendment to the bill:

**Floor Amendment No. 10**

Amend **CSSB 1** (senate committee printing) by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES accordingly:

ARTICLE \_\_. ILLEGAL VOTING

SECTION \_\_.01. Section 64.012, Election Code, is amended by adding Subsection (c) to read as follows:

(c) It is an exception to the application of Subsection (a)(1) that the person:

(1) voted or attempted to vote a provisional ballot in accordance with Section 63.011; and

(2) did not know:

(A) of the particular circumstances that made the person not eligible to vote in the election; or

(B) that those circumstances made the person not eligible to vote in the election.

SECTION \_\_.02. The change in law made by this article applies 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 on the date 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.

The amendment to **CSSB 1** was read and failed of adoption by the following vote: Yeas 11, Nays 18.

Yeas: Alvarado, Blanco, Eckhardt, Gutierrez, Hinojosa, Johnson, Lucio, Powell, West, Whitmire, Zaffirini.

Nays: Bettencourt, Birdwell, Buckingham, Campbell, Creighton, Hall, Hancock, Huffman, Hughes, Kolkhorst, Nelson, Nichols, Paxton, Perry, Schwertner, Seliger, Springer, Taylor.

Absent-excused: Menéndez, Miles.

Senator West offered the following amendment to the bill:

### **Floor Amendment No. 11**

Amend **CSSB 1** (senate committee printing) by adding the following appropriately numbered ARTICLES to the bill and renumbering subsequent ARTICLES of the bill accordingly:

#### ARTICLE \_\_. BARBARA JORDAN FAIR ELECTIONS ACT: GENERAL PROVISIONS

SECTION \_\_.01. FINDINGS. The legislature finds that maximizing the potential for safe, secure, and accessible elections and enhancing the opportunities to vote strengthen our constitutional democracy and provide for wide-scale confidence in elections.

SECTION \_\_.02. 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 promote voter access and ensure that all lawfully cast votes are counted.

SECTION \_\_.03. Section 1.003, Election Code, is amended by adding Subsection (a-2) to read as follows:

(a-2) A public official shall construe the provisions of this code broadly to effect the intent of the legislature under Section 1.0015.

ARTICLE \_\_. BARBARA JORDAN FAIR ELECTIONS ACT: VOTER  
REGISTRATION

SECTION \_\_.01. Subchapter A, Chapter 13, Election Code, is amended by adding Sections 13.009 and 13.010 to read as follows:

Sec. 13.009. ELECTRONIC VOTER REGISTRATION. (a) The secretary of state shall implement a program to allow a person to complete a voter registration application over the Internet from the official website of this state. The websites of the secretary of state and the Department of Public Safety must also provide a link to the location of the application on the official website of this state.

(b) An applicant for electronic voter registration who has a driver's license or personal identification card issued in this state, regardless of whether the license or card is unexpired, must:

(1) attest to the truth of the information provided on the application by affirmatively accepting the information as true; and

(2) affirmatively consent to the use of the signature on the applicant's driver's license or personal identification card for voter registration purposes.

(c) An applicant for electronic voter registration who does not have a driver's license or personal identification card issued in this state must:

(1) attest to the truth of the information provided on the application by affirmatively accepting the information as true; and

(2) print a registration application from the website the applicant is using to register, sign the application, and mail it to the registrar.

(d) For each application submitted under Subsection (b), the program must require that a digital copy of the applicant's signature be obtained from the Department of Public Safety.

(e) For each application submitted under Subsection (c), the program must provide the applicant with:

(1) a registration application that the applicant can print from the registration website, sign, and mail to the registrar as required under Subsection (c)(2); and

(2) information about how the applicant can obtain a driver's license or personal identification card from the Department of Public Safety.

(f) An application submitted under this section is considered for all purposes an application submitted by mail under this title.

(g) The secretary of state shall adopt rules as necessary to implement this section, including rules to provide for additional security measures necessary to ensure the accuracy and integrity of applications submitted electronically.

(h) The rules adopted under Subsection (g) must require that:

(1) the Internet website through which a person may complete a voter registration application include a description of the offense described by Section 13.007 in a conspicuous location on the website near the place where the person begins or submits the application; and

(2) the state electronic Internet portal project be used to authenticate the identity of a person who submits an application electronically under this section.

Sec. 13.010. VOTER REGISTRATION THROUGH DEPARTMENT OF PUBLIC SAFETY. (a) The voter registrar of each county shall automatically register any county resident who is eligible to vote as provided by Section 13.001 and:

(1) is issued a Texas driver's license or a personal identification card by the Department of Public Safety; or

(2) makes a change to a Texas driver's license or personal identification card issued by the Department of Public Safety.

(b) A driver's license or personal identification card transaction with an indication provided by Section 20.062(b) or 20.063(c) that the transaction is not for voter registration purposes is not subject to this section.

SECTION \_\_.02. Section 20.061, Election Code, is amended to read as follows:

Sec. 20.061. APPLICABILITY OF OTHER PROVISIONS. The other provisions of this chapter apply to the Department of Public Safety except provisions that conflict with this subchapter or Section 13.010.

SECTION \_\_.03. Section 20.062(b), Election Code, is amended to read as follows:

(b) The department shall prescribe and use a change of address form and procedure that combines department and voter registration functions. The form must allow a licensee or cardholder to indicate that ~~whether~~ the change of address is not ~~also to be used~~ for voter registration purposes.

