

# Election Advisory No. 2021-09

**To:** County Chairs, County Election Officials, and County Judges

**From:** Keith Ingram, Director of Elections

**Date:** July 30, 2021

**RE:** 2021 Legislative Summary – 87th Regular Session

Below is a brief summary of the major election-related legislation that passed during the Texas Legislature's 87th Regular Session. We have also included a reminder of certain legislation passed in 2019 during the 86th Regular Session.

## Bills Passed During the 2021 Regular Session

### General Election-Related Changes

- **House Bill 368 (Sherman):** Provides that when offering proof of identification for voting in person, the proof of identification is presented only for the purpose of identifying the voter and not for verification of residence.

**Effective Date:** September 1, 2021

**Statutes Affected:** Election Code § 63.0101

- **House Bill 574 (Bonnen):** Provides that a person commits an offense if the person knowingly or intentionally makes any effort to: (1) count votes the person knows are invalid or alter a report to include votes the person knows are invalid; or (2) refuse to count votes the person knows are valid or alter a report to exclude votes the person knows are valid. An offense under this section is a felony of the second degree.

**Effective Date:** September 1, 2021

**Statutes Affected:** Election Code § 276.014

- **House Bill 1128 (Jetton):** Provides a list of individuals who are permitted to be lawfully present in certain locations related to elections.
  - **Polling Place/Early Voting Locations:** The following individuals may be lawfully present in a polling place from the time the presiding judge arrives until the precinct returns have been certified and the election records have been assembled for distribution following the election:
    - an election judge or clerk;
    - a watcher;
    - the Secretary of State;
    - a staff member of the Elections Division of the Office of the Secretary of State performing an official duty in accordance with the Election Code;
    - an election official, a sheriff, or a staff member of an election official or sheriff delivering election supplies;
    - a state inspector;
    - a person admitted to vote;

- a child under 18 years of age who is accompanying a parent who has been admitted to vote;
- a person providing assistance to a voter under Section 61.032 or 64.032;
- a person accompanying a voter who has a disability;
- a special peace officer appointed by the presiding judge under Section 32.075;
- the county chair of a political party conducting a primary election, as authorized by Section 172.1113;
- a voting system technician, as authorized by Section 125.010;
- the county election officer, as defined by Section 31.091, as necessary to perform tasks related to the administration of the election; or
- a person whose presence has been authorized by the presiding judge in accordance with the Election Code.
- **Early Voting Ballot Board:** 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:
  - a presiding judge or member of the board;
  - a watcher;
  - a state inspector;
  - a voting system technician, as authorized by Section 125.010;
  - the county election officer, as defined by Section 31.091, as necessary to perform tasks related to the administration of the election; or
  - a person whose presence has been authorized by the presiding judge in accordance with the Election Code.
- **Central Counting Station:** A person may be lawfully present in the central counting station while ballots are being counted if the person is:
  - a counting station manager, tabulation supervisor, assistant to the tabulation supervisor, presiding judge, or clerk;
  - a watcher;
  - a state inspector;
  - a voting system technician, as authorized by Section 125.010;
  - the county election officer, as defined by Section 31.091, as necessary to perform tasks related to the administration of the election; or
  - a person whose presence has been authorized by the counting station manager in accordance with the Election Code.

**Effective Date:** September 1, 2021

**Statutes Affected:** Election Code §§ 61.001, 87.026, 127.008

- **House Bill 1264 (Bell):** Provides that each month, the local registrars of death 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 seventh day after the date the abstract is prepared. Further provides that each month, the clerk of each court having probate jurisdiction shall file each abstract with the voter registrar and the Secretary of State as soon as possible, but not later than the seventh day after the date the abstract is prepared.

**Effective Date:** September 1, 2021

**Statutes Affected:** Election Code § 16.001(a), (b)

- **House Bill 1382 (Bucy):** Requires the Secretary of State to provide an online tool on the Secretary of State's website that enables a person who has submitted an Application for a Ballot by Mail to track the location and status of the person's application and ballot. The tracking tool must require the voter to provide certain personally identifiable information in order for the voter to obtain information related to their ballot.
  - The ballot by mail tracker must be updated with each of the following events to provide information on:

- o When an application to vote by mail has been received by the early voting clerk;
- o When the mail ballot application has been accepted or rejected by the early voting clerk;
- o When the official ballot has been placed in the mail by the early voting clerk;
- o When the person's marked ballot is received by the early voting clerk; and
- o Whether the early voting ballot board has accepted or rejected the ballot.
- o For each carrier envelope containing a mail ballot, the ballot by mail tracker must assign or record a serially numbered and sequentially issued barcode or tracking number unique to each envelope.

