

By: _____ .B. No. _____

Substitute the following for .B. No. _____:

By: _____ C.S..B. No. _____

A BILL TO BE ENTITLED

1 AN ACT

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

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

6 ARTICLE 1. GENERAL PROVISIONS

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

9 SECTION 1.02. PURPOSE. The purpose of this Act is to
10 exercise the legislature's constitutional authority under Section
11 4, Article VI, Texas Constitution, to make all laws necessary to
12 detect and punish fraud and preserve the purity of the ballot box.

13 SECTION 1.03. FINDINGS. The legislature finds that:

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

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

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

22 (4) Section 4, Article VI, Texas Constitution,
23 entrusts the enactment of laws to combat fraud in the electoral
24 process to the sound discretion of the legislature; and

1 (5) the reforms to the election laws of this state made
2 by this Act are not intended to impair the right of free suffrage
3 guaranteed to the people of Texas by the United States and Texas
4 Constitutions, but are enacted solely to prevent fraud in the
5 electoral process.

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

8 Sec. 1.0015. LEGISLATIVE INTENT. It is the intent of the
9 legislature that the application of this code and the conduct of
10 elections shall be uniform and consistent throughout this state to
11 reduce the likelihood of fraud in the conduct of elections.

12 SECTION 1.05. Section 1.003, Election Code, is amended by
13 adding Subsection (a-1) to read as follows:

14 (a-1) A public official shall construe the provisions of
15 this code strictly to effect the intent of the legislature under
16 Section 1.0015.

17 SECTION 1.06. Section 1.005, Election Code, is amended by
18 adding Subdivision (15-a) to read as follows:

19 (15-a) "Public official" means any person elected,
20 selected, appointed, employed, or otherwise designated as an
21 officer, employee, or agent of this state, a government agency, a
22 political subdivision, or any other public body established by
23 state law.

24 ARTICLE 2. REGISTRATION OF VOTERS AND CONDUCT OF ELECTIONS

25 SECTION 2.01. Sections 16.001(a) and (b), Election Code,
26 are amended to read as follows:

27 (a) Each month the local registrar of deaths shall prepare

1 an abstract of each death certificate issued in the month for a
2 decedent 18 years of age or older who was a resident of the state at
3 the time of death. The local registrar of deaths shall file each
4 abstract with the voter registrar of the decedent's county of
5 residence and the secretary of state as soon as possible, but not
6 later than the 7th [~~10th~~] day after [~~of the month following the~~
7 ~~month in which~~] the abstract is prepared.

8 (b) Each month the clerk of each court having probate
9 jurisdiction shall prepare an abstract of each application for
10 probate of a will, administration of a decedent's estate, or
11 determination of heirship, and each affidavit under Chapter 205,
12 Estates Code, that is filed in the month with a court served by the
13 clerk. The clerk shall file each abstract with the voter registrar
14 and the secretary of state as soon as possible, but not later than
15 the 7th [~~10th~~] day after [~~of the month following the month in which~~]
16 the abstract is prepared.

17 SECTION 2.02. Section 64.007(c), Election Code, is amended
18 to read as follows:

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

24 ARTICLE 3. ELECTION OFFICERS AND OBSERVERS

25 SECTION 3.01. Section 32.075, Election Code, is amended by
26 adding Subsection (g) to read as follows:

27 (g) A presiding judge may not:

1 (1) have a watcher appointed under Subchapter A,
2 Chapter 33, removed from the polling place; or

3 (2) require a watcher appointed under Subchapter A,
4 Chapter 33, to leave the polling place.

5 SECTION 3.02. Subchapter A, Chapter 33, Election Code, is
6 amended by adding Sections 33.0015 and 33.0016 to read as follows:

7 Sec. 33.0015. OBSERVE DEFINED. In this code, a watcher who
8 is entitled to "observe" an activity is entitled to sit or stand
9 near enough to see and hear the activity.