SECTION \_\_.04. Section 20.063, Election Code, is amended to read as follows:

Sec. 20.063. REGISTRATION PROCEDURES. (a) The Department of Public Safety shall consider an application made in person, by mail, or online at the department's Internet website ~~[provide to each person who applies in person at the department's offices]~~ for an original or renewal of a driver's license, a personal identification card, or a duplicate or corrected license or card by a person who is eligible to vote as provided by Section 13.001 an application for ~~[opportunity to complete a]~~ voter registration. The date of application is considered to be the date of submission to the voter registrar for the purpose of determining the effective date of registration ~~[application form].~~

(b) The Department of Public Safety shall consider a change of address that relates to ~~[When the department processes]~~ a license or card and that is submitted to ~~[for renewal by mail,]~~ the department ~~[shall deliver to the applicant by mail a voter registration application form].~~

~~[(c) A change of address that relates to a license or card and that is submitted to the department]~~ in person, ~~[or]~~ by mail, or online at the department's Internet website ~~[serves]~~ as a change in ~~[of address for]~~ voter registration ~~[unless the licensee or cardholder indicates that the change is not for voter registration purposes]~~. The date of submission of a change of address to a department employee is considered to be the date of submission to the voter registrar for the purpose of determining the effective date of registration ~~[only].~~

(c) The registration of an eligible ~~[(d) If a completed]~~ voter as required by Subsections (a) and (b) is automatic unless the person indicates that the transaction is not for voter registration purposes ~~[application submitted to a department employee does not include the applicant's correct driver's license number or personal identification card number, a department employee shall enter the appropriate]~~

~~information on the application. If a completed application does not include the applicant's correct residence address or mailing address, a department employee shall obtain the appropriate information from the applicant and enter the information on the application].~~

SECTION \_\_.05. Section 20.065(b), Election Code, is amended to read as follows:

(b) Each weekday the department is regularly open for business, the department shall electronically transfer to the secretary of state the name and information designated by the secretary of state for ~~[of each person who completes a]~~ voter registration for each individual who is eligible to vote as provided by Section 13.001 and applies in person, by mail, or online at the department's Internet website for an original or renewal of a driver's license, a personal identification card, or a duplicate or corrected license or card ~~[application submitted to the department]~~. The secretary shall prescribe procedures necessary to implement this subsection.

SECTION \_\_.06. Chapter 63, Election Code, is amended by adding Section 63.010 to read as follows:

Sec. 63.010. REGISTRATION AT POLLING PLACE. (a) A person who would be eligible to vote in an election under Section 11.001, but for the requirement to be a registered voter, shall be accepted during voting by personal appearance for voting the ballot for the precinct of the person's residence as shown by the identification presented if, on the day the person offers to vote, the person:

(1) submits a voter registration application that complies with Section 13.002 to an election officer at the polling place; and

(2) presents as proof of residence a form of photo identification described by Section 63.0101(a) that states the person's current address.

(b) The election officer shall return the original proof of residence to the voter.

(c) A person voting under this section shall vote a provisional ballot in the manner provided by Section 63.011 except that the person is not required to submit the affidavit under Section 63.011(a).

(d) For each registration corresponding to a ballot cast under this section, the voter registrar shall review the application and determine whether the applicant is eligible for registration as provided by Subchapter C, Chapter 13. A registration approved under this subsection takes effect on the date the vote was cast.

(e) An election officer serving at a polling place, whether on election day or during the early voting period, is a deputy voter registrar and has the same authority as a regular deputy registrar.

SECTION \_\_.07. Section 85.031(a), Election Code, is amended to read as follows:

(a) For each person entitled to vote an early voting ballot by personal appearance or entitled to register at a polling place, the early voting clerk shall follow the procedure for accepting or registering a regular voter on election day, with the modifications necessary for the conduct of early voting.

ARTICLE \_\_. BARBARA JORDAN FAIR ELECTIONS ACT: VOTE BY MAIL

SECTION \_\_.01 Section 13.002(e), Election Code, is amended to read as follows:

(e) Notwithstanding Section 82.005, a [A] person who is certified for participation in the address confidentiality program administered by the attorney general under Subchapter B, Chapter 58, Code of Criminal Procedure, is not eligible for early voting by mail [under Section 82.007] unless the person submits an application under this section by personal delivery. The secretary of state may adopt rules to implement this subsection.

SECTION \_\_.02 Section 82.005, Election Code, is amended to read as follows:

Sec. 82.005. ELIGIBILITY FOR EARLY VOTING [~~BY PERSONAL APPEARANCE~~]. Any qualified voter is eligible for early voting by mail or personal appearance.

SECTION \_\_.03. Section 82.007, Election Code, is amended to read as follows:

Sec. 82.007. PARTICIPATION IN ADDRESS CONFIDENTIALITY PROGRAM. Notwithstanding Section 82.005, a [A] qualified voter who, [is eligible for early voting by mail if:

~~[(1) the voter submitted a registration application by personal delivery as required by Section 13.002(e); and~~

~~[(2)] at the time the voter's early voting ballot application is submitted, [the voter] is certified for participation in the address confidentiality program administered by the attorney general under Subchapter B, Chapter 58, Code of Criminal Procedure, is eligible for early voting by mail only if the voter submitted a registration application by personal delivery as required by Section 13.002(e).~~

SECTION \_\_.04. Sections 84.001(a), (b), and (d), Election Code, are amended to read as follows:

(a) To be entitled to vote an early voting ballot by mail, a person [~~who is eligible for early voting~~] must make an application for an early voting ballot to be voted by mail as provided by this title.

(b) An application must be in writing and signed by the applicant. Except as provided by Section 84.0091, an [An] electronic signature is not permitted.

(d) An application must be submitted [~~by mail~~] to the early voting clerk for the election who serves the election precinct of the applicant's residence.

