



TEXAS

CIVIL RIGHTS PROJECT

Revised: December 16, 2022

This document refers to the version of SB 1 passed by both houses of the Texas Legislature on August 31, 2021, and signed into law by the Governor on September 7, 2021, with an effective date of December 2, 2021. The text of the version of SB 1 enacted into law is available here:

<https://capitol.texas.gov/tlodocs/872/billtext/pdf/SB00001F.pdf#navpanes=0>.

Prior versions and summaries of SB 1 available here:

- The text of the original, introduced version of SB 1 during the first special session is available [here](#), and our summary of that version is available [here](#).
- The text of the version of SB 1 approved by the Senate State Affairs Committee on July 11 during the first special session is available [here](#), and our summary of that version is available [here](#).
- The text of the version of SB 1 passed by the Texas Senate during the first special session is available [here](#), and our summary of that version is available [here](#).
- The text of the introduced version of SB 1 at the beginning of the second special session is available [here](#), and our summary of that version is available [here](#).
- The text of the Committee Substitute approved by the Senate State Affairs Committee during the second special session on August 9, 2021 is available [here](#), and our summary of that version is available [here](#).
- The text of the version that passed the Senate on August 12, 2021 is available [here](#), and our summary of that version is available [here](#).
- The text of the version that passed the House Select Committee on August 23, 2021 is available [here](#), and our summary of that version is available [here](#).
- The text of the version passed by the House on August 26-27, 2021 is not publicly available, but the amendments adopted on the House floor to the version of SB 1 passed by the House Select Committee are available [here](#), and our summary of that version is available [here](#).

Article I -- General Provisions

- **Title and Purpose of Bill:** Titling itself “the Election Integrity Protection Act of 2021,” and stating that its purpose is to “exercise the legislature’s constitutional authority under Section 4, Article VI, Texas Constitution, to make all laws necessary to detect and punish fraud.” Sections 1.01 and 1.02.

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- **Legislative Findings:** Making a series of findings to justify the bill, including that “fraud in elections threatens the stability of a constitutional democracy by undermining public confidence in the legitimacy of public officers chosen by election,” that “reforms are needed to the election laws of this state to ensure that fraud does not undermine the public confidence in the electoral process,” and that the provisions of the bill “are enacted solely to prevent fraud in the electoral process and ensure that all legally cast ballots are counted.” Explaining that “[i]ntegral to the right to vote is the assurance of voter access and the right for all votes legally cast to be counted,” that “preventing a valid vote from being counted violates the basic constitutional rights guaranteed to each citizen by the United States Constitution,” and that “providing for voter access and increasing the stability of a constitutional democracy ensures public confidence in the legitimacy of public officers chosen by election.” Section 1.03.
- **Legislative Intent:** “It is the intent of the legislature that the application of this code and the conduct of elections be uniform and consistent throughout this state to reduce the likelihood of fraud in the conduct of elections, protect the secrecy of the ballot, promote voter access, and ensure that all legally cast ballots are counted.” Section 1.04 (creating a new Election Code Section 1.0015).
- **Strict Construction of the Election Code:** Requiring public officials to “strictly construe the provisions of this code to effect the intent of the legislature” as described above. Section 1.05 (amending Election Code Section 1.003).
- **Defining "election official" in the Election Code to mean one of the following:** (1) a county clerk; (2) a permanent or temporary deputy county clerk; (3) an elections administrator; (4) a permanent or temporary employee of an elections administrator; (5) an election judge; (6) an alternate election judge; (7) an early voting clerk; (8) a deputy early voting clerk; (9) an election clerk; (10) the presiding judge of an early voting ballot board; (11) the alternate presiding judge of an early voting ballot board; (12) a member of an early voting ballot board; (13) the chair of a signature verification committee; (14) the vice chair of a signature verification committee; (15) a member of a signature verification committee; (16) the presiding judge of a central counting station; (17) the alternate presiding judge of a central counting station; (18) a central counting station manager; (19) a central counting station clerk; (20) a tabulation supervisor; (21) an assistant to a tabulation supervisor; (22) A chair of a county political party holding a primary election or a runoff primary election. Section 1.06 (amending Election Code Section 1.005).
- **Applying Titles 2 and 4 of the Penal Code to Election Code offenses, along with Section 1.03.** Section 1.07 (amending Election Code Section 1.018)).



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- **Guarantee for individuals with a disability to request a reasonable accommodation or modification:** Providing that the Election Code cannot be interpreted “to prohibit or limit the right of a [voter] with a disability from requesting a reasonable accommodation or modification to any election standard, practice, or procedure mandated by law or rule that the individual is entitled to request under federal or state law.” Section 1.08 (adding Election Code Section 1.022).

Article 2 -- Registration of Voters

- **Prohibiting the following portions of a voter registration form from being pre-filled:** whether the applicant is a US citizen; whether the applicant is a county resident; whether the applicant has been determined to be totally or partially mentally incapacitated, whether the voter’s felony conviction status allows them to vote; and the voter’s Texas DL/ID card number, if no such number then SSN, or a statement that the person has neither of these numbers. Section 2.01 (amending Election Code Section 13.002).
- **Expanding criminal offense of making a false statement on a voter registration application** (Section 2.02, amending Election Code Section 13.007):
 - To the current offense of “knowingly” making a false statement on a voter registration application, SB 1 also adds “intentionally” making such a false statement as a criminal offense.
 - To the current offense of “knowingly” requesting, commanding, or attempting to induce another person to make a false statement on a registration application, SB 1 also adds “intentionally” taking one of these actions as a criminal offense, and further adds coercing another person to make such a false statement as a criminal offense.
 - SB 1 also raises the offense level for these new and existing offenses from a Class B to a Class A misdemeanor, except that these offenses are a state jail felony if the person has offered or provided “compensation or other benefit” to a person for engaging in such an offense, or “solicits, receives or accepts compensation or other benefit” for engaging in such an offense.
 - SB 1 also allows a defendant to be prosecuted for these offenses under this section or, if applicable, another section that also prohibits this conduct, or both. Current law excludes this conduct from being prosecuted separately as perjury.
- **Allowing for voters to update their registration electronically when they move from one county in Texas to another.** Section 2.03 (amending Election Code Section 15.021).