10 Sec. 33.0016. CHAPTER PURPOSE AND WATCHER DUTY. The
11 purpose of this chapter is to preserve the integrity of the ballot
12 box in accordance with Section 4, Article VI, Texas Constitution,
13 by providing for the appointment of watchers. To effect that
14 purpose, a watcher appointed under this chapter shall observe the
15 conduct of an election and call to the attention of an election
16 officer any observed or suspected irregularity or violation of law
17 in the conduct of the election.

18 SECTION 3.03. Section 33.051, Election Code, is amended by
19 adding Subsections (g) and (h) to read as follows:

20 (g) An election officer commits an offense if the officer
21 intentionally or knowingly refuses to accept a watcher for service
22 when acceptance of the watcher is required by this section.

23 (h) An offense under Subsection (g) is a Class B
24 misdemeanor.

25 SECTION 3.04. Subchapter C, Chapter 33, Election Code, is
26 amended by adding Section 33.0605 to read as follows:

27 Sec. 33.0605. OBSERVING DATA STORAGE SEALING AND TRANSFER.

1 A watcher appointed to serve at a polling place in an election may
2 observe the sealing and transfer of a memory card, flash drive, hard
3 drive, data storage device, or other medium now existing or later
4 developed used by the voting system equipment.

5 SECTION 3.05. Section 33.061(a), Election Code, is amended
6 to read as follows:

7 (a) A person commits an offense if the person serves in an
8 official capacity at a location at which the presence of watchers is
9 authorized and knowingly prevents a watcher from observing an
10 activity the watcher is entitled to observe, including by taking
11 any action to obstruct the view of a watcher or position a watcher
12 at a distance from the activity to be observed at which observation
13 is not reasonably possible.

14 SECTION 3.06. Subchapter C, Chapter 33, Election Code, is
15 amended by adding Section 33.062 to read as follows:

16 Sec. 33.062. REMOVAL OF WATCHER FROM POLLING PLACE. The
17 presiding judge may remove a watcher from a polling place only if
18 the watcher engages in activity that would constitute an offense
19 related to the conduct of the election, including an offense under
20 Chapter 276.

21 SECTION 3.07. Section 61.001, Election Code, is amended by
22 amending Subsection (a) and adding Subsection (a-1) to read as
23 follows:

24 (a) Except as permitted by this code and as described by
25 Subsection (a-1), a person may not be in the polling place from the
26 time the presiding judge arrives there on election day to make the
27 preliminary arrangements until the precinct returns have been

1 certified and the election records have been assembled for
2 distribution following the election.

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

6 (1) an election judge or clerk;

7 (2) a watcher;

8 (3) the secretary of state;

9 (4) a staff member of the Elections Division of the
10 Office of the Secretary of State performing an official duty in
11 accordance with this code;

12 (5) an election official, a sheriff, or a staff member
13 of an election official or sheriff delivering election supplies;

14 (6) a state inspector;

15 (7) a person admitted to vote;

16 (8) a child under 18 years of age who is accompanying a
17 parent who has been admitted to vote;

18 (9) a person providing assistance to a voter under
19 Section 61.032 or 64.032;

20 (10) a person accompanying a voter who has a
21 disability;

22 (11) a special peace officer appointed by the
23 presiding judge under Section 32.075;

24 (12) the county chair of a political party conducting
25 a primary election, as authorized by Section 172.1113;

26 (13) a voting system technician, as authorized by
27 Section 125.010;

1 (14) the county election officer, as defined by
2 Section 31.091, as necessary to perform tasks related to the
3 administration of the election; or

4 (15) a person whose presence has been authorized by
5 the presiding judge and alternate presiding judge in accordance
6 with this code.