SECTION \_\_.05. Section 84.002(a), Election Code, as effective September 1, 2021, is amended 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;

(2) for an application for a ballot to be voted by mail by an applicant who will be absent from the applicant's [on the ground of absence from the] county of residence on election day, 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 by an applicant who is 65 years of age or older on election day or has a sickness or physical condition that requires the applicant to reside in a hospital or nursing home or other long-term care facility, or with a relative [on the ground of age or disability], 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;

(4) for an application for a ballot to be voted by mail by an applicant who is confined [on the ground of confinement] in jail as described by Section 84.009(a), 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; and~~  
~~(7)]~~ for an application for a ballot to be voted by mail by an applicant who is civilly committed as a sexually violent predator under Chapter 841, Health and Safety Code, and is ordered as a condition of civil commitment to reside in a facility operated by or under contract with the Texas Civil Commitment Office [on the ground of involuntary civil commitment], the address of the facility operated by or under contract with the Texas Civil Commitment Office or of a person related to the applicant within the degree of consanguinity described by Subdivision (3).

SECTION \_\_.06. Section 84.007(a), Election Code, is amended to read as follows:

(a) Except as provided by Sections 84.008, ~~[and]~~ 84.009, and 84.0091, an application for a ballot to be voted by mail must be submitted as provided by this section.

SECTION \_\_.07. Section 84.009, Election Code, is amended by amending Subsection (a) and adding Subsection (b) to read as follows:

(a) This section applies only to an applicant who, at the time the application for a ballot to be voted by mail is submitted, is confined in jail:

(1) serving a misdemeanor sentence for a term that ends on or after election day;

(2) pending trial after denial of bail;

(3) without bail pending an appeal of a felony conviction; or

(4) pending trial or appeal on a bailable offense for which release on bail before election day is unlikely.

(b) On request of the applicant, an application for a ballot to be voted by mail ~~[on the ground of confinement in jail]~~ may be submitted to the early voting clerk, at the discretion of the authority in charge of the jail, by personal delivery by the jail authority or by a designated subordinate of the authority.

SECTION \_\_.08. Subchapter A, Chapter 84, Election Code, is amended by adding Section 84.0091 to read as follows:

Sec. 84.0091. SUBMITTING APPLICATION FOR BALLOT VOTED BY MAIL: ELECTRONIC SUBMISSION. The secretary of state shall implement a program to allow a person to complete an application for an early voting ballot by mail over the Internet from the official website of this state. The program must:

(1) permit an applicant to electronically sign the application;

(2) deliver a completed application to the early voting clerk for the election who serves the election precinct of the applicant's residence; and

(3) permit an applicant to check the status of the applicant's application.



SECTION \_\_.09. Section 84.011(a), Election Code, as effective September 1, 2021, 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; 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 whether the applicant will be absent from the applicant's county of residence on election day and, if applicable, 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 who is 65 years of age or older on election day or has a sickness or physical condition that requires the applicant to reside in a hospital or nursing home or other long-term care facility, or with a relative, [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 who is confined [applying on the ground of confinement] in jail as described by Section 84.009(a) or who is civilly committed as a sexually violent predator under Chapter 841, Health and Safety Code, and ordered as a condition of civil commitment to reside in a facility operated by or under contract with the Texas Civil Commitment Office, [involuntary civil commitment] 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) or (6) [(7)], 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 \_\_.10. Sections 84.032(c) and (d), Election Code, are 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.

SECTION \_\_.11. Sections 86.001(b) and (c), Election Code, are amended to read as follows:

(b) If the application complies with the applicable requirements prescribed by this title ~~[applicant is entitled to vote an early voting ballot by mail]~~, the clerk shall provide an official ballot to the applicant as provided by this chapter.

(c) Except as provided by Section 86.008, if the applicant is not entitled to vote in the election ~~[by mail]~~, the clerk shall reject the application, enter on the application "rejected" and the reason for and date of rejection, and deliver written notice of the reason for the rejection to the applicant at both the residence address and mailing address on the application. A ballot may not be provided to an applicant whose application is rejected.

SECTION \_\_.12. Section 86.0015(a), Election Code, is amended to read as follows:

(a) This section applies only to an application for a ballot to be voted by mail that~~[-~~

~~[(1) indicates the ground of eligibility is age or disability; and~~

~~[(2)] does not specify the election for which a ballot is requested or has been marked by the applicant as an application for more than one election.~~

SECTION \_\_.13. Section 86.003(c), Election Code, as effective September 1, 2021, is amended to read as follows:

(c) The address to which the balloting materials must be addressed is the address at which the voter is registered to vote, or the registered mailing address if different, unless the application to vote early by mail indicates that the voter ~~[ground for voting by mail is]~~:

(1) will be absent from the voter's ~~[absence from the]~~ county of residence on election day, in which case the address must be an address outside the voter's county of residence;

(2) is confined ~~[confinement]~~ in jail as described by Section 84.009(a), in which case the address must be the address of the jail or of a relative described by Section 84.002(a)(4);

(3) is 65 years of age or older on election day or has a sickness or physical condition that requires the applicant to reside in a hospital or nursing home or other long-term care facility, or with a relative, [~~age or disability~~] and [~~the voter~~] is living at a hospital, nursing home or other long-term care facility, or retirement center, or with a relative described by Section 84.002(a)(3), in which case the address must be the address of that facility or relative; or

(4) is civilly committed as a sexually violent predator under Chapter 841, Health and Safety Code, and ordered as a condition of civil commitment to reside in a facility operated by or under contract with the Texas Civil Commitment Office [~~involuntary civil commitment~~], in which case the address must be the address of the facility or of a relative described by Section 84.002(a)(6) [~~84.002(a)(7)~~].

