

By: Cain

H.B. No. 6

A BILL TO BE ENTITLED

1 AN ACT <EOH>

2 relating to election integrity and preservation of the purity of
3 the ballot box through the prevention of fraud in the conduct of
4 an election; increasing criminal penalties; creating criminal
5 offenses.

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

7 ARTICLE 1. GENERAL PROVISIONS

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

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

14 SECTION 1.03. FINDINGS. The legislature finds that:

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

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

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

23 (4) Section 4, Article VI, Texas Constitution entrusts
24 the enactment of laws to combat fraud in the electoral process to

1 the sound discretion of the legislature; and

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

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

9 Sec. 1.0015. LEGISLATIVE INTENT. To reduce the likelihood
10 of fraud in the conduct of elections, it is the intent of the
11 legislature that the provisions of this code shall be applied
12 evenly, and the conduct of elections throughout this state shall
13 be uniform and consistent.

14 SECTION 1.05. Section 1.003, Election Code, is amended by
15 adding Subsection (c) to read as follows:

16 (c) The provisions of this code shall be strictly construed
17 by a public official to effect the intent of the legislature under
18 Section 1.0015.

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

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

26 ARTICLE 2. REGISTRATION AND CONDUCT OF ELECTIONS

27 SECTION 2.01. Sections 16.001(a) and (b), Election Code, are

1 amended to read as follows:

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

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

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

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

26 ARTICLE 3. ELECTION OFFICERS AND OBSERVERS

27 SECTION 3.01. Section 32.075, Election Code, is amended by

1 amending adding Subsection (g) to read as follows:

2 (g) A presiding judge may not:

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

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

7 SECTION 3.02. Subchapter D, Chapter 32, Election Code, is
8 amended by adding Section 32.077 to read as follows:

9 Sec. 32.077. REMOVAL OF A POLL WATCHER FROM POLLING PLACE.

10 A poll watcher may be removed from a polling place only if the
11 poll watcher engages in activity that would constitute an offense
12 related to election fraud, including an offense under Chapter 276.

13 SECTION 3.03. Subchapter A, Chapter 33, Election Code, is
14 amended by adding Sections 33.0015 and 33.016 to read as follows:

15 Sec. 33.0015. PURPOSE. The purpose of this chapter is to
16 preserve the purity of the ballot box in accordance with Section
17 4, Article VI, Texas Constitution, by providing for the appointment
18 of watchers to observe the conduct of an election and call to the
19 attention of an election officer potential irregularities or
20 violations of law in the conduct of the election.

21 Sec. 33.0016. OBSERVE DEFINED. In this code, "observe" in
22 relation to a watcher means to sit or stand near enough to see and
23 hear the activity or procedure for which the watcher was appointed.

24 SECTION 3.04. Section 33.051, Election Code, is amended by
25 adding Subsections (g) and (h) to read as follows:

26 (g) An election officer commits an offense if the officer
27 intentionally or knowingly refuses to accept a watcher for service

1 when acceptance of the watcher is required by this section.

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

3 SECTION 3.05. Subchapter C, Chapter 33, Election Code, is
4 amended by adding Section 33.0605 to read as follows:

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

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

10 SECTION 3.06. The heading to Section 33.061, Election Code,
11 is amended to read as follows:

12 Sec. 33.061. UNLAWFULLY OBSTRUCTING OR REMOVING WATCHER.

13 SECTION 3.07. Section 33.061(a), Election Code, is amended
14 to read as follows:

15 (a) A person commits an offense if the person serves in an
16 official capacity at a location at which the presence of watchers
17 is authorized and knowingly prevents a watcher from observing an
18 activity the watcher is entitled to observe, including by having
19 a watcher removed from the polling place or requiring a watcher to
20 leave the polling place, unless the watcher engages in activity
21 that would constitute an offense related to election fraud,
22 including an offense under Chapter 276.

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

26 (a) Except as permitted by this code and as described by
27 Subsection (a-1), a person may not be in the polling place from

1 the time the presiding judge arrives there on election day to make
2 the preliminary arrangements until the precinct returns have been
3 certified and the election records have been assembled for
4 distribution following the election.