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- **If a voter registrar determines that a person who is not eligible to vote either registered to vote or voted, the registrar must notify the attorney general, SOS, and the relevant county/district attorney within 72 hours of making the determination (not including weekends).** Section 2.04 (amending Election Code Section 15.028).
- **DPS voter roll comparison provision.** Requiring SOS to do a monthly comparison of the voter rolls to DPS data to verify the citizenship status of people on the voter registration rolls, and to require those voters flagged by the DPS database as non-citizens to submit proof of citizenship or be removed from the rolls. SOS can only require people to provide proof of citizenship if the record from DPS identifying a person’s lack of citizenship is dated AFTER the person’s voter registration became effective, not before. Section 2.05 (amending Election Code Section 16.0332).
- **Requiring an escalating series of sanctions against county voter registrars when they fail to substantially comply with their obligations regarding the suspense list and the supplying of information to SOS for the statewide computerized voter registration list.** Section 2.06 (amending Election Code Section 18.065).
 - For the first violation, SOS must require the county voter registrar to attend a training course.
 - For the second violation, SOS must audit the county voter registration list “to determine the actions needed to achieve substantial compliance...and provide the results of the audit to the registrar.”
 - For subsequent violations, if SOS determines that the registrar has not performed “any overt actions” to comply with the actions previously identified by SOS to bring the registrar into substantial compliance within 14 days of receiving the results of the audit, SOS must inform the attorney general. The attorney general may then bring an action to recover a \$1000 penalty from the county for each day after that 14th day they failed to take such “overt action” to comply with the results of the audit.
- **Requiring SOS to send information on registered voters who were excused from jury service because they are not a resident of the county in which they are registered to vote to the appropriate county voter registrar.** Note: SOS is not required to do so if the 1) voter is subject to an exemption from jury service listed in Section 62.106 of the Government Code and 2) that exemption is the only reason the voter is excused from jury service. Section 2.07 (amending Election Code Section 18.068).



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- **SOS must refer “criminal conduct” relating to an election to AG upon receiving or discovering information sufficient to establish “reasonable cause” that it occurred.** Currently SOS’s referral duty only triggered when they receive from others (as opposed to discovering on their own) such information. Section 2.08 (amending Election Code Section 31.006).
- **Requiring county election officials to provide members of early voting ballot boards/signature verification committees with “all available information necessary to fulfilling [their] functions...including any information from the statewide computerized voter registration list.”** SOS must adopt rules to prevent the recipients of this information from retaining or sharing personally identifiable information from the voter registration list “for any reason unrelated to the official’s official duties.” Section 2.09 (adding Election Code Section 87.028).
- **Requiring clerks of court to send a copy of the list of persons excused from jury service for lack of county residence to the SOS (in addition to the current requirement that they be sent to the county voter registrar).** Section 2.11 (amending Election Code Section 62.114(b), (c)).

Article 3 -- Conduct and Security of Elections

- **Requiring the certification of the election of candidates if 1) they’re unopposed or 2) “were the election held, only the votes cast for that candidate in the election for that office may be counted.”** Further not requiring those races to appear on the ballot. Sections 3.01 (amending Election Code Section 2.053), 3.02 (amending Election Code Section 2.056), 3.05 (amending Section Election Code Section 52.092).
- **Expanding eligibility for the countywide polling place program beyond just counties that use DRE machines** to those that also use “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.” Section 3.03 (amending Election Code Section 43.007).
- **Ban on drive through voting.** Voters prohibited from casting a vote “inside a motor vehicle” unless they are a curbside voter. Further, polling places must be “inside” of a “building” instead of merely “in” a “stationary structure,” and prohibiting polling places from being in a “movable structure.” Sections 3.04 (amending Election Code Section 43.031), 3.13 (amending Election Code Section 85.062).



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- **New duties regarding the public counter and tape:** Immediately before opening the polls on the first day of early voting and on election day, the presiding/alternate judge must “confirm that each voting machine has any public counter reset to zero and shall print the tape that shows the counter was set to zero for each candidate or measure on the ballot.” Immediately after closing the polls on election day, the presiding/alternate judge must “print the tape to show the number of votes cast for each candidate or ballot measure for each voting machine.” Each election judge/alternate judge present must sign the tapes being printed under this section. Section 3.06 (amending Election Code Section 61.002).
- **Requiring SOS to create a form to be used for polling places to keep track of spoiled ballots.** Section 3.07 (amending Election Code Section 64.007).
- **Requiring SOS to create a checklist/guidelines for processing forms and conducting procedures during the opening and closing of polling places.** Section 3.08 (adding Election Code Section 66.004).
- **Restrictions on expanded early voting hours, including prohibiting overnight voting.** Sections 3.09 (amending Election Code Section 85.005) and 3.10 (amending Election Code Section 85.006): Generally requiring early voting to take place after 6am and before 10pm on weekdays/Saturday, and after 9am and before 10pm on Sundays:
 - For elections other than those ordered by a city, early voting at the main early voting polling place (and permanent branch polling places) must be conducted on each weekday that is not a state holiday for at least nine hours, and take place after 6am and before 10pm.
 - Further, elections in counties with a population of over 55,000 must have early voting at the main early voting polling place (and permanent branch polling places) for at least 12 hours on each weekday of the last week of early voting, which nonetheless cannot take place before 6am or after 10 pm. Currently the threshold for this requirement is counties with a population of 100,000, and this provision therefore lowers that threshold to counties with a population of 55,000.
 - Also, elections in counties with a population of 55,000 or more must now have early voting on the last Saturday of the early voting period for at least 12 hours (but not before 6am or after 10 pm), and on the last Sunday of the early voting period for at least six hours (but not before 9am or after 10 pm). That is a lower population threshold than under current law (from 100,000 to 55,000), and a higher minimum number of Sunday hours than under current law (from five to six hours).
 - In city elections, early voting must be conducted at the main early voting polling place at least nine (rather than the current 8) hours each weekday.