7 SECTION 3.08. Section 86.006(a-1), Election Code, is
8 amended to read as follows:

9 (a-1) The voter may deliver a marked ballot in person to the
10 early voting clerk's office only while the polls are open on
11 election day. A voter who delivers a marked ballot in person must
12 present an acceptable form of identification described by Section
13 63.0101. A poll watcher is entitled to observe the delivery of
14 ballots under this subsection. The poll watcher must be able to
15 determine how the ballots are being delivered and how election
16 officials are making decisions about the delivery of ballots, if
17 applicable. The poll watcher may not disrupt the process of
18 delivering ballots.

19 SECTION 3.09. Section 87.026, Election Code, is amended to
20 read as follows:

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

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

- 1 (1) a presiding judge or member of the board;
- 2 (2) a watcher;
- 3 (3) a voting system technician, as authorized by
4 Section 125.010;
- 5 (4) the county election officer, as defined by Section
6 31.091, as necessary to perform tasks related to the administration
7 of the election; or
- 8 (5) a person whose presence has been authorized by the
9 presiding judge in accordance with this code.

10 SECTION 3.10. Subchapter A, Chapter 127, Election Code, is
11 amended by adding Section 127.008 to read as follows:

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

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

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

21 (2) a watcher;

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

24 (4) the county election officer, as defined by Section
25 31.091, as necessary to perform tasks related to the administration
26 of the election; or

27 (5) a person whose presence has been authorized by the

1 presiding judge of the central counting station in accordance with
2 this code.

3 ARTICLE 4. ASSISTANCE OF VOTERS

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

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

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

12 (2) the manner in which the person is assisting the
13 voter;

14 (3) the reason the assistance is necessary; and

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

16 (b) The secretary of state shall prescribe the form required
17 by this section. The form must be incorporated into the official
18 carrier envelope if the voter is voting an early voting ballot by
19 mail and receives assistance under Section 86.010, or must be
20 submitted to an election officer at the time the voter casts a
21 ballot if the voter is voting at a polling place or under Section
22 64.009.

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

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

1 "I swear (or affirm) under penalty of perjury that I will not
2 suggest, by word, sign, or gesture, how the voter should vote; I
3 will confine my assistance to answering the voter's questions, to
4 stating propositions on the ballot, and to naming candidates and,
5 if listed, their political parties; I will prepare the voter's
6 ballot as the voter directs; I did not pressure, coerce, or
7 intimidate the voter into choosing me to provide assistance; and I
8 am not the voter's employer, an agent of the voter's employer, or an
9 officer or agent of a labor union to which the voter belongs."

10 SECTION 4.03. Section 86.010, Election Code, is amended by
11 amending Subsections (e), (h), and (i) and adding Subsection (i-1)
12 to read as follows:

13 (e) A person who assists a voter to prepare a ballot to be
14 voted by mail shall enter on the official carrier envelope of the
15 voter:

16 (1) the person's signature, printed name, and
17 residence address;

18 (2) the manner of any assistance provided to the voter
19 by the person;

20 (3) the relationship of the person providing the
21 assistance to the voter; and

22 (4) whether the person received or accepted any form
23 of compensation or other benefit from a candidate, campaign, or
24 political committee in exchange for providing assistance [~~on the~~
25 ~~official carrier envelope of the voter~~].

26 (h) Subsection (f) does not apply to:

27 (1) a violation of Subsection (c), if the person is

1 related to the voter within the second degree by affinity or the
2 third degree by consanguinity, as determined under Subchapter B,
3 Chapter 573, Government Code, or was physically living in the same
4 dwelling as the voter at the time of the event; or

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

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

12 (1) the defendant was previously convicted of an
13 offense under this code;

14 (2) the offense involved a voter 65 years of age or
15 older; or

16 (3) the defendant committed another offense under this
17 section in the same election.

18 (i-1) An offense under this section for a violation of
19 Subsection (e) is a felony of the third degree if it is shown on the
20 trial of the offense that the person committed an offense under
21 Section 64.036 for providing unlawful assistance to the same voter
22 in connection with the same ballot.