SECTION \_\_.14. Section 86.004(b), Election Code, is amended to read as follows:

(b) For an election to which Section 101.104 applies, the balloting materials for a voter who indicates on the application for a ballot to be voted by mail or the federal postcard application that the voter seeks [~~is eligible~~] to vote early by mail as a consequence of the voter's being outside the United States shall be mailed on or before the later of the 45th day before election day or the seventh calendar day after the date the clerk receives the application. However, if it is not possible to mail the ballots by the deadline of the 45th day before election day, the clerk shall notify the secretary of state within 24 hours of knowing that the deadline will not be met. The secretary of state shall monitor the situation and advise the clerk, who shall mail the ballots as soon as possible in accordance with the secretary of state's guidelines.

SECTION \_\_.15. 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 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 (l), 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. As soon as practicable, but in no event more than one business day, after the committee discovers that a voter did not sign the carrier envelope certificate or determines that the signature on the voter's ballot application or certificate is not that of the voter, the committee chair shall deliver the jacket envelope, carrier envelope, and application of the voter to the early voting ballot board. The committee chair shall deliver the jacket envelopes, carrier envelopes, and applications of voters whose signatures are those of the voter [~~sorted materials~~] to the early voting ballot board at the time specified by the board's presiding judge.

SECTION \_\_.16. Sections 87.041(b) and (d), Election Code, are amended to read as follows:

(b) Except as provided by Section 87.0411(h), 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;

~~(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;~~

~~(4) [(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~~

~~(5) [(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.~~

(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.

SECTION \_\_.17. Subchapter C, Chapter 87, Election Code, is amended by adding Section 87.0411 to read as follows:

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 under 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 Subparagraph (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.

(g) The early voting ballot board is not required to provide notice under Subsection (b) if the board makes a determination under Section 87.027(j) that the signature on the carrier envelope certificate and ballot application are those of the voter.

(h) 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.

(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 Sections 87.027(i) and 87.041(e).

SECTION \_\_.18. Section 102.001(a), Election Code, is amended to read as follows:

(a) A qualified voter is eligible to vote a late ballot as provided by this chapter if the voter has a sickness or physical condition [~~described by Section 82.002~~] that prevents the voter from appearing at the polling place on election day without a likelihood of needing personal assistance or of injuring the voter's health and originates on or after the day before the last day for submitting an application for a ballot to be voted by mail.

ARTICLE \_\_. BARBARA JORDAN FAIR ELECTIONS ACT: POLLING PLACES

SECTION \_\_.01. Sections 43.007(c) and (d), Election Code, are amended to read as follows:

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

(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

(5) is determined by the secretary of state to have the appropriate technological capabilities.

SECTION \_\_.02. Subchapter A, Chapter 43, Election Code, is amended by adding Section 43.008 to read as follows:

Sec. 43.008. CAMPUS POLLING PLACES. (a) In this section, "institution of higher education" has the meaning assigned by Section 61.003, Education Code.

(b) The commissioners court of a county shall designate as a polling place a number of locations on the main campus of an institution of higher education located in the county as follows:

(1) if at least 5,000 but fewer than 10,000 students are enrolled at the institution, one location; or

(2) if at least 10,000 students are enrolled at the institution, two locations and one additional location for every 10,000 students enrolled at the institution over 10,000 students.

SECTION \_\_.03. Section 85.005(c), Election Code, is amended to read as follows:

(c) In a county with a population of 30,000 [~~100,000~~] 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. Voting shall be conducted in accordance with this subsection in those elections in a county with a population under 30,000 [~~100,000~~] 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.

ARTICLE \_\_. BARBARA JORDAN FAIR ELECTIONS ACT: VOTING BY  
PERSONAL APPEARANCE

SECTION \_\_.01. Section 13.002(i), Election Code, as effective September 1, 2021, is amended to read as follows:

(i) An applicant who wishes to receive an exemption from the requirements of Section 63.001(b) on the basis of disability must submit:

(1) written documentation:

(A) from the United States Social Security Administration evidencing the applicant has been determined to have a disability; or

(B) from the United States Department of Veterans Affairs evidencing the applicant has a disability rating of at least 50 percent; and

(2) a statement in a form prescribed by the secretary of state that the applicant does not have [~~a form of~~] identification required by Section 63.001(b) in a form described by [acceptable under] Section 63.0101.

SECTION \_\_.02. Sections 63.001(b) and (i), Election Code, are amended to read as follows:

(b) Except as provided by Subsection (h), on offering to vote, a voter must present to an election officer at the polling place:

(1) one form of photo identification listed in Section 63.0101(a); [~~or~~]

(2) one form of identification listed in Section 63.0101(b)(1), (2), or (3) accompanied by the declaration described by Subsection (i);

(3) two forms of identification listed under Section 63.0101(b), including one form that contains the voter's current address; or

(4) two forms of identification listed under Section 63.0101(b)(4) accompanied by the declaration described by Subsection (i).

(i) If the requirement for identification prescribed by Subsection (b)(1) or (3) is not met, an election officer shall notify the voter that the voter may be accepted for voting if the voter meets the requirement for identification prescribed by Subsection (b)(2) or (4) and executes a declaration declaring the voter has a reasonable impediment to meeting the requirement for identification prescribed by Subsection (b)(1) or (3). A person is subject to prosecution for perjury under Chapter 37, Penal Code, or Section 63.0013 for a false statement or false information on the declaration. The secretary of state shall prescribe the form of the declaration. The form shall include:

(1) a notice that a person is subject to prosecution for perjury under Chapter 37, Penal Code, or Section 63.0013 for a false statement or false information on the declaration;

(2) a statement that the voter swears or affirms that the information contained in the declaration is true, that the person described in the declaration is the same person appearing at the polling place to sign the declaration, and that the voter faces a reasonable impediment to procuring the identification prescribed by Subsection (b)(1) or (3);

(3) a place for the voter to indicate one of the following impediments:

- (A) lack of transportation;
- (B) lack of birth certificate or other documents needed to obtain the identification prescribed by Subsection (b)(1);
- (C) work schedule;
- (D) lost or stolen identification;
- (E) disability or illness;
- (F) family responsibilities; and
- (G) the identification prescribed by Subsection (b)(1) or (3) has been applied for but not received;

(4) a place for the voter to sign and date the declaration;

(5) a place for the election judge to sign and date the declaration;

(6) a place to note the polling place at which the declaration is signed; and

(7) a place for the election judge to note which form of identification prescribed by Subsection (b)(2) or (4) the voter presented.