**NOTE:** The mail ballot tracker will only be available for elections in which the county election officer is the early voting clerk.

**Effective Date:** January 1, 2022

**Statutes Affected:** Election Code § 86.015

- **House Bill 1382 (Bucy)**: Requires the early voting clerk for a primary election or the general election for state and county officers to submit to the Secretary of State for posting on the Secretary of State's website, certain information about the voters who voted on election day. This information must be submitted by 11:00 a.m. on the day after election day. The final early voting and election day rosters must be submitted to the Secretary of State for posting on the Secretary of State's website not later than the 20th day after the date of the local canvass.

**Effective Date:** September 1, 2021

**Statutes Affected:** Election Code § 87.121

- **House Bill 1397 (White)**: Requires all contracts for the acquisition of a voting system under Section 123.031 to identify each person or entity that has a five percent or greater ownership interest in (1) the vendor; (2) the vendor's parent company, if applicable; and (3) each subsidiary or affiliate of the vendor, if applicable. This requirement applies to equipment acquired on or after September 1, 2021.

**Effective Date:** September 1, 2021

**Statutes Affected:** Election Code § 123.0311

- **House Bill 1622 (Guillen)**: Provides that if an early voting clerk fails to post their early voting rosters in accordance with Section 87.121, a person registered to vote in the county where the early voting clerk is conducting early voting may file a complaint with the Secretary of State about the early voting clerk's noncompliance. The bill further directs the Secretary of State to create and maintain a system for receiving and recording these complaints.

**Effective Date:** September 1, 2021

**Statutes Affected:** Election Code § 87.121

- **House Bill 1987 (Vasut)**: Provides that a member, chair, or vice-chair of a state executive committee of a political party may not be a candidate for nomination or election to, or the holder of, an elective office of the federal, state, or county government.

**Effective Date:** September 1, 2021

**Statutes Affected:** Election Code § 161.005

- **House Bill 2283 (King, Phil)**: Prohibits certain contributions to counties associated with performing functions of administering elections without written consent of the Secretary of State.
  - o Without written consent of the Secretary of State, the joint elections commission, county election commission, county election board, and commissioners court may not accept contributions of \$1,000 or more, including the value of in-kind donations, offered by a private

individual, business entity, or another third party or use such a contribution to perform a function of administering elections.

- The Secretary of State may grant consent to accept such a contribution if the Secretary of State consults with the Governor, Lieutenant Governor, and Speaker of the House, and they unanimously agree to the grant of consent.
- The bill does not prohibit the acceptance of in-kind contributions of food or beverage for election workers; any state or federal funds administered or distributed by the Secretary of State; or an offer for use, without charge or for a reduced fee, of a public or private building for the purpose of conducting an election, including the use of a polling place.
- Any gift, grant, or donation to the Secretary of State to perform a function of administering elections must be equitably distributed throughout the state based on a percentage of the population of each county or another method as determined by the Secretary of State. The bill also requires the Secretary of State to submit a report to the Governor, Lieutenant Governor, and Speaker of the House, by January 1 of each odd-numbered year, summarizing any gifts, grants, or donations received and the manner in which they were expended in the administration of an election.

**Effective Date:** September 1, 2021

**Statutes Affected:** Election Code § 31.126; Government Code § 405.005; Local Government Code § 81.032

- **House Bill 3920 (Dean):** Makes certain changes to the eligibility requirements for, and the process relating to, voting by mail on the basis of a disability.
  - The bill modifies the definition of disability to include anyone who is expecting to give birth within three weeks before or after election day.
  - The following do not constitute sufficient cause to entitle a voter to vote by mail under Section 82.002(a): (1) a lack of transportation; (2) a sickness that does not prevent the voter from appearing at the polling place on election day without a likelihood of needing personal assistance or of injuring the voter's health; or (3) a requirement to appear at the voter's place of employment on election day.
  - The Application for Ballot by Mail form must be modified to include the following statement: "I have a sickness or physical condition that prevents me from appearing at the polling place on election day without a likelihood of needing personal assistance or injuring my health." The voter must affirmatively indicate that they agree with this statement on their application to vote by mail.