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

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

26 (1) compensates or offers to compensate another person
27 for assisting voters as provided by Section 86.010[, ~~as part of any~~

1 ~~performance-based compensation scheme based on the number of voters~~
2 ~~assisted or in which another person is presented with a quota of~~
3 ~~voters to be assisted as provided by Section 86.010]; or~~

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

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

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

15 (e) For purposes of this section, compensation means any
16 form of monetary payment, goods, services, benefits, or promises or
17 offers of employment, political favors, beneficial or favorable
18 discretionary official acts, or any other form of consideration
19 offered to another person in exchange for assisting voters.

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

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

24 (1) indicating the identity and date of the election;
25 ~~[and]~~

26 (2) entering the signature, printed name, and
27 residence address of a person other than the voter who deposits the

1 carrier envelope in the mail or with a common or contract carrier;
2 and
3 (3) indicating the manner of any assistance provided
4 by a person assisting the voter, and the relationship of that person
5 to the voter.

6 ARTICLE 5. FRAUD AND OTHER UNLAWFUL PRACTICES

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

9 Sec. 63.0111. OFFENSES RELATED TO PROVISIONAL VOTING. (a)
10 An election judge commits an offense if the judge knowingly
11 provides a voter with a form for an affidavit required by Section
12 63.001 if the form contains false information that was entered on
13 the form by the judge.

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

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

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

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

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

23 (3) knowingly votes or attempts to vote a ballot
24 belonging to another person, or by impersonating another person;
25 [~~or~~]

26 (4) knowingly marks or attempts to mark any portion of
27 another person's ballot without the consent of that person, or

1 without specific direction from that person how to mark the ballot;
2 or

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

7 (c) If conduct that constitutes an offense under this
8 section also constitutes an offense under any other law, the actor
9 may be prosecuted under this section, the other law, or both.

10 SECTION 5.03. Sections 276.013(a) and (b), Election Code,
11 are amended to read as follows:

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

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

18 (2) cause a voter to become registered, a ballot to be
19 obtained, or a vote to be cast under false pretenses; ~~or~~

20 (3) count invalid votes or alter a report to include
21 invalid votes;

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

24 (5) [~~3~~] cause any intentionally misleading
25 statement, representation, or information to be provided:

26 (A) to an election official; or

27 (B) on an application for ballot by mail, carrier

1 envelope, or any other official election-related form or document.

2 (b) An offense under this section is a state jail felony
3 [~~Class A misdemeanor~~].

4 SECTION 5.04. Chapter 276, Election Code, is amended by
5 adding Sections 276.014, 276.015, 276.016, 276.017, and 276.018 to
6 read as follows:

7 Sec. 276.014. PAID VOTE HARVESTING. (a) In this section:

8 (1) "Benefit" means anything reasonably regarded as a
9 gain or advantage, including:

10 (A) a promise or offer of employment, a political
11 favor, or a favorable discretionary official act; and

12 (B) a benefit to any other person in whose
13 welfare the beneficiary has an interest.

14 (2) "Vote harvesting services" means direct
15 interaction with one or more voters in connection with an official
16 ballot, a ballot voted by mail, or an application for ballot by
17 mail, intended to deliver votes for a specific candidate or
18 measure.

19 (b) A person commits an offense if the person, directly or
20 through a third party, knowingly provides or offers to provide vote
21 harvesting services in exchange for compensation or other benefit.

22 (c) A person commits an offense if the person, directly or
23 through a third party, knowingly provides or offers to provide
24 compensation or other benefit to a person in exchange for vote
25 harvesting services.

26 (d) A person commits an offense if the person knowingly
27 collects or possesses a ballot voted by mail or official carrier

1 envelope from a voter in connection with vote harvesting services.