SECTION \_\_.03. Sections 63.0101(a) and (b), Election Code, are amended to read as follows:

(a) The following documentation is an acceptable form of photo identification under this chapter:

(1) a driver's license, election identification certificate, or personal identification card issued to the voter ~~[person]~~ by the Department of Public Safety that has not expired or that expired no earlier than four years before the date of presentation;

(2) a United States military identification card that contains the voter's ~~[person's]~~ photograph that has not expired or that expired no earlier than four years before the date of presentation;

(3) a United States citizenship certificate issued to the voter ~~[person]~~ that contains the voter's ~~[person's]~~ photograph;

(4) a United States passport book or card issued to the voter ~~[person]~~ that has not expired or that expired no earlier than four years before the date of presentation; ~~[or]~~

(5) a license to carry a handgun issued to the voter ~~[person]~~ by the Department of Public Safety that has not expired or that expired no earlier than four years before the date of presentation;

(6) an official Native American tribal document that:

(A) contains the voter's photograph and address; and

(B) is issued by a tribe that is federally recognized and located in this

state; or



(7) any other official government document issued to the voter and containing the voter's name, address, and photograph.

(b) The following documentation is acceptable as proof of identification under this chapter:

(1) a government document that shows the name and address of the voter, including the voter's voter registration certificate;

(2) one of the following documents that shows the name and address of the voter:

(A) a copy of a current utility bill;

(B) a bank or credit union statement;

(C) a government check; or

(D) a paycheck or pension plan statement; [✕]

(3) a certified copy of a domestic birth certificate or other document confirming birth that is admissible in a court of law and establishes the voter's [person's] identity; or

(4) two of the following documents issued or delivered to the voter, one of which must contain the name and address of the voter:

(A) a Medicare, Medicaid, or Department of Veterans Affairs identification card or other health insurance identification card;

(B) a Department of Defense identification card;

(C) a social security identification card;

(D) a credit or debit card;

(E) a student identification card issued by a public or private high school or institution of higher education;

(F) a Texas Department of Criminal Justice document indicating release or parole;

(G) a fishing or hunting license;

(H) a lease or mortgage for real property;

(I) a motor vehicle title;

(J) an insurance certificate, policy declaration, or other document demonstrating proof of insurance;

(K) an official Native American tribal document that is issued by a tribe that is federally recognized and located in this state;

(L) a property tax assessment;

(M) a letter of confirmation of residence, letter of stay, admission form, or statement of benefits from:

(i) a student residence at a public or private institution of higher education;

(ii) a nursing home or other long-term care facility or a retirement center; or

(iii) a shelter.

(N) a document listed in Subdivision (1), (2), or (3); or

(O) another government document containing the voter's name.

SECTION \_\_.04. Section 63.011(b), Election Code, is amended to read as follows:

(b) A form for an affidavit required by this section must be printed on an envelope in which the provisional ballot voted by the person may be placed and must include:

(1) a space for entering the identification number of the provisional ballot voted by the person; and

(2) a space for an election officer to indicate whether the person presented [~~a form of~~ identification required by Section 63.001(b) in a form described by Section 63.0101.]

SECTION \_\_.05. Section 64.012, Election Code, is amended by adding Subsection (c) to read as follows:

(c) It is an exception to the application of Subsection (a)(1) that the person:

(1) voted or attempted to vote a provisional ballot in accordance with Section 63.011; and

(2) did not know:

(A) of the particular circumstances that made the person not eligible to vote in the election; or

(B) that those circumstances made the person not eligible to vote in the election.

SECTION \_\_.06. Section 65.0541(a), Election Code, is amended to read as follows:

(a) A voter who is accepted for provisional voting under Section 63.011 because the voter does not meet the identification requirements of Section 63.001(b) may, not later than the sixth day after the date of the election:

(1) present [~~a form of~~ identification required by Section 63.001(b) in a form described by Section 63.0101] to the voter registrar for examination; or

(2) execute an affidavit described by Section 65.054(b)(2)(B) or (C) in the presence of the voter registrar.

SECTION \_\_.07. Section 85.001(a), Election Code, is amended to read as follows:

(a) The period for early voting by personal appearance begins on the 21st [~~17th~~] day before election day and continues through the fourth day before election day, except as otherwise provided by this section.

SECTION \_\_.08. Section 86.006(a-1), Election Code, is amended to read as follows:

(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 identification required by Section 63.001(b) in a [~~an acceptable~~ form [of identification] described by Section 63.0101.

SECTION \_\_.09 Section 662.003(b), Government Code, is amended to read as follows:

(b) A state holiday includes only the following days:

(1) the 19th day of January, "Confederate Heroes Day," in honor of Jefferson Davis, Robert E. Lee, and other Confederate heroes;

(2) the second day of March, "Texas Independence Day";

(3) the 21st day of April, "San Jacinto Day";

- (4) the 19th day of June, "Emancipation Day in Texas," in honor of the emancipation of the slaves in Texas in 1865;
- (5) the 27th day of August, "Lyndon Baines Johnson Day," in observance of the birthday of Lyndon Baines Johnson;
- (6) the Friday after Thanksgiving Day;
- (7) the 24th day of December; ~~and~~
- (8) the 26th day of December; and
- (9) the first Tuesday after the first Monday in November of an even-numbered year.