**Effective Date:** September 1, 2021

**Statutes Affected:** Election Code §§ 82.002, 84.002

- **House Bill 4555(Guillen):** Modifies the eligibility requirements related to a candidate's final felony conviction status and what must be included on the official candidate application form.
  - A candidate must provide an indication on their candidate application that the candidate has either not been finally convicted of a felony or if so convicted has been pardoned or otherwise released from the resulting disabilities. A person who has been convicted of a felony shall include in the application proof that the person has been pardoned or otherwise released from the resulting disabilities. The application form must include a statement informing candidates of the requirement to submit this information.
  - The application form must be modified to include a statement informing candidates that knowingly providing false information on their application related to their final felony conviction status is a Class B Misdemeanor.

**NOTE:** This bill applies to candidate applications that are filed on or after September 1, 2021. Candidate application forms will be updated to reflect these changes that will go into effect September 1, 2021.

**Effective Date:** September 1, 2021

**Statutes Affected:** Election Code §§ 141.031, 141.039

- **Senate Bill 231 (Seliger):** Requires the Secretary of State to provide a standardized training program and materials for county election officers in the same manner it provides such a program to election judges and clerks.

**Effective Date:** September 1, 2021

**Statutes Affected:** Election Code § 31.126

- **Senate Bill 331 (Johnson):** Modifies certain provisions related to serving as an interpreter.
  - To be eligible to serve as an interpreter, a person may be any person other than 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, if appointed by the voter.
  - If appointed to serve as an interpreter by an election officer, the person must be a registered voter of the county in which the voter needing an interpreter resides or a registered voter of an adjacent county.
  - A person providing ballot assistance under Section 61.034 (translating the ballot) must also take the oath required for persons providing assistance and meet all other requirements of the subchapter related to assistance.

**Effective Date:** Immediately

**Statutes Affected:** Election Code §§ 61.032, 61.033, 61.034, 61.035

- **Senate Bill 598 (Kolkhorst):** Provides for auditable voting systems in Texas, authorizes reimbursement for retrofitting of DRE voting systems purchased since September 2014, and creates a risk-limiting audit program.
  - **Beginning September 1, 2026, DRE voting systems may not be used if they do not contain a voter verifiable paper audit trail.**
  - **Auditable Voting Systems:** An auditable voting system is defined as a voting system that uses, creates, or displays a paper record that may be read by the voter, and is not capable of being connected to the Internet or any other computer network or electronic device. The bill authorizes entities to continue using DRE voting systems for curbside voting under Section 64.009 of the Texas Election Code even if they are not part of an auditable voting system.
    - **Funding to Retrofit Current DRE Voting Systems:** An authority that purchased a DRE voting system after September 1, 2014 and before September 1, 2021 may use available federal or state funding to convert the purchased voting system into an auditable voting system. If the conversion takes place no later than November 8, 2022, the authority is eligible for 100% reimbursement of the cost of conversion. Conversions to auditable systems that occur after November 8, 2022 but before November 3, 2026 are eligible for a 50% reimbursement.
  - **Risk-Limiting Audits:** After August 31, 2026, risk-limiting audits shall be required for elections containing a race or measure that is voted on statewide, and in which an auditable voting system is used. Prior to statewide implementation, the Secretary of State must conduct a pilot program for risk-limiting audits beginning with the November 8, 2022 uniform elections, consisting of at least five counties, at least one of which must have a population of at least 500,000. The bill also directs the Secretary of State to send a report to the legislature, after each election conducted under the pilot program, making recommendations on future actions regarding risk-limiting audits.
  - **Network Connections and Wireless Technology:** Beginning September 1, 2026, voting systems may not be capable of being connected to any external or internal communications network.

**Effective Date:** September 1, 2021

**Statutes Affected:** Election Code §§ 127.301, 127.302, 127.303, 127.304, 127.305, 127.306, 129.003,

129.054

- **Senate Bill 1111 (Bettencourt):** Modifies provisions related to the definition of residency, address confirmation notices, and voters who register at certain locations that do not correspond to a residence.
  - The bill provides that a person may not establish residence for the purpose of influencing the outcome of a certain election or at any place the person has not inhabited. A person may not designate a previous residence as a home and fixed place of habitation unless the person inhabits the place at the time of designation and intends to remain.
  - The official confirmation notice form must include a sworn affirmation of the voter's residence. The official confirmation notice must provide the definition of residence under Section 1.015.
  - If the registrar has reason to believe that a voter's residence address is a commercial post office box or similar location that does not correspond to a residence, the voter register shall deliver an address confirmation to the voter. The response to the address confirmation for these voters shall require that the voter include a photocopy of certain documentation that corresponds to the voter's residence address. Certain voters are exempt from providing the photocopy of the residential proof if they reside in a place with no address and they execute an affidavit providing a concise description of the location of their residence. This requirement for residential proof does not apply to a member of the U.S. armed forces or the spouse or dependent of a member, a voter enrolled as a full-time student who lives on campus at an institution of higher education, or a voter whose address is confidential under Texas law.

