



TEXAS

CIVIL RIGHTS PROJECT

Last revised: May 5, 2021

Text of the version of SB 7 passed by the Texas Senate on April 1, 2021:

<https://capitol.texas.gov/tlodocs/87R/billtext/pdf/SB00007E.pdf#navpanes=0>

Note: this document now refers to and describes the version of SB 7 passed by the Texas Senate on April 1, 2021, by a vote of 18-13. On April 29, the House Elections Committee removed these contents from SB 7 and replaced them with the contents of HB 6. Therefore, the actual current text of SB 7 at this moment (which you can see [here](#)) is identical to the current version of HB 6, which we have summarized [here](#).

The summary below, however, remains from the version of SB 7 that passed the Senate given the likelihood that these contents will reappear in the hours and days ahead, such as by being re-inserted into SB 7 on the floor of the House or in a conference committee.

There are three previous versions of SB 7:

- The original version filed on March 11, available [here](#). Our summary of that original version is available [here](#).
- The first Committee Substitute introduced at the initial Senate State Affairs Committee hearing on March 22, available [here](#). Our summary of the first Committee Substitute is available [here](#).
- The second Committee Substitute introduced at the second hearing on SB 7 in the Senate State Affairs Committee on March 26, 2021, and passed that day by a vote of 5-2, available [here](#). Our summary of the second Committee Substitute is available [here](#).

Article 1 -- Voter Registration

- **Affirmative notification to criminal defendants upon their disenfranchisement:** Requiring the trial court in a felony criminal case to “instruct the defendant regarding how the felony conviction will impact the defendant's right to vote in this state” following conviction. [Section 1.01](#).
- **Voter registration applications must require the applicant to provide all information requested on the application.** [Section 1.02](#).
- **Requiring registrars to notify AG and SOS if an ineligible person has voted or registered to vote:** SB 7 expands the current obligation registrars have to notify the county or district attorney if an unregistered person has vote, to require them to send notification if an ineligible person has registered to vote or voted in an election, and to also notify the Attorney General and SOS. [Section 1.03](#).



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- **Expanding the registrar’s current obligation to send a notice to a voter when that voter’s name appears on the list of those excused or disqualified from jury service because of citizenship status, to also include those voters who appear on the list and have “otherwise [been] determined to be ineligible to vote.”** Section 1.04.
- **Expanding the Secretary’s authority to monitor registrars for compliance with election laws to include Section 16.0332 (which requires registrars to send notices to persons excused from jury service because of citizenship status).** Section 1.05.
- **Granting SOS authority to “correct” violations of the Election Code by registrars, and exposing registrars to new civil penalty for non-compliance with SOS:** After the secretary sends a notice to registrars that they have found the registrar to be noncompliant with certain specified sections of the election code, the SOS could “correct the violation on behalf of the registrar” if the registrar does not do so within 30 days; registrars would be exposed to a civil penalty of \$100 for each time the SOS makes such a correction, which the AG would have the authority to bring a lawsuit to recover the penalty. Section 1.05.

Article 2 - Vote By Mail

- **No attempted solicitation of VBM applications by counties:** Mandating that early voting clerks “make no attempt to solicit a person to complete an application for an early voting ballot by mail, whether directly or through a third party.” Section 2.01. **Similar but not identical to Section 5.04 of the version of HB 6 that was approved by the House Elections Committee.**
- **Requiring those applying to vote by mail on the ground of disability to make a new affirmation on their application:** “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.” Section 2.02
- **Requiring that the official application form for an early voting ballot must include a certification that the voter understands that giving false information on the application is a “state jail felony,” instead of the current requirement that the voter certify that they know it is a “crime.”** Section 2.03
- **Voters must request VBM applications before government agencies can distribute them or facilitate others in distributing them:** Unless specifically authorized under a provision of the Election Code, government employees cannot distribute a VBM application “to a person who did not request an application,” nor may public funds be



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used “to facilitate the distribution by another person of an application form for an early voting ballot to a person who did not request an application.” Section 2.04. Similar but not identical to Section 5.04 of the version of HB 6 that was approved by the House Elections Committee. For instance, a major difference is that SB 7 does not include an exception allowing public officials to post the application to vote by mail on a website, but HB 6 does include such an exception.