SECTION \_\_.10. Section 662.021, Government Code, is amended to read as follows:

Sec. 662.021. DATES OF HOLIDAYS. A legal holiday includes only the following days:

- (1) a national holiday under Section 662.003(a); and
- (2) a state holiday under Sections 662.003(b)(1) through (6) and Section 662.003(b)(9).

ARTICLE \_\_. BARBARA JORDAN FAIR ELECTIONS ACT: VOLUNTEER DEPUTY REGISTRARS

SECTION \_\_.01. Section 13.031, Election Code, is amended by adding Subsection (f) to read as follows:

(f) A volunteer deputy registrar appointed under this section may serve as a volunteer deputy registrar throughout the state regardless of which county appointed the deputy registrar. The secretary of state shall prescribe procedures to implement this subsection.

SECTION \_\_.02. Section 13.033(b), Election Code, is amended to read as follows:

(b) If a person is to be appointed, the registrar shall prepare a certificate of appointment in duplicate containing:

- (1) the date of appointment;
- (2) the statement: "I, \_\_\_\_\_, Voter Registrar for \_\_\_\_\_ County, do hereby appoint \_\_\_\_\_ as a volunteer deputy registrar [~~for~~ \_\_\_\_\_ County].";
- (3) the person's residence address;
- (4) the person's voter registration number, if any;
- (5) a statement that the term of the appointment expires December 31 of an even-numbered year; and
- (6) a statement that the appointment terminates on the person's final conviction for an offense for failure to deliver a registration application and may terminate on the registrar's determination that the person failed to adequately review a registration application, intentionally destroyed or physically altered a registration application, or engaged in any other activity that conflicts with the responsibilities of a volunteer deputy registrar under this chapter.

SECTION \_\_.03. Section 13.037(a), Election Code, is amended to read as follows:

(a) A person may not receive compensation from any ~~the~~ county for service as a volunteer deputy registrar unless compensation is authorized by the commissioners court of that county.

SECTION \_\_.04. Section 13.038, Election Code, is amended to read as follows:

Sec. 13.038. POWERS GENERALLY. (a) A volunteer deputy registrar may distribute voter registration application forms throughout the county and receive registration applications submitted to the deputy in person.

(b) A volunteer deputy registrar may distribute a voter registration application in the form prescribed by the secretary of state under Section 31.002 throughout the state and receive an application in that form submitted to the deputy in person, regardless of the county in which the application was printed.

(c) The secretary of state shall prescribe procedures to implement this section.

ARTICLE \_\_. BARBARA JORDAN FAIR ELECTIONS ACT: UNOPPOSED CANDIDATES

SECTION \_\_.01. 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 ~~may~~ 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.

SECTION \_\_.02. 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.

SECTION \_\_.03. 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 ~~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.

ARTICLE \_\_. BARBARA JORDAN FAIR ELECTIONS ACT: ELECTION OFFICIALS, VOLUNTEERS, AND POLL WATCHERS

SECTION \_\_.01. Subchapter D, Chapter 32, Election Code, is amended by adding Section 32.077 to read as follows:

Sec. 32.077. SUITS AGAINST ELECTION OFFICERS. A person may only bring a legal action, including a petition for a writ of mandamus, against an election officer in that officer's official capacity if the act that is the subject of the legal action is related to the exercise of an official duty of the election officer.

SECTION \_\_.02. Subchapter B, Chapter 33, Election Code, is amended by adding Section 33.036 to read as follows:

Sec. 33.036. TRAINING. (a) To be eligible to serve as a watcher, a person must complete the training required of election judges under Subchapter F, Chapter 32.

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

SECTION \_\_.03. Section 33.051, Election Code, is amended by adding Subsection (g) to read as follows:

(g) 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."

ARTICLE \_\_. BARBARA JORDAN FAIR ELECTIONS ACT: REPEALERS

SECTION \_\_.01. The following provisions of the Election Code are repealed:

- (1) Section 43.007(i);
- (2) Section 82.001;
- (3) Section 82.002;
- (4) Section 82.003;
- (5) Section 82.004;
- (6) Section 82.008, as effective September 1, 2021;
- (7) Section 84.002(b);
- (8) Section 84.002(c), as effective September 1, 2021; and
- (9) Section 112.002(b).

WEST	LUCIO
ALVARADO	MENÉNDEZ
BLANCO	MILES
ECKHARDT	POWELL
GUTIERREZ	WHITMIRE
HINOJOSA	ZAFFIRINI
JOHNSON	

The amendment to **CSSB 1** was read and failed of adoption by the following vote: Yeas 11, Nays 18.

Yeas: Alvarado, Blanco, Eckhardt, Gutierrez, Hinojosa, Johnson, Lucio, Powell, West, Whitmire, Zaffirini.

Nays: Bettencourt, Birdwell, Buckingham, Campbell, Creighton, Hall, Hancock, Huffman, Hughes, Kolkhorst, Nelson, Nichols, Paxton, Perry, Schwertner, Seliger, Springer, Taylor.

Absent-excused: Menéndez, Miles.

Senator West offered the following amendment to the bill:

**Floor Amendment No. 12**

Amend **CSSB 1** (senate committee printing) as follows:

(1) Add the following appropriately numbered ARTICLE to the bill and renumber ARTICLES of the bill accordingly:

ARTICLE \_\_. SECRETARY OF STATE STUDY OF DISPARATE EFFECT OF  
ELECTION LAWS

SECTION \_\_. Subchapter A, Chapter 31, Election Code, is amended by adding Section 31.017 to read as follows:

Sec. 31.017. DISPARITY STUDY REQUIRED. (a) The secretary of state shall conduct a disparity study for each law enacted by the legislature that affects:

- (1) the conduct of elections;
- (2) voting; or
- (3) voter registration.