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- But if the territory has fewer than 1,000 registered voters, voting must be conducted at least 4 (rather than the current three) hours each day.
 - Further, deletes the current requirement that early voting in elections ordered by cities must be conducted for at least 12 hours on 1-2 weekdays (depending on the election).
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- **Explicitly extending to early voting the Election Day rule that voters who are in line at closing time can vote.** Section 3.09 (amending Election Code Section 85.005).
 - **Allowing temporary branch polling places to be used as early voting sites in elections by political subdivisions in November uniform elections that are not being held jointly with the county.** Section 3.11 (amending Election Code Section 85.010).
 - **In vote center counties, requiring counties to use the same “methodology” for placing temporary branch polling places as they do for countywide polling places.** Section 3.13 (amending Election Code Section 85.062).
 - **Expanding early voting ballot boards to include alternate presiding judges and requiring county party chairs to rank their nominees for the early voting ballot board in order of their preference:** Other than a presiding and alternate presiding judge, there must be at least one other member of the board. The alternate presiding judge must be appointed in the same manner as an alternate presiding election judge. The members of the early voting ballot board must be appointed in the order of preference indicated on the party chair’s list, with the presiding judge being the person who was highest-ranked on the list provided by the relevant party and the alternate presiding judge being the person who was highest ranked on the list provided by the relevant party. Section 3.14 (amending Election Code Section 87.002).
 - **Tightening ban on straight ticket voting:** Prohibiting voting systems from arranging ballots in a manner that would allow a political party’s candidates “to be selected in one motion or gesture.” Section 3.15 (amending Election Code Section 124.002).
 - **Granting alternate presiding judges the authority (in addition to managers and presiding judges as under current law) to appoint clerks at central counting stations.** These clerks would serve under the presiding judge and act as directed by the presiding judge. Section 3.16 (amending Election Code Section 127.006).
 - **Tracking of inputs and activity on electronic devices in counting stations:** Requiring counting station managers and presiding judges of counting stations in



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counties of 250K+ to develop a protocol under which “any electronic device inside a central counting station that is necessary to count votes is equipped with software that tracks all input and activity on the electronic device,” with such information required to be delivered to the SOS no later than the 5th day after vote counting is complete. Section 3.17 (adding Election Code Section 127.009).

- **Video recording and live streaming of ballots at central counting stations, and police escort** (Section 3.18, amending Election Code Section 127.1232):
 - Mandating that counties with a population of 100K or more create a video surveillance system, and disseminate such video to the public via a livestream, of “all areas containing voted ballots...from the time the voted ballots are delivered to the central counting station until the canvass of precinct election returns [and] 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.”
 - Requiring that a licensed peace officer be posted “to ensure the security of ballot boxes containing voted ballots throughout the period of tabulation at the central counting station.”
- **Requiring SOS to conduct randomized county audits, immediately after November elections in even-numbered years, of elections in four counties during the previous two years.** SOS will select the four counties at random, except that two of the counties must have a total population of less than 300,000 and two of the counties must have a total population of 300,000 or more, and no county can be selected that was audited in the most recent previous audit. Counties are not required to pay the cost of performing the audit. Section 3.19 (adding new Election Code Section 127.351).

Article 4 - Election Officers and Observers

- **Restrictions on removing poll watchers.**
 - Prohibiting poll watchers from being removed for violating the Election Code or “any other provision of law relating to the conduct of elections” unless an election judge or clerk observed the violation. Note: a poll watcher violating a provision of the Texas Penal Code is not subject to this provision.
 - And authorizing a presiding judge to call law enforcement to remove a poll watcher if they “commit[] a breach of the peace or a violation of law.” Section 4.01 (adding Election Code Section 32.075).
- **Outlining the supposed “purpose” and “duty” of partisan poll watchers:** Stating that the Legislature’s intent in authorizing the service of partisan poll watchers is that



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they “be allowed to observe and report on irregularities in the conduct of any election, but may not interfere in the orderly conduct of an election.” Watchers must “observe without obstructing the conduct of an election and call to the attention of an election officer any observed or suspected irregularity or violation of law in the conduct of the election.” Section 4.02 (adding Election Code Section 33.0015).

- **Giving partisan watchers the same rights and obligations regarding signature verification committees as they have to early voting ballot boards:** This section makes clear that a reference in Chapter 33 (which governs partisan poll watchers) to an early voting ballot board also includes a signature verification committee. Section 4.03 (adding a new Election Code Section 33.0016).
- **Requiring poll watchers to complete a training program developed by the Secretary of State.** The training must be available on the Internet at any time without having to register previously, and it must provide a watcher with a certificate of completion. Watchers must present the certificate of completion when reporting for service. Sections 4.04 (adding a new Election Code Section 33.008) and 4.05 (adding a new Election Code Section 33.031) and 4.06 (amending Election Code Section 33.051).
- **Creating a new Class A misdemeanor offense for an election officer who “intentionally or knowingly refuses to accept a watcher for service when acceptance of the watcher is required.”** Also requiring watchers to take the following oath at the beginning of their service: “I swear (or affirm) that I will not disrupt the voting process or harass voters in the discharge of my duties.” Section 4.06 (amending Election Code Section 33.051).
- **Expanding rights of partisan poll watchers to observe polling places and prohibition on obstructing them** (Section 4.07, amending Election Code Section 33.056):
 - Currently, partisan poll watchers are entitled to be “conveniently” near election officers while observing, but this would specify that watchers may be “near enough to see and hear” the activity they’re trying to observe, except where otherwise prohibited.
 - Except for being prohibited from being present at the voting station when a voter is preparing their ballot or is being assisted, the watcher “may not be denied free movement where election activity is occurring within the location at which the watcher is serving.”
 - Explaining that “a watcher who is entitled to ‘observe’ an election activity is entitled to sit or stand near enough to see and hear the activity.”