- If a voter cancels their vote by mail application after a ballot has been sent to them, but does not return the VBM ballot to the county, must vote provisionally thereafter. Section 2.05.
- **[DELETED in the Senate approved version of SB 7]: Proof of disability required for VBM that was in the 2nd Committee Substitute of Section 2.06, which required voters with disabilities who want to vote by mail and apply for an annual ballot by mail to provide proof of their disability**
- **Prohibiting the use of drop boxes for in person mail delivery.** Requiring that “in-person delivery of a marked [mail] ballot . . . must be received by a person at the time of delivery,” and if it isn’t then the ballot can’t be counted, and further requiring that carrier envelopes that are “collected and stored at another location for subsequent delivery to the early voting clerk” not be counted. Section 2.06 (re-numbered from the prior version’s Section 2.07 and with a minor word change, but otherwise the same as the prior version).
- **Requiring that mail ballots not returned timely must be kept “in a locked container” for the period of preserving the precinct election returns.** Section 2.07 (re-numbered from the prior version’s Section 2.08, but otherwise the same as prior version)
- **Creating an online VBM Tracker contingent on appropriations** Sections 2.08 (re-numbered from Section 2.09 in the version that passed the Senate, with a change to whether the information on the tracker is public information as noted below, but otherwise the same as the prior version) and Section 5.02:
 - Creating an online tracker for VBM that would require updates “as soon as practicable” after: 1) receipt of the VBM application by the county; 2) acceptance or rejection of by the county of the VBM application; 3) mailing of the ballot to the voter; 4) receipt by the county of the voter’s marked ballot; 5) acceptance or rejection of the marked ballot. This information is not “public information...until after Election Day.” (This limitation on public information was added in the version passed by the Senate).



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- However, the SOS is only required to create such a tracker if the Legislature appropriates money specifically for it; otherwise, the SOS may but is not required to use “other appropriations” to create it.
 - SOS must develop this tool and provide it to counties, and it must be available on the SOS’s website and the county’s Internet website (if the county has one)
 - The tracker must require the voter to provide 1) their name, registration address, and last four digits of their social security number; and 2) either their DL number or personal ID card number.
- **Allowing signature verification committee and early voting ballot boards to compare the voter’s signature on the VBM carrier envelope to “any known signature” of the voter on file with the county clerk or voter registrar:** This is an expansion from current law which only allows comparison of the signature to those that are on file that were made within the preceding six years. Sections 2.09 and 2.10 (re-numbered from the prior version’s Sections 2.10 and 2.11, but otherwise the same as the prior version).
 - **Requiring VBM ballots to be tabulated separately from in person ballots and reported separately on the returns.** Section 2.11 (re-numbered from the prior version’s Section 2.12, but otherwise the same as the prior version).
 - **Requiring separate tabulation and reporting out of: 1) ballots counted at a central counting station; 2) ballots cast at precinct polling places; and 3) mail ballots.** Section 2.12 (re-numbered from the prior version’s Section 2.13, but otherwise the same as prior version)
 - **Requiring that--when the early voting clerk electronically records applications for a VBM ballot, jacket envelopes, carrier envelopes, and ballots--it must record “both sides” of the document, and that all such records must be provided to the early voting ballot board and the signature verification committee.** Section 2.13 (re-numbered from the prior version’s Section 2.14, but otherwise the same as the prior version).
 - **The changes in this article regarding VBM apply only to an application for VBM that is submitted on or after SB 7’s effective date.** Section 2.14 (re-numbered from the prior version’s Section 2.15, but otherwise the same as the prior version).