(b) In conducting a study under this section, the secretary of state shall examine:

- (1) the effect of an enactment described by Subsection (a); and
- (2) the combined effect of the enactment and existing election laws.

(c) The secretary of state shall include in the study an examination of the disparate effect, if any, of the enactment on:

- (1) members of an ethnic minority;
- (2) individuals who are 65 years of age or older;
- (3) individuals who are younger than 21 years of age; and
- (4) individuals with a disability.

(d) If appropriate, the secretary of state may examine multiple election laws enacted during a legislative session in a single study.

(e) The secretary of state shall submit a report detailing the results of the study to the legislature not later than January 1 of an odd-numbered year following a regular or called session in which an election law described by Subsection (a) is enacted.

(2) Strike SECTION 9.04 of the bill (page 54, lines 24 and 25) and substitute the following appropriately numbered SECTION:

SECTION \_\_. (a) Except as provided by Subsection (b) of this section, this Act takes effect on the 91st day after the last day of the legislative session.

(b) Section 31.017, Election Code, as added by this Act, takes effect immediately if this Act receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution.

The amendment to **CSSB 1** was read and failed of adoption by the following vote: Yeas 11, Nays 18.

Yeas: Alvarado, Blanco, Eckhardt, Gutierrez, Hinojosa, Johnson, Lucio, Powell, West, Whitmire, Zaffirini.

Nays: Bettencourt, Birdwell, Buckingham, Campbell, Creighton, Hall, Hancock, Huffman, Hughes, Kolkhorst, Nelson, Nichols, Paxton, Perry, Schwertner, Seliger, Springer, Taylor.

Absent-excused: Menéndez, Miles.

**CSSB 1** as amended was passed to engrossment by the following vote: Yeas 18, Nays 11.

Yeas: Bettencourt, Birdwell, Buckingham, Campbell, Creighton, Hall, Hancock, Huffman, Hughes, Kolkhorst, Nelson, Nichols, Paxton, Perry, Schwertner, Seliger, Springer, Taylor.

Nays: Alvarado, Blanco, Eckhardt, Gutierrez, Hinojosa, Johnson, Lucio, Powell, West, Whitmire, Zaffirini.

Absent-excused: Menéndez, Miles.

### SENATE RESOLUTION 18

Senator Hinojosa offered the following resolution:

**SR 18**, In memory of In memory of Jose Nieto Robledo.

The resolution was read.

On motion of Senator Hinojosa, **SR 18** was adopted by a rising vote of the Senate.

In honor of the memory of Jose Nieto Robledo, the text of the resolution is printed at the end of today's *Senate Journal*.

### REMARKS ORDERED PRINTED

On motion of Senator Hinojosa and by unanimous consent, his remarks regarding **SR 18** were ordered reduced to writing and printed in the *Senate Journal* as follows:

Thank you, Mr. President. Today, I want to say a few words about my good friend, Jose Nieto Robledo. Jose Nieto Robledo was that kind of special person, they're very, very strong in his faith, they're very, very loving to his family, but also very much committed to helping the community. Mr. Robledo quit high school to be able to work in different jobs to support his family. He worked his way up through different jobs in the City of Edinburg. And when I first met him in 1980, the first time I ran for State Rep, Senator Lucio, Mr. Robledo took me by the hand and walked me throughout the City of Edinburg. It was amazing, he knew everybody in the city. Mr. Robledo was also very much committed to his family. He was married to his wife for over 60 years. He had 13 children and, Senator Nelson, he had 30 grandchildren and five great-grandchildren. And truly a man of action, but I have to say Mr. Robledo was very loved, was liked because in lieu of all the work he had in supporting his family. In terms of all the commitments he made to the church, he still had time to volunteer and work with the community, helping others who could not help themselves. He was very much involved in community issues. He would organize groups of *gente*, of people, in the community to meet with local public officials to talk about the different problems, the different challenges they had. He was really an amazing man. An amazing person because even on Sundays, he would gather all his children and grandchildren and would barbecue for them making sure they had that family gathering every single Sunday after mass. Mr. Robledo, he had cancer the last six years, and even while he was facing the challenges of cancer, he was still working with Valley Interfaith. He would set up meetings in my office, for one, coming up to Austin to educate us and tell us about the needs that the Rio Grande Valley had. He was a man of strong work ethic, a man of strong faith. A man that once you met him, you automatically trusted the man because he

was just so open, so honest that you could see it in his eyes. You could see it in his body language. You could depend, if you needed anything from this man, to help and assist you in every which way. To me, we will miss him because he was so known in the community, even in the last day of life, you would know he was alive, people went to visit him. And today, I would like for us to adjourn in his memory, Mr. President, and may he rest in peace and be in heaven. Not only will I miss him, but his whole family, the whole community, the whole Rio Grande Valley and South Texas will miss him. And we wish him well and we wish him to be in heaven. Thank you, Mr. President.

### **REMARKS ORDERED PRINTED**

On motion of Senator Lucio and by unanimous consent, the remarks by Senator Nichols regarding Herbert G. Johnson Sr. were ordered reduced to writing and printed in the *Senate Journal* as follows:

Thank you, Mr. President and Members. We lost the Chief of the Alabama-Coushatta Tribe in my district this past Monday. The Principal Chief of the tribe was Herbert Johnson Sr. He passed away at 79 years old. He was born in 1942 on the tribal land for the Alabama-Coushatta Indian reservation in Livingston. He later moved to Jacksonville to go to Jacksonville College, my hometown. He was a basketball player. He became All-American, quite famous at the time. Senator West, he was 5 foot 6 inches tall, 5 foot 6, and scored 67 points in a single game, would set an all-time national record before they had 3-point shots. So, he was really good. He was a member of the Beaver Clan. He served his people in many capacities, being elected twice to the council, worked as the security director for the tribe for 21 years. He also served as deacon of the tribal Presbyterian Church, trustee of the Big Sandy school board for 48 years. His leadership was a great asset to the tribe. And to people who knew him, he will be missed and I hope that we remember him when we adjourn. Thank you.