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- **Allowing poll watcher to observe “all election activities relating to closing the polling place” and creating new right for them to observe certain voting equipment and their transfer from one location to another:** Granting poll watchers the right to observe “the sealing and transfer of a memory card, flash drive, hard drive, data storage device, or other medium now existing or later developed used by the voting system equipment.” Further, watchers can “follow” the transfer of election materials from the polling place “to a regional tabulating center, the central counting station, or any other location designated to process election materials”; at that location, watchers must be accepted for service. Section 4.08 (amending Election Code Section 33.0605).
- **Exposing election workers to criminal liability for knowingly preventing a watcher from observing a “procedure” that the worker knows the watcher is entitled to observe, and adding that such offense would include “taking any action to obstruct the view of a watcher or distance the watcher from the activity or procedure to be observed in a manner that would make observation not reasonably effective,”** which would be a Class A misdemeanor. Section 4.09 (amending Election Code Section 33.061).
- **Expanding the ability of partisan poll watchers to threaten election workers with vexatious litigation unless they get their way:** Allowing campaigns/ballot measures to seek injunctive relief, a writ of mandamus, or “any other remedy available under law” when they “believe[]” that one of their watchers was “unlawfully prevented or obstructed from the performance of” their duties. Section 4.10 (adding a new Election Code Section 33.063).
 - **Granting SOS the same right when they believe that a state inspector was similarly “prevented or obstructed.”** Section 4.11 (amending Election Code Section 34.005).
- **Banning drop boxes for mail ballots.** The in-person delivery option for mail ballots would now require receipt “by an election official at the time of delivery.” The official must record the voter’s name, signature, and type of voter ID provided. Section 4.12 (amending Election Code Section 86.006).
- **Making communications between public officials and voting systems vendors “public information.”** Mandating that “a written letter, e-mail, or other communication” between a public official and a voting systems vendor is public information and not confidential, except as provided in two named sections of the Government Code or if the communication “discloses information, data, or records relating to the security of elections critical infrastructure.” Section 4.13 (adding a new Election Code Section 121.004).



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- **Prohibiting central counting stations from using an “optical ballot scan system that uses a data storage disc on which information, once written, is capable of being modified.”** An authority that purchases system components to comply with this requirement is eligible to have 100% of the cost reimbursed. This requirement begins to apply when the state certifies the first centrally counted optical ballot scan system under this provision or September 1, 2026, whichever comes first. Section 4.14 (amending Election Code Section 127.1301).
- **Requiring a written reconciliation of votes and voters at central counting stations.** The presiding judge must attest to the reconciliation at the close of tabulation for election day and again after the central counting station meets for the last time to process late-arriving ballots by mail and provisional ballots. Section 4.15 (amending Election Code Section 127.131).
- **New requirements for public tests of logic and accuracy.** In counties with a county election board, when there is a public logic and accuracy test, the general custodian must notify each member of the board at least 48 hours before the date of the test. If the board witnesses the test, they must sign a written statement attesting to certain aspects of the test. Such tests must also require the general custodian “to demonstrate, using a representative sample of voting system equipment, that the source code of the equipment has not been altered.” Section 4.16 (amending Election Code Section 129.023).

Article 5 -- Voting By Mail

- **Requiring applications for vote by mail to be signed with a “wet” signature (i.e., “using ink on paper”) and prohibiting a “photocopied signature.”** Section 5.01 (amending Election Code Section 84.001).
- **Requiring ID numbers be provided on VBM applications and return carrier envelopes.** VBM applicants and voters would have to provide their Texas DL/election identification certificate/personal ID card number (which may be an expired card if it is “otherwise valid”); if they don’t have one, the last four digits of their Social Security number; and if they have neither, a statement to that effect. If the number provided doesn’t “identify the same voter identified on the” voter’s registration application, then the VBM application/carrier envelope is rejected. Sections 5.02 (amending Election Code Section 84.002), 5.03 (amending Election Code Section 84.011), 5.05 (amending Election Code Section 84.032), 5.07 (amending Election Code Section 86.001), 5.08



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(amending Election Code Section 86.002), 5.13 (amending Election Code Section 87.041)).

- If the VBM application is rejected because of a number issue, the county must provide notice of the rejection, including information regarding the ability to correct or add the number on the online VBM tracker. If a voter makes such a correction on the online VBM tracker in a way that enables the application to “identify” the voter, then the county must provide the voter with a VBM ballot. (See Sections 5.10, amending Election Code Section 86.015, and 5.07, amending Election Code Section 86.001).
 - Note: a process for curing ID number issues on VBM ballots is described below in the Opportunity to Cure VBM ballots section.
 - If the number provided on the carrier envelope “identifies” the voter, the signature on the voter’s carrier envelope “shall be rebuttably presumed to be the signatures of the voter” for purposes of the vote by mail signature comparison process. Section 5.13 (amending Election Code Section 87.041).
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- **Voters must request VBM applications before government agencies can distribute them or facilitate others in distributing them:** Unless specifically authorized under a provision of the Election Code, government employees cannot distribute a VBM application “to a person who did not request an application,” nor may public funds be used “to facilitate the distribution by another person of an application form for an early voting ballot to a person who did not request an application.” This prohibition does not apply to political parties or candidates for office. Section 5.04 (adding a new Election Code Section 84.0111).
 - **If a voter cancels their vote by mail application after a ballot has been sent to them, but does not return the VBM ballot to the county, must vote provisionally thereafter.** Section 5.06 (amending Election Code Section 84.035).
 - **Requiring counties to keep carrier envelopes of VBM ballots that were not returned timely “in a locked container.”** Section 5.09 (amending Election Code Section 86.011).
 - **Creating a vice chair of signature verification committees, and requiring counties to appoint members of the signature verification committee in the order of preference given by the relevant political party county chair:** The chair and vice chair of the signature verification committee must be the people highest ranked on their respective party’s list. To serve on a signature verification committee, a person must be eligible to be a presiding election judge (in addition to the current requirements in the