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

8 (1) an election judge or clerk;

9 (2) a watcher;

10 (3) the secretary of state;

11 (4) a staff member of the elections division of the
12 secretary of state's office when performing an official duty
13 authorized under this code;

14 (5) a staff member of an election official or sheriff,
15 only when delivering election supplies;

16 (6) a state inspector;

17 (7) a person admitted to vote;

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

20 (9) a person providing assistance to a voter under
21 Section 61.032 or 64.032;

22 (10) a person accompanying a disabled voter;

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

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

27 (13) a voting system technician, as authorized by

1 Section 125.010;

2 (14) the county elections administrator only when
3 performing an official duty authorized by this code;

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

7 SECTION 3.09. Section 86.006, Election Code, is amended by
8 amending Subsection (a-1) 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 3.10. 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
23 be in the meeting place of an early voting ballot board during the
24 time 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
27 the 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 elections administrator only when
6 performing an official duty authorized by this code; or
- 7 (5) a person whose presence has been authorized by the
8 presiding judge and the alternate presiding judge in accordance
9 with this code.

10 SECTION 3.11. 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
14 be 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 supervisor,
19 assistant to the tabulation supervisor, presiding judge, or clerk;
- 20 (2) a watcher;
- 21 (3) a voting system technician, as authorized by
22 Section 125.010;
- 23 (4) the county elections administrator only when
24 performing an official duty authorized by this code; or
- 25 (5) a person whose presence has been authorized by the
26 counting station manager in accordance with this code.

27 ARTICLE 4. ASSISTANCE OF VOTERS

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

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

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

9 (2) the manner in which the person is assisting the
10 voter;

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

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

13 (b) When submitting the form required by this section, a
14 person must present an acceptable form of identification described
15 by Section 63.0101.

16 (c) 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
27 election officer at the polling place, before providing

1 assistance:

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

11 SECTION 4.03. Section 86.0052, Election Code, is amended to
12 read as follows:

13 Sec. 86.0052. COMPENSATION FOR CARRIER ENVELOPE ACTION
14 PROHIBITED. (a) A person commits an offense if the person:

15 (1) compensates or offers to compensate another person
16 for depositing the carrier envelope in the mail or with a common
17 or contract carrier as provided by Section 86.0051(b) [~~, as part of~~
18 ~~any performance-based compensation scheme based on the number of~~
19 ~~ballots deposited or in which another person is presented with a~~
20 ~~quota of ballots to deposit as provided by Section 86.0051(b)]; or~~

21 (2) [~~engages in another practice that causes another~~
22 ~~person's compensation from or employment status with the person to~~
23 ~~be dependent on the number of ballots deposited as provided by~~
24 ~~Section 86.0051(b); or~~

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

1 (b) [~~Except as provided by Subsection (c), an offense under~~
2 ~~this section is a misdemeanor punishable by:~~

3 (1) ~~confinement in jail for a term of not more than one~~
4 ~~year or less than 30 days; or~~

5 (2) ~~confinement described by Subdivision (1) and a fine~~
6 ~~not to exceed \$4,000.~~

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

11 (c) [~~(d)] An officer, director, or other agent of an entity~~
12 ~~that commits an offense under this section is punishable for the~~
13 ~~offense.~~

14 (d) [~~(e)] For purposes of this section, compensation means~~
15 ~~any form of monetary payment, goods, services, benefits, [or]~~
16 ~~promises or offers of employment, political favor, official act of~~
17 ~~discretion, or any other form of consideration offered to another~~
18 ~~person in exchange for depositing ballots.~~

19 SECTION 4.04. Section 86.010, Election Code, is amended by
20 amending Subsections (e), (h), and (i) and adding Subsection (i-
21 1) to read as follows:

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

25 (1) the person's signature, printed name, and residence
26 address;

27 (2) the manner of any assistance provided to the voter

1 by the person; and

2 (3) the relationship of the person providing the
3 assistance to the voter ~~[on the official carrier envelope of the~~
4 ~~voter]~~.

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

6 (1) a violation of Subsection (c), if the person is
7 related to the voter within the second degree by affinity or the
8 third degree by consanguinity, as determined under Subchapter B,
9 Chapter 573, Government Code, or was physically living in the same
10 dwelling as the voter at the time of the event; or

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

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

18 (1) the defendant was previously convicted of an
19 offense under this code;

20 (2) the offense involved a voter 65 years of age or
21 older; or

22 (3) the defendant committed another offense under this
23 section in the same election.

24 (i-1) An offense under this section for a violation of
25 Subsection (e) is a felony of the third degree if it is shown on
26 the trial of the offense that the person committed an offense under
27 Section 64.036 for providing unlawful assistance to the same voter

1 in connection with the same ballot.