2 (e) This section does not apply to political speech or other
3 acts merely promoting a candidate or measure that do not involve
4 direct interaction with:

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

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

9 (f) In this section, compensation or other benefit in
10 exchange for vote harvesting services is inferred if a person who
11 performed the vote harvesting services for a candidate or campaign
12 solicits, receives, or is offered compensation from the candidate
13 or campaign, directly or through a third party, for services other
14 than the vote harvesting services provided.

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

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

20 Sec. 276.015. UNLAWFUL SOLICITATION AND DISTRIBUTION OF
21 APPLICATION TO VOTE BY MAIL. (a) A public official commits an
22 offense if the official, while acting in an official capacity,
23 knowingly:

24 (1) solicits the submission of an application to vote
25 by mail from a person who did not request an application;

26 (2) distributes an application to vote by mail to a
27 person who did not request the application unless the distribution

1 is expressly authorized by another provision of this code;

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

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

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

8 (c) It is an exception to the application of Subsection
9 (a)(4) that the public official engaged in the conduct described by
10 Subsection (a)(4) while lawfully assisting the applicant under
11 Section 84.003.

12 Sec. 276.016. UNLAWFUL DISTRIBUTION OF EARLY VOTING BALLOTS
13 AND BALLOTING MATERIALS. (a) The early voting clerk or other
14 election official commits an offense if the clerk or official
15 knowingly mails or otherwise provides an early voting ballot by
16 mail or other early voting by mail ballot materials to a person who
17 did not submit an application for a ballot to be voted by mail under
18 Section 84.001.

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

20 Sec. 276.017. PERJURY IN CONNECTION WITH CERTAIN ELECTION
21 PROCEDURES. (a) A person commits an offense if the person makes a
22 false statement or swears to the truth of a false statement
23 previously made while making the oath described by Section 64.034.

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

25 Sec. 276.018. UNLAWFUL ALTERING OF ELECTION PROCEDURES. A
26 public official may not alter, waive, or suspend an election
27 standard, practice, or procedure mandated by law or rule unless the

1 alteration, waiver, or suspension is expressly authorized by this
2 code.

3 ARTICLE 6. ENFORCEMENT

4 SECTION 6.01. Subchapter C, Chapter 22, Government Code, is
5 amended by adding Section 22.2235 to read as follows:

6 Sec. 22.2235. COURT SITTING IN PANELS FOR CERTAIN ELECTION
7 PROCEEDINGS; CRIMINAL OFFENSE. (a) In this section, "public
8 official" has the meaning assigned by Section 1.005(15-a), Election
9 Code.

10 (b) Notwithstanding any other law or rule, a court
11 proceeding entitled to priority under Section 22.304 and filed in a
12 court of appeals shall be docketed by the clerk of the court and
13 assigned to a panel of three justices determined using an automated
14 assignment system.

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

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

21 SECTION 6.02. Subchapter D, Chapter 22, Government Code, is
22 amended by adding Section 22.304 to read as follows:

23 Sec. 22.304. PRIORITY OF CERTAIN ELECTION PROCEEDINGS. (a)
24 The supreme court or a court of appeals shall prioritize over any
25 other proceeding pending or filed in the court a proceeding for
26 injunctive relief under Chapter 273, Election Code, based on
27 alleged conduct constituting an offense under Chapter 276, Election

1 Code, pending or filed in the court on or after the 60th day before a
2 general or special election.

3 (b) The court with jurisdiction over a proceeding described
4 by Subsection (a), on request of any party to the proceeding, shall
5 grant the party the opportunity to present an oral argument and
6 begin hearing the argument as soon as practicable but not later than
7 24 hours after the time the last brief for the proceeding is due to
8 be filed with the court.

9 (c) Oral argument for a proceeding described by Subsection
10 (a) may be given in person or through electronic means.