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Election Code for SVC members). Section 5.11 (amending Election Code Section 87.027).

- **Allowing signature verification committee and early voting ballot boards to compare the voter’s signature on the VBM carrier envelope to “any known signature” of the voter on file with the county clerk or voter registrar:** This is an expansion from current law which only allows comparison of the signature to those that are on file that were made within the preceding six years. Sections 5.11 (amending Election Code Section 87.027).

- **Opportunity to cure VBM ballots** Sections 5.12 (adding a new Election Code Section 87.0271) and 5.14 (adding a new Election Code Section 87.0411):
 - When a VBM carrier envelope has a signature issue, is missing a required statement of residence, has incomplete or inaccurate ID numbers under the new ID matching requirement explained above, or has incomplete information regarding a witness, the signature verification committee/early voting ballot board must within two business days return the envelope to the voter by mail if the committee/board determines it would be possible to correct the defect and return the envelope before the polls close on election day
 - If the committee/early voting ballot board determines it would not be possible to send the ballot back in time for the voter to correct/return it, then the committee/early voting ballot board MAY but IS NOT REQUIRED TO notify the voter of the defect by telephone or email, and inform the voter they may either request their VBM application be canceled or come to the clerk’s office in person within six days of the election to correct the defect.
 - It appears that these section also intend to require that the committee/board must take the same of those two actions regarding every affected ballot in the election (i.e., treat all ballots with one of these defects the same) but its wording is ambiguous, requiring the committee/board to “take either action.” Poll watchers are entitled to observe this process.
 - Per [SOS guidance](#), voters may also correct a rejection of their ballot when the reason is incomplete or inaccurate ID numbers, by entering the correct number on the Online Mail Ballot Tracker. If the county has sent the ballot back to the voter, the voter must still return their ballot to the county by mail, common or contract carrier or hand delivery so that it is received no later than 7:00 p.m. on Election Day. (Hand delivery can only be used between 7am-7pm on Election day, however).
 - Allowing voters to cancel their VBM ballot after the end of early voting by appearing in person and affirming that they received a notice of signature defect. Section 5.05 (amending Election Code Section 84.032).



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- **Requiring early voting clerks to deliver notice to the AG within 30 days of any mail ballot that was rejected because the early voting ballot board/signature verification committee determined that a “violation of the Election Code occurred.”** The notification must include certified copies of the carrier envelope and corresponding ballot application. Section 5.15 (amending Election Code Section 87.0431).
- **Requiring VBM ballots to be tabulated and stored separately from in person ballots and reported separately on the returns.** Section 5.16 (amending Election Code Section 87.062).
- **Requiring separate tabulation and reporting out of: 1) ballots counted at a central counting station; 2) ballots cast at precinct polling places; and 3) mail ballots.** Section 5.17 (amending Election Code Section 87.103).
- **Requiring that--when the early voting clerk electronically records applications for a VBM ballot, jacket envelopes, carrier envelopes, and ballots--they must record “both sides” of the document, and that all such records must be provided to the early voting ballot board, the signature verification committee, or both.** Section 5.18 (amending Election Code Section 87.126).
- **Allowing members of signature verification committees/early voting ballot boards “to take any notes reasonably necessary to perform the member’s duties under this chapter.”** Such notes can’t contain personally identifiable information, and the members must sign their notes and deliver them to the presiding judge/committee chair for delivery to the custodian of election records. Such notes will be treated the same as precinct election records. Section 5.19 (adding a new Election Code Section 87.128).

Article 6 -- Assistance of Voters

- **Required form by those who simultaneously provide transportation to seven or more curbside voters, and partisan poll watchers during curbside voting.** Section 6.01 (amending Election Code Section 64.009):
 - Requiring a person who “simultaneously” provides seven or more curbside voters “with transportation to the polling place” to complete and sign a form containing the person’s name and address and whether the person is also serving as an assistant to the voter. This form must be delivered to and kept by SOS for the same amount of time as they are required to preserve precinct election records, and must make the form available to the AG for inspection “upon request.” The



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form requirement does not apply to drivers who are related to “each voter” in the car within a certain degree of relation