2 SECTION 4.05. Section 86.0105, Election Code, is amended to
3 read as follows:

4 Sec. 86.0105. COMPENSATION FOR ASSISTING VOTERS PROHIBITED.

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

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

11 (2) [~~engages in another practice that causes another~~
12 ~~person's compensation from or employment status with the person to~~
13 ~~be dependent on the number of voters assisted as provided by~~
14 ~~Section 86.010; or~~

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

18 (b) [~~Except as provided by Subsection (c), an offense under~~
19 ~~this section is a misdemeanor punishable by:~~

20 (1) ~~confinement in jail for a term of not more than one~~
21 ~~year or less than 30 days; or~~

22 (2) ~~confinement described by Subdivision (1) and a fine~~
23 ~~not to exceed \$4,000.~~

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

1 (c) [~~(d)~~] An officer, director, or other agent of an entity
2 that commits an offense under this section is punishable for the
3 offense.

4 (d) [~~(e)~~] For purposes of this section, compensation means
5 any form of monetary payment, goods, services, benefits, [~~or~~]
6 promises or offers of employment, political favor, official act of
7 discretion, or any other form of consideration offered to another
8 person in exchange for assisting voters.

9 SECTION 4.06. Section 86.013, Election Code, is amended by
10 amending Subsection (b) to read as follows:

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

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

14 [~~and~~]

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

18 (3) indicating the manner of any assistance provided by
19 a person assisting the voter, and the relationship of that person
20 to the voter.

21 ARTICLE 5. FRAUD AND UNLAWFUL PRACTICES

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

24 Sec. 63.0111. OFFENSES RELATED TO PROVISIONAL VOTING. (a)
25 An election judge commits an offense if the judge knowingly
26 provides a voter with a form for an affidavit required by Section
27 63.001 if the form contains false information entered thereon by

1 the judge.

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

3 SECTION 5.02. Section 64.012(a), Election Code, is amended
4 to read as follows:

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

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

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

10 (3) knowingly votes or attempts to vote a ballot
11 belonging to another person, or by impersonating another person;
12 [~~or~~]

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

17 (5) knowingly votes or attempts to vote in an election
18 in this state after voting in an election in another state that is
19 held on the same day.

20 SECTION 5.03. Section 276.012, Election Code, is amended to
21 read as follows:

22 Sec. 276.012. ENGAGING IN ORGANIZED ELECTION FRAUD ACTIVITY.

23 (a) A person commits an offense if, with the intent to establish,
24 maintain, further, or participate in a vote harvesting
25 organization, the person:

26 (1) commits or conspires to commit one or more offenses
27 under Titles 1 through 7;

1 (2) directly or through a third party, provides or
2 offers to provide vote harvesting services to a candidate for
3 office in exchange for compensation or other benefit;

4 (3) directly, or through a third party, offers or
5 provides compensation or other benefit to another person in
6 exchange for vote harvesting services; or

7 (4) knowingly collects or possesses a mail ballot or
8 official carrier envelope from a voter in connection with vote
9 harvesting services.

10 (b) An offense listed under Subsections (a) (2), (3), or (4)
11 is a third degree felony. Except as provided by Subsection (c),
12 an offense listed under Subsection (a) (1) is one category higher
13 than the most serious offense listed in Subsection (a) (1) that is
14 committed, and if the most serious offense is a Class A
15 misdemeanor, the offense is a state jail felony. If conduct that
16 constitutes an offense under this section also constitutes an
17 offense under any other law, the actor may be prosecuted under
18 this section, the other law, or both.

19 (c) At the punishment stage of a trial, the defendant may
20 raise the issue as to whether in voluntary and complete
21 renunciation of the offense the defendant withdrew from the vote
22 harvesting organization before commission of an offense listed in
23 Subsection (a) (1) and made substantial effort to prevent the
24 commission of the offense. If the defendant proves the issue in
25 the affirmative by a preponderance of the evidence, the offense is
26 the same category of offense as the most serious offense listed in
27 Subsection (a) (1) that is committed.

1 (d) In this section: ~~[r]~~

2 (1) "Benefit" has the meaning assigned by Section
3 36.01(3), Penal Code.