### **CO-AUTHORS OF SENATE BILL 1**

On motion of Senator Hughes, Senators Birdwell, Campbell, Creighton, Hall, and Schwertner will be shown as Co-authors of **SB 1**.

### **CO-AUTHORS OF SENATE BILL 3**

On motion of Senator Hughes, Senators Birdwell, Buckingham, Campbell, Kolkhorst, Paxton, and Schwertner will be shown as Co-authors of **SB 3**.

### **CO-AUTHORS OF SENATE BILL 5**

On motion of Senator Hughes, Senators Birdwell, Campbell, Creighton, Schwertner, and Springer will be shown as Co-authors of **SB 5**.



**CO-AUTHORS OF SENATE BILL 14**

On motion of Senator Creighton, Senators Bettencourt, Buckingham, Campbell, Hall, Hughes, Nichols, Paxton, Schwertner, and Springer will be shown as Co-authors of **SB 14**.

**CO-AUTHORS OF SENATE BILL 15**

On motion of Senator Taylor, Senators Campbell, Hall, Paxton, and West will be shown as Co-authors of **SB 15**.

**CO-AUTHOR OF SENATE BILL 21**

On motion of Senator Kolkhorst, Senator Nichols will be shown as Co-author of **SB 21**.

**CO-AUTHOR OF SENATE BILL 24**

On motion of Senator Hall, Senator Springer will be shown as Co-author of **SB 24**.

**CO-AUTHOR OF SENATE BILL 40**

On motion of Senator Perry, Senator Nichols will be shown as Co-author of **SB 40**.

**CO-AUTHOR OF SENATE JOINT RESOLUTION 1**

On motion of Senator Birdwell, Senator Schwertner will be shown as Co-author of **SJR 1**.

**CO-AUTHOR OF SENATE JOINT RESOLUTION 6**

On motion of Senator Hall, Senator Nichols will be shown as Co-author of **SJR 6**.

**CO-AUTHOR OF SENATE JOINT RESOLUTION 8**

On motion of Senator Perry, Senator Nichols will be shown as Co-author of **SJR 8**.

**CO-AUTHOR OF SENATE RESOLUTION 2**

On motion of Senator Zaffirini, Senator Alvarado will be shown as Co-author of **SR 2**.

**RESOLUTIONS OF RECOGNITION**

The following resolutions were adopted by the Senate:

**Memorial Resolutions**

**SR 15** by Hinojosa, In memory of Rudolph Lazarine "Tiger" Olivarez.

**SR 17** by Hughes, In memory of Gus Leo Wolf.

**Congratulatory Resolutions**

**SR 14** by Paxton, Recognizing the Conner Harrington Republican Women of Plano on the occasion of its 50th anniversary.

**SR 16** by Schwertner, Recognizing Mary Alberts on the occasion of her 100th birthday.

### **ADJOURNMENT**

On motion of Senator Whitmire, the Senate at 2:59 p.m. adjourned, in memory of Orlando Flores de Hoyos, Herbert G. Johnson Sr., and Jose Nieto Robledo, until 3:02 p.m. today.

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### **APPENDIX**

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### **BILLS ENGROSSED**

August 11, 2021

**SB 2, SB 3, SB 4, SB 5, SB 14, SB 15**

### **RESOLUTIONS ENROLLED**

August 11, 2021

**SR 14, SR 15, SR 16, SR 17, SR 18**

**In Memory**  
**of**  
**Jose Nieto Robledo**  
**Senate Resolution 18**

WHEREAS, The Senate of the State of Texas mourns the loss of Jose Nieto Robledo, who died August 7, 2021, at the age of 86; and

WHEREAS, A native of Webberville, Jose Robledo was born on March 19, 1935; he was raised in Edinburg, and he left school early to help support his family by working as a farmer and migrant laborer; and

WHEREAS, Jose married Consuelo Alfaro Robledo in 1955, and together they raised 13 children by loving and hard-working example; he was blessed with 30 grandchildren and five great-grandchildren; and

WHEREAS, Jose worked in a number of jobs and earned his General Educational Development certificate while attending night school; he enjoyed a career as the buildings and grounds superintendent for the Edinburg Consolidated Independent School District, where he oversaw maintenance work at 36 district campuses; and

WHEREAS, A devoted community steward, Jose was an active congregant of the Holy Family Church in Edinburg, where he served in several leadership positions; through his work with the church and the Valley Interfaith Organization, he traveled to Austin during legislative sessions to organize meetings with legislators, educate the public on issues facing the families of the Rio Grande Valley, and rally support for the region; he also volunteered to minister to the youth at the Hidalgo County Detention Center for 12 years; and

WHEREAS, Jose Robledo was a true Texas gentleman and a tireless servant of the Edinburg community; he leaves behind memories that will long be cherished by all who were privileged to share in his life; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 87th Legislature, 2nd Called Session, hereby extend sincere condolences to the bereaved family of Jose Nieto Robledo; and, be it further

RESOLVED, That a copy of this Resolution be prepared for his family as an expression of deepest sympathy from the Texas Senate and that when the Senate adjourns this day, it do so in memory of Jose Robledo.

HINOJOSA