11 SECTION 6.03. Section 23.101, Government Code, is amended
12 by amending Subsection (a) and adding Subsections (b-1) and (b-2)
13 to read as follows:

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

18 (1) temporary injunctions;

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

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

23 (B) criminal actions involving a charge that a
24 person committed an act of family violence, as defined by Section
25 71.004, Family Code;

26 (C) an offense under:

27 (i) Section 21.02 or 21.11, Penal Code;

1 (ii) Chapter 22, Penal Code, if the victim
2 of the alleged offense is younger than 17 years of age;
3 (iii) Section 25.02, Penal Code, if the
4 victim of the alleged offense is younger than 17 years of age;
5 (iv) Section 25.06, Penal Code;
6 (v) Section 43.25, Penal Code; or
7 (vi) Section 20A.02(a)(7), 20A.02(a)(8),
8 or 20A.03, Penal Code;
9 (D) an offense described by Article 62.001(6)(C)
10 or (D), Code of Criminal Procedure; and
11 (E) criminal actions against persons who are
12 detained as provided by Section 51.12, Family Code, after transfer
13 for prosecution in criminal court under Section 54.02, Family Code;
14 (3) election contests and suits under the Election
15 Code;
16 (4) orders for the protection of the family under
17 Subtitle B, Title 4, Family Code;
18 (5) appeals of final rulings and decisions of the
19 division of workers' compensation of the Texas Department of
20 Insurance regarding workers' compensation claims and claims under
21 the Federal Employers' Liability Act and the Jones Act;
22 (6) appeals of final orders of the commissioner of the
23 General Land Office under Section 51.3021, Natural Resources Code;
24 (7) actions in which the claimant has been diagnosed
25 with malignant mesothelioma, other malignant asbestos-related
26 cancer, malignant silica-related cancer, or acute silicosis; and
27 (8) appeals brought under Section 42.01 or 42.015, Tax

1 Code, of orders of appraisal review boards of appraisal districts
2 established for counties with a population of less than 175,000.

3 (b-1) The trial courts of this state shall prioritize over
4 any other proceeding pending or filed in the court a proceeding for
5 injunctive relief under Chapter 273, Election Code, based on
6 alleged conduct constituting an offense under Chapter 276, Election
7 Code, pending or filed in the court on or after the 60th day before a
8 general or special election.

9 (b-2) The court on written request of any party to a case set
10 under Section 23.301 shall hold a hearing on a proceeding described
11 by Subsection (b-1). A hearing under this subsection shall begin as
12 soon as practicable but not later than 24 hours after the court
13 receives the hearing request. The hearing may be held in person or
14 through electronic means.

15 SECTION 6.04. Chapter 23, Government Code, is amended by
16 adding Subchapter D to read as follows:

17 SUBCHAPTER D. GENERAL PROVISIONS

18 Sec. 23.301. ASSIGNMENT OF CERTAIN ELECTION PROCEEDINGS;
19 CRIMINAL OFFENSE. (a) In this section, "public official" has the
20 meaning assigned by Section 1.005(15-a), Election Code.

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

27 (c) Notwithstanding any other law or rule, the clerk of a

1 county court or statutory county court in which a proceeding
2 entitled to priority under Section 23.101(b-1) is filed shall
3 docket the proceeding and if more than one court in the county has
4 jurisdiction over the proceeding, randomly assign the proceeding to
5 a court using an automated assignment system.

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

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

11 ARTICLE 7. REPEALER; TRANSITION; EFFECTIVE DATE

12 SECTION 7.01. The following provisions of the Election Code
13 are repealed:

14 (1) Section 86.0052(b); and

15 (2) Section 86.0105(b).

16 SECTION 7.02. The changes in law made by this Act apply only
17 to an offense committed on or after the effective date of this Act.
18 An offense committed before the effective date of this Act is
19 governed by the law in effect when the offense was committed, and
20 the former law is continued in effect for that purpose. For
21 purposes of this section, an offense was committed before the
22 effective date of this Act if any element of the offense occurred
23 before that date.

24 SECTION 7.03. This Act takes effect September 1, 2021.