**Effective Date:** September 1, 2021

**Statutes Affected:** Election Code §§ 1.015, 15.051, 15.052, 15.053, 15.054

- **Senate Bill 1113 (Bettencourt):** Provides that if a voter registrar fails to timely perform a duty imposed on the registrar related to the approval, change, or cancellation of a voter's registration, the Secretary of State may withhold funds administered and distributed under Chapter 19 or Section 31.009 of the Texas Election Code. If the registrar takes corrective action, the withheld funds will be distributed.

**Effective Date:** September 1, 2021

**Statutes Affected:** Election Code § 16.039

- **Senate Bill 1116 (Bettencourt):** Provides new web posting requirements related to election and candidate information.
  - **Candidate and Polling Place Information on County, City, and School District Websites:** Not later than the 21st day before election day, a county that holds an election or provides election services for an election must post certain information related to its upcoming elections. A city or independent school district that holds an election and maintains an Internet website must also post this same election information on its website even if the county is posting this data.
    - The date of the election;
    - The location of each polling place;
    - Each candidate for an elected office on the ballot; and
    - Each measure on the ballot.
  - **Election Results Information on County, City, and School District Websites:** A county that holds an election or provides election services for an election for a public entity must post certain information on their website. A city or independent school district that holds an election and maintains an Internet website must also post certain information on its website related to election results even if the county is posting such information. Information should be posted as soon as practicable after the election and must be accessible without having to make more than two selections or view more than two network locations after accessing the home page of the county, city or school district, whichever is applicable.
    - **Required information on websites:**

- the results of each election;
- the total number of votes cast;
- the total number of votes cast for each candidate or for or against each measure;
- the total number of votes cast by personal appearance on election day;
- the total number of votes cast by personal appearance or mail during the early voting period; and
- the total number of counted and uncounted provisional ballots cast.

**Effective Date:** September 1, 2021

**Statutes Affected:** Election Code §§ 4.009, 65.016

- **Senate Bill 1387 (Creighton)**: Beginning September 1, 2021, for a voting system or voting system equipment to be approved for use in Texas elections, a voting system must be manufactured, stored, and held in the United States and sold by a company whose (1) headquarters are located in the United States; and (2) parent company's headquarters, if applicable, are located in the United States. A voting system is considered to be manufactured in the United States if the final assembly of the voting system or voting system equipment occurs in the United States, and all firmware and software are installed and tested in the United States. The bill directs the Secretary of State to conduct a study on the feasibility of requiring each voting system to have all components, including software and hardware, manufactured, stored, and held in the United States, and to submit a report regarding the study to the legislature by January 1, 2023.

**Effective Date:** Immediately

**Statutes Affected:** Election Code § 122.032

- **Senate Bill 1418 (Schwertner)**: Provides that the presiding judge of an early voting ballot board may be compensated at a higher rate at the discretion of the appropriate authority.

**Effective Date:** September 1, 2021

**Statutes Affected:** Election Code § 87.005

- **Senate Bill 2093 (Hughes)**: Moves the provision in the Texas Election Code related to minor party candidates paying a filing fee or submitting a petition in lieu of a filing fee in conjunction with their candidate application from Chapter 141 to Chapter 181. Provides that the filing fee/petition in lieu of filing fee must be submitted to be considered for nomination by convention.

**Effective Date:** September 1, 2021

**Statutes Affected:** Election Code § 181.0311

- **House Bill 3774 (Leach)**: The omnibus court creation bill, creating many district courts and statutory county courts (also known as county courts at law). House Bill 3774 has different effective dates of legislation for different courts. For example, some courts will be on the ballot in 2022 (e.g., September 1, 2021 effective date); other courts will first be on the ballot in 2024 (e.g., October 1, 2022 effective date). Contact our office for details about a specific court.

