

87R18640 TSS-D

By: Hughes, et al.

S.B. No. 7

(Cain, Schofield, Jetton, Klick, Oliverson)

Substitute the following for S.B. No. 7: No.

A BILL TO BE ENTITLED

AN ACT

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

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

ARTICLE 1. GENERAL PROVISIONS

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

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

SECTION 1.03. FINDINGS. The legislature finds that:

- (1) full, free, and fair elections are the underpinnings of a stable constitutional democracy;
- (2) fraud in elections threatens the stability of a constitutional democracy by undermining public confidence in the legitimacy of public officers chosen by election;
- (3) reforms are needed to the election laws of this state to ensure that fraud does not undermine the public confidence in the electoral process;
- (4) Section 4, Article VI, Texas Constitution, entrusts the enactment of laws to combat fraud in the electoral process to the sound discretion of the legislature; and
- (5) the reforms to the election laws of this state made by this Act are not intended to impair the right of free suffrage guaranteed to the people of Texas by the United States and Texas Constitutions, but are enacted solely to prevent fraud in the electoral process.

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

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

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

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

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

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

ARTICLE 2. REGISTRATION OF VOTERS AND CONDUCT OF ELECTIONS

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

- (a) Each month the local registrar of deaths shall prepare an abstract of each death certificate issued in the month for a decedent 18 years of age or older who was a resident of the state at the time of death. The local registrar of deaths shall file each

abstract with the voter registrar of the decedent's county of residence and the secretary of state as soon as possible, but not later than the 7th [10th] day after [of the month following the month in which] the abstract is prepared.

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

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

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

ARTICLE 3. ELECTION OFFICERS AND OBSERVERS

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

(g.) A presiding judge may not:

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

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

SECTION 3.02. Subchapter A, Chapter 33, Election Code, is amended by adding Section 33.0015 to read as follows:

Sec. 33.0015. CHAPTER PURPOSE AND WATCHER DUTY. The purpose of this chapter is to preserve the integrity of the ballot box in accordance with Section 4, Article VI, Texas Constitution, by providing for the appointment of watchers. To effect that purpose, a watcher appointed under this chapter shall observe 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 3.03. Section 33.051, Election Code, is amended by adding Subsections (g) and (h) to read as follows:

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

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

SECTION 3.04. Section 33.056, Election Code, is amended by adding Subsection (e) to read as follows:

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

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

Sec. 33.0605. OBSERVING DATA STORAGE SEALING AND TRANSFER. A watcher appointed to serve at a polling place in an election may 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.

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

(a) A person commits an offense if the person serves in an official capacity at a location at which the presence of watchers is authorized and knowingly prevents a watcher from observing an activity or procedure the watcher is entitled to observe, including by taking any action to obstruct the view of a watcher or distance the watcher from the activity or procedure to be observed in a

manner that would make observation not reasonably effective.

SECTION 3.07. Subchapter C, Chapter 33, Election Code, is amended by adding Section 33.062 to read as follows:

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

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

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

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

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

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

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

SECTION 3.10. Section 87.026, Election Code, is amended to read as follows:

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

of the board's operations.

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

- (1) a presiding judge or member of the board;
- (2) a watcher;
- (3) a voting system technician, as authorized by

Section 125.010;

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

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

SECTION 3.11. Subchapter A, Chapter 127, Election Code, is amended by adding Section 127.008 to read as follows:

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

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

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

(2) a watcher;

(3) a voting system technician, as authorized by

Section 125.010;

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

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

ARTICLE 4. ASSISTANCE OF VOTERS

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

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

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

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

(3) the reason the assistance is necessary; and

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

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

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

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

"I swear (or affirm) under penalty of perjury that I will not suggest, by word, sign, or gesture, how the voter should vote; I will confine my assistance to answering the voter's questions, to stating propositions on the ballot, and to naming candidates and, if listed, their political parties; I will prepare the voter's ballot as the voter directs; I did not pressure, encourage, coerce, or intimidate the voter into choosing me to provide assistance; and

I am not the voter's employer, an agent of the voter's employer, or an officer or agent of a labor union to which the voter belongs."

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(e) For purposes of this section, compensation means any form of monetary payment, goods, services, benefits, or promises or offers of employment, political favors, beneficial or favorable discretionary official acts, or any other form of consideration

offered to another person in exchange for assisting voters.

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

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

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

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

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

ARTICLE 5. FRAUD AND OTHER UNLAWFUL PRACTICES

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(A) to an election official; or

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

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

~~[Class A misdemeanor].~~

SECTION 5.04. Chapter 276, Election Code, is amended by adding Sections 276.014, 276.016, 276.017, 276.018, and 276.019 to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(c) It is an exception to the application of Subsection (a)(2) that the public official engaged in the conduct described by Subsection (a)(2) by providing access to an application to vote by mail from a publicly accessible Internet website.

(d) It is an exception to the application of Subsection (a)(4) that the public official engaged in the conduct described by

Subsection (a)(4) while lawfully assisting the applicant under Section 84.003.

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

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

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

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

Sec. 276.019. UNLAWFUL ALTERING OF ELECTION PROCEDURES. A public official may not alter, waive, or suspend an election standard, practice, or procedure mandated by law or rule unless the alteration, waiver, or suspension is expressly authorized by this code.

ARTICLE 6. ENFORCEMENT

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

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

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

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

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

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

Sec. 22.304. PRIORITY OF CERTAIN ELECTION PROCEEDINGS. (a) The supreme court or a court of appeals shall prioritize over any other proceeding pending or filed in the court a proceeding for injunctive relief under Chapter 273, Election Code, based on alleged conduct constituting an offense under Chapter 276, Election Code, pending or filed in the court on or after the 60th day before a general or special election.

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

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

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

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

- (1) temporary injunctions;
- (2) criminal actions, with the following actions given preference over other criminal actions:

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

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

(C) an offense under:

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

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

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

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

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

(5) appeals of final rulings and decisions of the division of workers' compensation of the Texas Department of Insurance regarding workers' compensation claims and claims under the Federal Employers' Liability Act and the Jones Act;

(6) appeals of final orders of the commissioner of the General Land Office under Section 51.3021, Natural Resources Code;

(7) actions in which the claimant has been diagnosed with malignant mesothelioma, other malignant asbestos-related cancer, malignant silica-related cancer, or acute silicosis; and

(8) appeals brought under Section 42.01 or 42.015, Tax Code, of orders of appraisal review boards of appraisal districts established for counties with a population of less than 175,000.

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

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

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

SUBCHAPTER D. GENERAL PROVISIONS

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

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

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

a court using an automated assignment system.

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

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

ARTICLE 7. REPEALER; SEVERABILITY; TRANSITION; EFFECTIVE DATE

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

(1) Section 86.0052(b); and

(2) Section 86.0105(b).

SECTION 7.02. If any provision of this Act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this Act that can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

SECTION 7.03. The changes in law made by this Act apply only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect when the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 7.04. This Act takes effect September 1, 2021.