- Authorizing partisan poll watchers to observe curbside voting.
- **Recognizing explicitly that voters can receive assistance in “reading” the ballot if they cannot read it because of a physical disability or inability to read the language.** Section 6.02 (amending Election Code Section 64.031).
- **Requiring those who provide assistance to voters (other than election officers) to fill out a new form.** On the form, they must provide their name and address, their relationship to the voter, and whether they are receiving or accepting “any form of compensation or other benefit from a candidate, campaign, or political committee.” The form must be incorporated into the official carrier envelope if the voter is voting by mail. Section 6.03 (adding a new Election Code Section 64.0322).
- **Making changes to the oath that assistants must take:** The oath would be “under penalty of perjury” and require that the voter “represented to me they are eligible to receive assistance.” The oath would also [**THIS PORTION STRUCK DOWN IN FEDERAL COURT IN 2022: require the assistant to affirm that their assistance would be limited to “reading the ballot to the voter, directing the voter to read the ballot, marking the voter’s ballot, or directing the voter to mark the ballot,”**] and delete that the assistant is providing services such as “answering the voter’s questions, ... stating propositions on the ballot, and ... naming candidates and, if listed, their political parties.” The assistant would also have to affirm that they did not “pressure or coerce the voter into choosing me to provide assistance” that they will not communicate “information about how the voter has voted to another person,” and that they understand that “if assistance is provided to a voter who is not eligible for assistance, the voter’s ballot may not be counted.” Sections 6.04 (amending Election Code Section 64.034).
- **Making it easier to prosecute people who are assisting mail voters by increasing the technical requirements that assistants must comply with and removing a defense to being prosecuted for failing to comply with such technical requirements.** Section 6.05 (amending Election Code Section 86.010).
 - Requiring that those who assist a voter in preparing a mail ballot must enter their “relationship” to the voter, and also provide on the envelope “whether the person received or accepted any form of compensation or other benefit from a candidate, campaign, or political committee in exchange for providing assistance,” in addition to the current elements of signature, printed name, and residence address.



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- Currently, it is a crime for a person who assists a mail voter to knowingly fail to sign the written assistant oath on the carrier envelope or to knowingly fail to provide their signature, printed name, and residence address on the carrier envelope--unless they are a family member of the voter or someone living in the same dwelling as the voter.
 - SB 1 retains the current exemption from prosecution for family members/someone living in the same dwelling as the voter to the criminal offense of knowingly failing to sign the assistant oath.
 - The exemption from prosecution for knowingly failing to provide signature, printed name, and residence, however, would no longer apply to assistants merely living in the same dwelling as the voter.
- The net effects of the these preceding bullet points are that:
 - Someone merely living in the same dwelling as the voter would now be criminally liable when assisting a mail voter if they knowingly fail to provide the following elements on the carrier envelope: their signature, printed name, residence address, relationship to the voter, and whether they received or accepted any form of compensation or benefit from a candidate, campaign, or political committee in exchange for providing assistance; and
 - Any assistant other than a family member would also now be criminally liable when assisting a mail voter if they knowingly fail to provide either their relationship to the voter on the carrier envelope or whether they received or accepted any form of compensation or benefit from a candidate, campaign, or political committee in exchange for providing assistance (they are already criminally liable for knowingly failing to provide either their signature, printed name, or residence on the carrier envelope)
- **Making it easier to prosecute those who pay or who are paid for depositing mail ballots or assisting voters while voting by mail, by eliminating some of the elements prosecutors must prove, while also raising the punishment for such offenses** Sections 6.06 (amending Election Code Section 86.0105).
 - Changes the current criminal prohibitions from ones that prohibit compensating another person for depositing a VBM ballot or assisting VBM voters as part of a performance-based compensation scheme. It would now be a flat prohibition on compensating or even offering to compensate another person for depositing a VBM ballot or assisting VBM voters, even if not part of a performance-based compensation scheme.
 - Changing the current criminal offense against accepting such compensation when the person accepting it knows it is illegal. It would now be a flat prohibition



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- on soliciting, receiving, or accepting such compensation even when the person did not know it was illegal.
- Deletes the current prohibition against making a person's compensation or employment status dependent on the number of mail ballots deposited or VBM voters assisted
 - Defining compensation by incorporating a definition in the penal code that it is "anything reasonably regarded as an economic gain or advantage, including accepting or offering to accept employment for a fee, accepting or offering to accept a fee, entering into a fee contract, or accepting or agreeing to accept money or anything of value."
 - SB 1 boosts the penalty of the providing assistance offenses to a state jail felony in all cases.
 - The version of these offenses in current law is a misdemeanor unless the person has been previously convicted at least twice before of that offense, in which case it is a state jail felony.
 - Exempting from these criminal prohibitions those providing assistance who are "an attendant or caregiver previously known to the voter."
- **Requiring SOS to 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. Section 6.08 (not amending a section of the Election Code)**
 - SOS must submit not later than December 1, 2022 to the Legislature a report on this study. The secretary of state, using existing resources, can contract with a qualified vendor to conduct the study required by this section.

Article 7 -- Fraud and Other Unlawful Offenses

- **Creating a new state jail felony offense against election judges who provide a voter with a form for an affidavit required by Section 63.001 (which creates the reasonable impediment declaration and substantially similar name affidavit) "if the form contains information that the judge entered on the form knowing it was false."** This section of SB 1 refers specifically to "an affidavit," suggesting it is meant to apply only to substantially similar name affidavits, but it may be that this section was also meant to cover reasonable impediment declarations. Section 7.01 (amending Election Code Section 63.0111).



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- **Extending the current limited exemption for employees to take time off work to go vote on Election Day to early vote as well..** Section 7.02 (amending Election Code Section 276.004).

- **Adding new criminal offenses and penalties to the “election fraud” criminal statute in Section 276.013.** Section 7.03 (amending Election Code Section 276.013).
 - The following new offenses would qualify as criminal “election fraud” if done knowingly or intentionally:
 - “altering the ballot of another or by otherwise causing a ballot to not reflect the intent of the voter”;
 - “caus[ing] any false...statement, representation, or information to be provided (A) to an election official or (B) on an application for ballot by mail, carrier envelope, or any other official election-related form or document”;
 - “prevent[ing] a voter from casting a legal ballot in an election in which the voter is eligible to vote”;
 - “provid[ing] false information to a voter with the intent of preventing the voter from voting in an election in which the voter is eligible to vote”;
 - “caus[ing] the ballot not to reflect the intent of the voter”;
 - “caus[ing] a ballot to be voted for another person that the person knows to be deceased or otherwise knows not to be a qualified or registered voter”;
 - “caus[ing] or enab[ling] a vote to be cast more than once in the same election”; or
 - “discard[ing] or destroy[ing] a voter’s completed ballot without the voter’s consent”
 - Those offenses and the current pre-existing election fraud offenses are Class A misdemeanors, except that now they would be a state jail felony if “the person committed the offense while acting in the person’s capacity as an elected official”, and a Class B misdemeanor if it’s merely an attempt.
 - Those other, currently existing election fraud criminal offenses are: 1) “influence the independent exercise of the vote of another in the presence of the ballot or during the voting process”; 2) “cause a voter to become registered, a ballot to be obtained, or a vote to be cast under false pretenses”; or 3) “cause any intentionally misleading statement, representation, or information to be provided . . . to an election official; or . . . on an application for ballot by mail, carrier envelope, or any other official election-related form or document”.