**Effective Date:** Various

**Statutes Affected:** Various provisions of the Government Code

- **House Bill 2025 (Hunter)**: Provides that the population figures from the 2010 federal census continue to apply with respect to a statute that applies to a political subdivision having a certain population according to the most recent federal census until September 1, 2023.

**Effective Date:** Immediately

**Statutes Affected:** Government Code §§ 2058.001, 2058.002, 2058.0021

- **House Bill 3107 (Clardy):** Provides for a number of non-substantive and minor substantive changes in the Texas Election Code. The provisions affected include the following changes:
  - **Voter Registration**
    - Provides that an indication on a voter registration application that the applicant is interested in serving as an election worker is public information. (13.004(c)(4))
    - Voter registrars no longer have to deliver a separate notice to a voter if they are forwarding the voter's registration application to a non-contiguous county. (13.072(d))
    - Voter registration applications do not have to be prepared in duplicate. (13.142)
    - Provides that if a voter originally faxed their registration application, a voter registrar must receive a hardcopy of the original application containing the voter's original signature. The original application may be delivered by mail or in person. (13.143)
    - Voter registration certificates must only contain the year of the voter's birth. (15.001)
    - Authorizes the voter registrar to correct registration records after notification of a data entry error if notified about the error under Section 63.0051. (15.022)
    - Clarifies that a voter is taken off suspense when the voter provides an updated voter registration application or, in certain circumstances, when a voter makes an update to their voter registration record via Texas Online. (15.023)
    - Provides that the voter registrar does not have to maintain a separate list for suspense voters. The suspense notation may be maintained within each voter's individual record. (15.051)
    - Updates language about the public availability of voter registration records to reference Chapter 552 of the Government Code. (15.082)
    - Codifies the duplicate batch process. (16.031, 18.0681)
    - Provides that if a voter's registration is challenged based on residency and the voter's record does not indicate the address provided in the challenge is the voter's address, then the challenge does not proceed. (16.0921)
    - Provides that supplemental and corrected voter registration lists may be provided as needed to ensure all eligible voters appear on the official list of registered voters. (18.002, 18,003)
    - Clarifies that TEAM access must only be provided to county election and voter registration officials. (18.061)
    - Changes who is responsible for submitting voter history to the Secretary of State from the voter registrar to the general custodian of election records (early voting clerk). (18.069)
    - Requires the Secretary of State to adopt a statement of residence form that contains a box for the voter to list current county of residence. (63.0011)
    - Provides for the voter registrar to have 10 days to review a provisional voter's eligibility for the general election for state and county officers. (65.052)
  - **Election Records Under the Texas Election Code**
    - Unless otherwise specified by the Texas Election Code, a delivery, submission or filing of a document may be made by personal delivery, mail, fax and email. (1.007)
    - Provisional voting records do not become public information until the first business day after the provisional ballots and other voting records have been delivered to the custodian of election records. (65.0581)
  - **Contracting and Joint Elections:** Allows a county that has contracted with a city to be the custodian of voted ballots for a city election. (31.096)
  - **Elections with a Tie Vote**
    - A second election resulting from a tie-vote must be held not earlier than the 20th day or later than the 45th day after election day. (2.002)
    - If a recount does not resolve a tie, the tied candidates may (1) cast lots not later than the day before the date the authority must order the second election; or (2) withdraw from the election not later than 5 p.m. of the date after the date the automatic recount is held. (2.002)