4 (2) "Vote [~~vote~~] harvesting organization" means three
5 or more persons who collaborate in committing offenses under Titles
6 1 through 7, although participants may not know each other's
7 identity, membership in the organization may change from time to
8 time, and participants may stand in a candidate-consultant, donor-
9 consultant, consultant-field operative, or other arm's length
10 relationship in the organization's operations; and

11 (3) "Vote harvesting services" means personal services
12 that include direct interaction with one or more voters in
13 connection with an official ballot, ballot by mail, or an
14 application for ballot by mail that are performed with the
15 intention that a ballot be cast for a specific candidate or
16 measure.

17 SECTION 5.04. Sections 276.013(a) and (b), Election Code, is
18 amended to read as follows:

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

21 (1) influence the independent exercise of the vote of
22 another in the presence of the ballot or during the voting process;

23 (2) cause a voter to become registered, a ballot to be
24 obtained, or a vote to be cast under false pretenses; ~~[or]~~

25 (3) count invalid votes or alter a report to include
26 invalid votes;

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

1 exclude valid votes; or

2 [~~3~~] (5) cause any intentionally misleading
3 statement, representation, or information to be provided:

4 (A) to an election official; or

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

7 (b) An offense under this section is a felony of the second
8 degree [~~Class A misdemeanor~~].

9 SECTION 5.05. Chapter 276, Election Code, is amended by
10 adding Sections 276.015, 276.016, 276.017, and 276.018 to read as
11 follows:

12 Sec. 276.015. UNLAWFUL SOLICITATION OR DISTRIBUTION OF
13 APPLICATION TO VOTE BY MAIL. (a) This section applies to an
14 application to vote by mail required under Section 84.001.

15 (b) A public official commits an offense if the public
16 official, acting in their official capacity, knowingly:

17 (1) solicits the submission of an application by a
18 person who did not request the application;

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

22 (3) authorizes the expenditure of public funds to
23 facilitate third party distribution of an application to a person
24 who did not request the application; or

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

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

1 SECTION 6.01. Chapter 2, Code of Criminal Procedure, is
2 amended by adding Section 2.075 to read as follows:

3 Art. 2.075. ATTORNEY PRO TEM IN CERTAIN ELECTION CASES. (a)
4 If an attorney for the state is presented with the requisite number
5 of affidavits under Section 273.001, Election Code, on or after
6 the 60th day before the date of a regular or special election that
7 allege criminal conduct that would constitute an offense under
8 Chapter 276, Election Code, the attorney for the state shall
9 determine if the investigation can be conducted expeditiously by
10 the attorney or the attorney's staff so that a presentation of an
11 information or indictment may be made in time to prevent ongoing
12 or deter future criminal activity constituting an offense under
13 Chapter 276, Election Code.

14 (b) The attorney for the state shall make the determination
15 required under Subsection (a) not later than the 48th hour after
16 the affidavits are presented.

17 (c) If the attorney for the state determines that an
18 investigation cannot be completed expeditiously as provided by
19 Subsection (a), the attorney shall notify the presiding judge of
20 the court of criminal appeals not later than the 24th hour after
21 the time of determination. A three-judge panel shall be appointed
22 as provided under Subsection (d). The panel shall appoint, from
23 any county or district, an attorney for the state to perform the
24 duties of the office in connection with the investigation of the
25 presented affidavits.

26 (d) The presiding judge of the court of criminal appeals
27 shall appoint a three-judge panel in the same manner and under the

1 same conditions as the appointment by the chief justice of the
2 supreme court of a three-judge panel under Chapter 22A, Government
3 Code.

4 (e) In this article, "attorney for the state" has the meaning
5 assigned by Article 2.07(d).

6 SECTION 6.02. Subchapter A, Chapter 22, Government Code, is
7 amended by adding Section 22.0015 to read as follows:

8 Sec. 22.0015. PRIORITY OF APPEALS IN CERTAIN ELECTION CASES.
9 Beginning on the 60th day before the date of a regular or special
10 election, the supreme court must give absolute preference to a
11 matter that is related to a request for injunctive relief under
12 Section 273.081, Election Code, that is prompted by an allegation
13 of activity that would constitute an offense under Chapter 276,
14 Election Code. After assignment of the matter under Section
15 22.222(b), the supreme court shall promptly hear the appeal, by
16 electronic means or otherwise, after the clerk of the court
17 receives a written request for oral argument. The supreme court
18 must hear an appeal under this section not later than the 24th
19 hour after the time the last brief permitted to be filed in the
20 appeal is filed.