- **Creating a new “vote harvesting” criminal offense.** Section 7.04 (adding a new Election Code Section 276.015)



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- The following constitute criminal “vote harvesting,” a third degree felony, if a person knowingly does one of the following:
 - Providing or offering “vote harvesting services in exchange for compensation or other benefit.”
 - Providing or offering “compensation or other benefit to another person in exchange for vote harvesting services.”
 - Collecting or possessing “a mail ballot or official carrier envelope in connection with vote harvesting services.”
- For these offenses, a benefit means “anything reasonably regarded as a gain or advantage, including a promise or offer of employment, a political favor, or an official act of discretion, whether to a person or another party whose welfare is of interest to the person.”
 - Vote harvesting services means “in-person interaction with one or more voters, in the physical presence of an official ballot or a ballot voted by mail, intended to deliver votes for a specific candidate or measure.”
- Excluding the following from “vote harvesting”:
 - “An activity not performed in exchange for compensation or a benefit”;
 - “Interactions that do not directly involve an official ballot or ballot by mail”;
 - “Interactions that do not occur in the presence of the ballot or during the voting process”;
 - “Interactions that are not conducted in-person with a voter”;
 - “Activity that is not designed to deliver votes for or against a specific candidate or measure.”
- If any form of “vote harvesting” also constitutes an offense under a separate statute, a defendant may be charged with either offense, or both.
- **Prohibition on unsolicited distribution of vote by mail applications by public officials.** Section 7.04 (adding a new Election Code Section 276.016).
 - Public officials/election officials cannot knowingly do one of the following while “acting in an official capacity”:
 - “solicit[] the submission of an application to vote by mail from a person who did not request an application”
 - “distribute[] an application to vote by mail to a person who did not request the application unless the distribution is expressly authorized” by the Election Code
 - EXCEPTION to this one: it is ok for a public official/election official to “provid[e] access to an application to vote by mail from a publicly accessible Internet website”



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- “authorize[] or approve[] the expenditure of public funds to facilitate third-party distribution of an application to vote by mail to a person who did not request the application”
 - “complete[] any portion of an application to vote by mail and distributes the application to an applicant”
 - EXCEPTION to this last one: Public officials/election officials would not be liable for this last bullet point if they were lawfully assisting the applicant in applying to vote by mail.
 - These provisions also do not apply if the public official/election official:
 - “provided general information about voting by mail, the vote by mail process, or the timelines associated with voting to a person or the public”; or
 - Performed such solicitation “while acting in the official’s capacity as a candidate for a public elective office”
 - Committing any one of these offenses would be a state jail felony.
 - Injunctive relief or mandamus can be sought against a violation of these provisions.
-
- **Election officials cannot “knowingly mail[] or otherwise provide[] an early voting ballot by mail or other early voting by mail ballot materials to a person who [the official] knows did not submit an application for a ballot to be voted by mail.”** This offense would be a Class A misdemeanor. Section 7.04 (adding a new Election Code Section 276.017).
 - **Creating a new perjury criminal offense:** SB 1 creates a new state jail felony offense when a person “with the intent to deceive...knowingly or intentionally makes a false statement or swears to the truth of a false statement” 1) on a voter registration application or 2) “previously made while making an oath, declaration, or affidavit” described by the Election Code. Section 7.04 (adding a new Election Code Section 276.018).
 - **Prohibiting the alteration, waiver, or suspension of election procedures:** It prohibits public officials/election officials from “creat[ing], alter[ing], modify[ing], waiv[ing], or suspend[ing] any election standard, practice, or procedure mandated by law or rule in a manner not expressly authorized by” the Election Code. Section 7.04 (adding a new Election Code Section 276.019)

Article 8 -- Enforcement



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- **Prohibiting “election officials” from serving if they had previously been finally convicted of an offense under the Election Code.** Chairs of a county political party holding a primary election or a runoff primary election are not subject to this prohibition. Section 8.01 (adding a new Election Code Section 31.128).
- **Civil penalty and loss of employment benefits for election officials who violate Election Code:** Making election officials liable to the state for a civil penalty for violating the Election Code, which may include termination of the person’s employment “and loss of the person’s employment benefits.” Section 8.01 (adding a new Election Code Section 31.129).
- **Limiting lawsuits against election officers to their official capacity in certain circumstances.** If a lawsuit alleges that an election officer violated the Election Code while acting in the officer’s official capacity, the suit must be brought against the person in their official capacity. Section 8.01 (adding a new Election Code Section 31.130)
- **Extending the time people have to file election contests.** Section 8.02 (amending Election Code Section 232.008).
- **New cause of action for “improper election activities”** Section 8.03 (adding new Election Code Sections 247.001, 247.002, 247.003, 247.004, and 247.005):
 - Creating a new cause of action when a candidate alleges “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” the Election Code
 - 13.007 (false statement on VR applications)
 - 64.012 (“illegal voting” felony offense)
 - 64.036 (unlawful assistance)
 - 84.003 (witnessing/assisting vote by mail applications)
 - 84.0041 (fraudulent use of application for VBM)
 - 86.0051 (unlawful witnessing of carrier envelope, depositing of VBM ballot for a voter)
 - 86.006 (returning marked VBM ballot)
 - 86.010 (unlawful assistance to person voting by mail)
 - 276.013 (“election fraud”)
 - 276.015 (new vote harvesting offense being created by SB 1, see Section 7.04 above)
 - If the plaintiff shows by a preponderance of the evidence (the lowest legal standard) that the defendant, their agent, or a person acting on their behalf with



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their knowledge committed one of those violations, the defendant is liable for \$1,000 for EACH violation regardless of “actual” damages.