- In a tie-vote in a runoff election, if a candidate withdraws before the automatic recount is conducted, the remaining candidate is the winner and the automatic recount does not need to occur. If a withdrawal is received by 5 p.m. the day after the date of the automatic recount is conducted, the remaining candidate is the winner. (2.028)
- **Vacancy After Runoff Election:** For cities conducting a recall election, a vacancy in the recalled office occurs on the date of the final canvass of a successful recall election. (201.030)
- **Special Elections:** Clarifies that the Governor may order a special election to occur on the May uniform election date in an even-numbered year. (41.001)
- **Special Elections for Legislative or Congressional Vacancies**
  - Special elections to fill legislative or congressional vacancies that are ordered as an emergency election must occur on a Tuesday or Saturday occurring on or after the 36th day and on or before the 64th day after the date the election is ordered. (203.004)
  - Emergency elections ordered by the Governor under Section 41.0011 or elections held as an expedited election under Section 203.013 are not required to be held in the timeframe established under Section 2.025(d). (2.025)
- **Election Notices**
  - An election notice must include the Internet website of the authority conducting the election. (4.004)
  - The election order and election notice must state the early voting clerk's mailing address, street address at which the clerk can receive mail, phone number, e-mail address that can receive correspondence from the public, and website. (83.010)
  - The election order and election notice must designate which location is the main early voting location. (85.004)
- **Primary Provisions**
  - The county chairs of political parties holding a primary and the county election officer must discuss holding a joint primary, entering into election services contracts, and polling place locations as part of their statutorily required meeting. (31.124)
- **Training Program for Election Judges and Clerks**
  - The SOS training for election judges and clerks must include specific procedures for the early voting ballot board and the central counting station. (32.114)
- **Poll Watchers:** Clarifies that poll watchers are permitted at a meeting of the signature verification committee. (33.054)
- **Countywide Polling Place Program:** Clarifies the list of elections for which countywide voting is available and eliminates unnecessary language about temporary and permanent branch locations. (43.007)
- **Ballots**
  - Updates the language related to ballot instructions to be consistent with current practices. (52.070)
  - Modifies the notice requirement for ballot drawings. (52.094)
- **Voting by Mail**
  - Creates a new category of eligibility for voting by mail for voters who have been civilly committed under Chapter 841 of the Health and Safety Code. (82.008, 84.002, 86.003)
  - Allows a voter voting by mail using the Federal Postcard Application (FPCA) to hand-deliver their FPCA to the early voting clerk. (84.008)
  - Provides clarification as to when corrected mail ballots are to be counted. (86.009)
  - Clarifies that if a county with a population of 100,000 or more is conducting an election through a contract for election services in May of an even-numbered year, the county's ballot board timeframes apply to this election. (87.0222, 87.0241)
  - Expands FPCA eligibility to a member of the Texas National Guard or the National Guard of another state or a member of the reserves serving on active duty, and includes their spouse or dependents. (101.001)
  - Clarifies the delivery rules for FPCAs and the timeframe for which they apply to run-off elections occurring in a different calendar year. (101.052)

- **Early Voting by Personal Appearance**
- If a county between 100,000 and 120,000 in population is petitioned for extended early voting hours in a primary election or general election for state and county officers, the early voting clerk shall order the voting for the applicable hours and locations. (85.062)
- Allows temporary branch locations for counties with a population of less than 100,000. Voting at temporary branch locations must be conducted on at least two consecutive business days and for at least eight consecutive hours on each of those days. (85.064, 85.065)
- **Candidacy**
- Candidate applications, other than those that must be accompanied by a filing fee, may be filed via email. The application must be a scanned copy of the candidate application and must be sent to the filing authority's designated email address for accepting applications. (143.004, 144.003)
- A candidate application cannot be challenged for "Form, Content, and Procedure" defects after the 50th day before the date of the election for which the application is made. (141.034)
- A filing authority shall designate an email address by which candidate applications may be accepted. This notice must be listed in the candidate filing notice. (141.040)
- For candidate petitions, a signer's residence address and registration address are not required to be the same if the voter's address is one in which a voter would still be able to vote for the candidate under Section 11.004 or 112.002. (141.063)
- **Recounts**
- A recount petition must include the email address of the designee. (212.002)
- A recount petition must be submitted by 5:00 p.m. of the second day after the date the election is canvassed. (212.028, 212.083)
- A recount must be held on the later of the seventh day after the date the petition is determined to comply with applicable requirements or the date after all ballots have been delivered to the general custodian of election records. (212.031)
- A recount deposit is based on the number of election day polling locations or precincts, whichever results in a smaller amount. (212.112)
- Automatic recounts required by Chapter 216 must be ordered by the proper authority. (216.003)
- **Bilingual Election Clerks:** To be eligible to serve as a bilingual election clerk, a person must be a qualified voter of the state and satisfy any additional eligibility requirements prescribed by written order of the commissioners court or meet the eligibility requirements of a student clerk under Section 32.0511. (272.009)
- **Petitions Prescribed by Law Outside of the Election Code**
- A signer's residence address and registration address are not required to be the same if the voter's address is one in which a voter would still be able to vote for the candidate under Section 11.004 or 112.002. (277.002)
- The petition signature of a voter who is on suspense or listed as an "S" list voter is valid if the voter is otherwise eligible to vote in the territory and provides a residence address located in the territory. (277.0024)

**Effective Date:** September 1, 2021

## Changes Related to Voter Registration Confidentiality

- **House Bill 368 (Sherman):** Extends the alternate address program for address confidentiality to prosecutors.
  - Defines prosecutor as a county attorney, district attorney, criminal district attorney, assistant county attorney, assistant district attorney, or assistant criminal district attorney.
  - Further clarifies that for an alternate address, the Department of Public Safety shall accept for a peace officer an alternate address that is (1) in the municipality or county of the peace officer's residence or (2) in the county of the peace officer's place of employment.