21 SECTION 6.03. Chapter 22, Government Code, is amended by
22 adding Section 22.2205 to read as follows:

23 Sec. 22.2205. PRIORITY OF APPEALS IN CERTAIN ELECTION CASES.
24 Beginning on the 60th day before the date of a regular or special
25 election, a court of appeals must give absolute preference to a
26 matter that is related to a request for injunctive relief under
27 Section 273.081, Election Code, that is prompted by an allegation

1 of activity that would constitute an offense under Chapter 276,
2 Election Code. After assignment of the matter under Section
3 22.222(b), the court of appeals shall promptly hear the appeal, by
4 electronic means or otherwise, after the clerk of the court
5 receives a written request for oral argument. A court of appeals
6 shall hear an appeal under this section not later than the 24th
7 hour after the time the last brief permitted to be filed in the
8 appeal is filed.

9 SECTION 6.04. Section 22.222, Government Code, is amended by
10 amending Subsection (b) and adding Subsections (a-1) and (b-1) to
11 read as follows:

12 (b) If more than one panel is used, the court of appeals
13 shall establish rules to periodically rotate the justices among
14 the panels. Permanent civil panels and criminal panels without
15 rotation may not be established. Notwithstanding any other law,
16 including a rule adopted under Sec. 22.004 or a local rule of
17 administration, all cases entitled to priority treatment under
18 Section 23.101(b-1) in the courts of appeals shall be docketed by
19 the clerk of the court and assigned by the clerk to a panel of
20 three judges assigned using an automated system.

21 (b-1) It is an offense for any person, including a public
22 official, to communicate with a clerk of the court in an attempt
23 to influence the assignment of or withhold the assignment of a
24 justice identified by name or political party to a panel hearing
25 an appeal. An offense under this subsection is a state jail
26 felony. As used in the section, the term "public official" has
27 the meaning assigned by Section 1.005(15-a), Election Code.

1 SECTION 6.05. Section 23.101, Government Code, is amended by
2 amending Subsection (b) and adding Subsection (b-1) read as follows

3 (b) Insofar as practicable, and except as provided by
4 Subsection (b-1), the trial courts shall observe the preference
5 provided by Subsection (a) in ruling on, hearing, and trying the
6 matters pending before the courts.

7 (b-1) Beginning on the 60th day before the date of a regular
8 or special election, a trial court must give absolute preference
9 to a matter under Subsection (a)(1) that is a request for
10 injunctive relief under Section 273.081, Election Code, that is
11 prompted by an allegation of activity that would constitute an
12 offense under Chapter 276, Election Code. After assignment of the
13 matter under Section 24.035, the trial court shall promptly conduct
14 a hearing, by electronic means or otherwise, after the judge
15 receives a written hearing request. A trial court must hear a
16 matter under this subsection not later than the 24th hour after
17 the time the hearing request was received.

18 SECTION 6.06. Chapter 24, Government Code, is amended by
19 adding Section 24.035 to read as follows:

20 Sec. 24.035. ASSIGNMENT OF CASES IN DISTRICT COURTS IN
21 CERTAIN ELECTION CASES. (a) Notwithstanding any other law to the
22 contrary, including a rule adopted under Sec. 22.004 or a local
23 rule of administration, all cases entitled to priority treatment
24 under Section 23.101(b-1) in the district courts of a county shall
25 be docketed and assigned at random by the district clerk using an
26 automated system.

27 (b) In assigning a case to a district court, the district

1 clerk shall take into consideration any requirement in law that a
2 district court in that county give preference to specific matters.

3 (c) If a county court has concurrent jurisdiction with a
4 district court over cases entitled to priority treatment under
5 Section 23.101(b-1), the county clerk shall perform the duties of
6 the district clerk under Subsections (a) and (b).

7 (d) It is an offense for a person, including a public
8 official, to communicate with a district or county clerk in an
9 attempt to influence the assignment of cases or withhold the
10 assignment of cases to a judge identified by name or political
11 party. An offense under this subsection is a state jail felony.
12 As used in the section, the term "public official" has the meaning
13 assigned by Section 1.005(15-a), Election Code.

14 ARTICLE 7. TRANSITION; EFFECTIVE DATE

15 SECTION 7.01. The change in law made by this Act applies
16 only to an offense committed on or after the effective date of
17 this Act. An offense committed before the effective date of this
18 Act is governed by the law in effect on the date the offense was
19 committed, and the former law is continued in effect for that
20 purpose. For purposes of this section, an offense was committed
21 before the effective date of this Act if any element of the offense
22 occurred before that date.

23 SECTION 7.02. This Act takes effect September 1, 2021.