- Prevailing party eligible for attorney’s fees
 - A plaintiff may file this case “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.”
 - A candidate can file this cause of action starting “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.”
 - This cause of action applies only to an election contest for an election occurring after the bill becomes effective
- **Granting court of criminal appeals new mandamus powers over investigations into elections.** The court may “compel the performance of any duty imposed by law in connection with the provision, sequestration, transfer, or impoundment of evidence in or records relating to a criminal investigation conducted under [the Election Code] or conducted in connection with the conduct of an election or political party convention. If a writ of mandamus is issued under this subsection, it shall include an order requiring the provision, sequestration, transfer, or impoundment of the evidence or record.” Section 8.04 (amending Election Code Section 273.061).
 - **Creating a new expedited process for the Texas Supreme Court, the Texas Court of Appeals, and Texas trial courts to hear certain kinds of cases just before an election** Sections 8.05-.07 (adding new and amending existing Election Code sections 22.304, 22.305, 23.101, 23.301, and 23.302)
 - Starting on the 70th day before a general or special election, the Supreme Court and Court of Appeals must “prioritize over any other proceeding pending or filed” a request for injunctive relief or for a writ of mandamus under Chapter 273 of the Election Code. Trial courts must also give such cases for injunctive relief priority, unless there is another case that involves the death penalty “or when it would otherwise interfere with a constitutional right.”
 - Oral argument may be in person or “through electronic means”
 - Creating a new Class A misdemeanor offense for “communicat[ing] with a court clerk with the intention of influencing or attempting to influence the composition of a three-justice panel assigned a specific proceeding under this section.”
 - When such cases are before a trial court, the clerk must “docket the proceeding and if more than one district court in the county has jurisdiction over the proceeding, randomly assign the proceeding to a district court using an automated assignment system”



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- “The clerk of a county court or statutory county court in which [such a proceeding] is filed shall docket the proceeding and if more than one court in the county has jurisdiction over the proceeding, randomly assign the proceeding to a court using an automated assignment system.”
 - A person may seek a writ of mandamus from the Supreme Court/Court of Appeals if the district/county clerk doesn’t comply with these provisions.
- Within 24 hours after the filing of a proceeding, a judge who is assigned the case who wishes to be recused must, before recusal: 1) hear an application for any emergency temporary relief sought; 2) grant or deny any emergency temporary relief sought; and 3) set a scheduling order for a date for a hearing on any injunction sought within five days of the proceeding being filed and for discovery/deposition deadlines before the expiration of any emergency relief order entered. The presiding judge of the administrative region must assign a new judge within 12 hours after the original judge has recused.
 - A person may seek from the Supreme Court, Court of Criminal Appeals, or Court of Appeals a writ of mandamus to compel compliance.
- Allowing for a longer timeframe for a case relating to a permanent injunction being sought in connection to certain challenges to a candidate’s place on the ballot.
- Creating a new criminal offense for “communicat[ing] with a county or district clerk with the intention of influencing or attempting to influence the court or judge assigned to a proceeding under this section.” Similar offense created with regard to cases before the Court of Appeals.

Article 9 -- Ineligible Voters and Related Reforms

- **Upon conviction of a felony, the court must “instruct the defendant regarding how the felony conviction will impact the defendant’s right to vote in this state.”**
Section 9.01 (adding new Code of Criminal Procedure Article 42.0194).
- **Changes to the offense of “illegal voting” in Section 64.012** (Section 9.03, amending Election Code 64.012, and 9.04, not amending or adding Election Code section):
 - The current “illegal voting” offenses require the defendant to “knowingly” commit the offenses, but SB 1 changes the requirement to that the defendant either “knowingly or intentionally” commits those offenses
 - Adding to the criminal offense of illegal voting “knowingly or intentionally vot[ing] or attempt[ing] to vote in an election in this state after voting in another state in an



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- election in which a federal office appears on the ballot and the election day for both states is the same day”
- Making all these “illegal voting” offenses a Class A misdemeanor, a reduction from current law which makes them a second degree felony for a completed offense and a state jail felony for an attempt
 - For any type of illegal voting in this section, prohibiting a person from being convicted “solely upon the fact that the person signed a provisional ballot affidavit under Section 63.011 unless corroborated by other evidence that the person knowingly committed the offense”
 - This change applies to an offense committed before, on, or after the effective date of this bill, but it would not overturn any final convictions that currently exist.
 - For any type of illegal voting in this section, if the person’s conduct also constitutes an offense under any other law, they may be charged under that other law, this illegal voting section, or both.

Article 10 -- Repealer; Severability; Transition; Effective Date

- **Repealer** (Section 10.01):
 - Repealing Section 85.062(e) regarding the establishment of temporary branch polling places in moveable structures.
 - Repealing Section 86.0105(b) which makes compensation for assisting voters a misdemeanor in some cases.
 - Repealing Section 127.201(f), which allows SOS to waive or reinstate for political subdivisions requirements regarding a manual count that the general custodian is required to conduct to ensure the accuracy of the tabulation of electronic voting system results.
- **Clauses are severable if any are struck down.** Section 10.02
- **Effective Date:** The 91st day after the last day of the legislative session. Section 10.04.