- For a prosecutor, the Department of Public Safety shall accept as an alternate address, the address of an office of the prosecutor.

**Effective Date:** September 1, 2021

**Statutes Affected:** Transportation Code § 521.1211

- **House Bill 1082 (King, Phil):** Expands the list of voters eligible for address confidentiality to include any elected public officer.

**Effective Date:** Immediately

**Statutes Affected:** Government Code §§ 552.117, 552.1175

- **Senate Bill 56 (Zaffirini):** Expands the list of voters eligible for address confidentiality to include any current or former federal public defender, deputy federal public defender, or assistant federal public defender, and their spouse or child.

**Effective Date:** Immediately

**Statutes Affected:** Government Code §§ 552.117, 552.1175

- **Senate Bill 841 (Hughes):** Expands the list of voters eligible for address confidentiality to include any current or honorably retired peace officers and county jailers.
  - “Honorably retired” is defined as a person who previously served, but is not currently serving in the position; did not retire in lieu of any disciplinary action; was eligible to retire from the position or ineligible only as a result of an injury received in the course of the individual’s employment in the position; and is eligible to receive a pension or annuity for service in the position or is ineligible to receive a pension or annuity only because the entity that employed the individual does not offer a pension or annuity to its employees.

**Effective Date:** Immediately

**Statutes Affected:** Government Code §§ 552.003, 552.117, 552.1175

- **Senate Bill 1134 (Hughes):** Provides for the expansion of the address confidentiality program for voter registration purposes to include a federal bankruptcy judge, a marshal of the United States Marshals Service, a United States attorney, or a family member of the above-mentioned officials. “Family member” is defined under Section 31.006 of the Finance Code to include a spouse, minor child, or adult child who resides in the person’s home.

**Effective Date:** September 1, 2021

**Statutes Affected:** Election Code §§ 13.0021, 13.004, 15.0215, 254.0313;  
Government Code § 552.117

## Joint Resolutions Passed During the 2021 Regular Session

**HJR 99** – “The constitutional amendment authorizing a county to finance the development or redevelopment of transportation or infrastructure in unproductive, underdeveloped, or blighted areas in the county.”

**HJR 125** – “The constitutional amendment to allow the surviving spouse of a person who is disabled to receive a limitation on the school district ad valorem taxes on the spouse's residence homestead if the spouse is 55 years of age or older at the time of the person's death.”

**HJR 143** – “The constitutional amendment authorizing the professional sports team charitable foundations of organizations sanctioned by the Professional Rodeo Cowboys Association or the Women’s Professional Rodeo Association to conduct charitable raffles at rodeo venues.”

HJR 165 – “The constitutional amendment providing additional powers to the State Commission on Judicial Conduct with respect to candidates for judicial office.”

SJR 19 – “The constitutional amendment establishing a right for residents of certain facilities to designate an essential caregiver for in-person visitation.”

SJR 27 – “The constitutional amendment to prohibit this state or a political subdivision of this state from prohibiting or limiting religious services of religious organizations.”

SJR 35 – “The constitutional amendment authorizing the legislature to provide for an exemption from ad valorem taxation of all or part of the market value of the residence homestead of the surviving spouse of a member of the armed services of the United States who is killed or fatally injured in the line of duty.”

SJR 47 – “The constitutional amendment changing the eligibility requirements for a justice of the supreme court, a judge of the court of criminal appeals, a justice of a court of appeals, and a district judge.”

## **Bills From the 2019 Legislative Session**

- **House Bill 1545 (Paddie)**: Changes the terminology used in local option liquor elections regarding the legalization or prohibition of beer. The term “beer” has been eliminated from statute and replaced with the term “malt beverage.”

**Effective Date:** September 1, 2021

**Statutes Affected:** Election Code §§ 501.001, 501.035; numerous other provisions in the Alcoholic Beverage Code, Health and Safety Code, Tax Code, Transportation Code, and Occupations Code.

KI:CA