Article 3 - Election Security



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- **Expanding rights of partisan poll watchers to observe polling places and prohibition on obstructing them (Sections 3.03 and 3.04):**
 - Currently, partisan poll watchers are entitled to be “conveniently” near election officers while observing, but this would specify that watchers may be “near enough to see and hear” the activity they’re trying to observe, except where otherwise prohibited.
 - Except for being prohibited from being present at the voting station when a voter is preparing their ballot or is being assisted, the watcher “may not be denied free movement within the location at which the watcher is serving.”
 - Explaining that “a watcher who is entitled to ‘observe’ an activity is entitled to sit or stand near enough to see and hear the activity.”
 - Specifying that the Class A misdemeanor offense of “unlawfully obstructing [a] watcher” includes “an action taken to distance or obstruct the view of a watcher in a way that makes observation reasonably ineffective”

- **Altering the formula that counties must use to distribute countywide vote centers, in counties with a population of one million or more people, in a way that will likely disadvantage historically disenfranchised communities. Section 3.06 (re-numbered from Section 3.05 in the most recent version, with substantive changes highlighted below).**
 - For counties with a population of 1 million or more, requiring vote centers to be distributed based on state representative districts, with each district getting the proportion of the county’s vote centers equivalent to the proportion of the county’s “eligible voters” that live in the district, rounding up to the nearest whole number if necessary. For instance, if you have ten eligible voters in a county that has two state rep districts, with one district having six eligible voters and the other having four eligible voters, then the former would have six polling places and the latter would have four polling places. However, there is no way to accurately determine the number of eligible voters definitively, especially as it changes literally from day to day as people turn 18, move in/out of the county, become naturalized, and die. To make this work, it is likely that counties would have to use a metric like numbers from the most recent Census, which are out of date and reflect a whiter population than current numbers in a rapidly diversifying state. Using “eligible” voters as the metric is a change added in the Senate approved version: previous versions merely referred to “voters.”
 - **[DELETED FROM THE SENATE PASSED VERSION]:** The 2nd Committee Substitute had stated that in making this calculation, “voter data from the most recent election shall be used” (without explaining which race in the most recent election was to be used as the baseline), but the Senate passed version deleted this.



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- The Senate-passed version added a new provision mandating that temporary branch polling places in countywide vote center counties use the same methodology for allocating temporary branch polling places, i.e., in counties of one million or more they must be allocated by the proportion of “eligible voters” in each state representative district. Section 3.21.
- Further, there is a nonsensical provision requiring that “[e]lection officials and voting equipment, materials, and supplies must be allocated to each polling place based on the same percentage as polling place locations are determined under” these new formulas, “with no greater than a five percent deviation in the allocation between state representative districts” (this highlighted portion is a change in the Senate passed version, from the prior version’s “between polling place locations”). The phrase “to each polling place” doesn’t make sense in this subsection and might possibly be a drafting error. Also, “[e]ach polling place location must be able to accommodate 100 percent of the equipment allocated to be operational at the same time.”
- **[DELETED IN SENATE PASSED VERSION]:** The version that passed the Senate deleted a proposed change to countywide voting center allocations for counties with under 1 million people, which would’ve required them to have an approximately equal number of polling places in each commissioners precinct, with a deviation of not more than one percent between commissioners precincts.
- **[DELETED FROM SENATE PASSED VERSION]: Equal number of voting machines at countywide polling places:** The prior version contained a provision requiring every countywide polling place in a county to have “approximately” the same number of voting machines, but this was deleted from the Senate passed version.
- **No more drive thru voting:**
 - Prohibiting polling places from being “in a tent or other temporary moveable structure or in a facility primarily designed for motor vehicles” and prohibiting voters from casting a vote “from inside a motor vehicle” unless they are a curbside voter. Section 3.07 (re-numbered from prior version’s Section 3.06, otherwise no changes).
 - Prohibiting voting from taking place “in a tent or other temporary movable structure or a parking garage, parking lot, or similar facility designed primarily for motor vehicles.” Section 3.20 (re-numbered from prior version’s Section 3.16, but otherwise no changes).
 - Prohibiting polling places from being in a “tent or other temporary movable structure or a parking garage, parking lot, or similar facility designed primarily for motor vehicles.” Section 3.21. This provision has been re-numbered from the



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prior version's Section 3.17, but is itself otherwise unchanged from the prior version. However, a new subsection was added to Section 3.21 regarding the allocation of temporary branch polling places during early voting in countywide vote center counties, and is discussed above.

- **Partisan poll watchers can record voters in polling places and deliver such recordings to the SOS, who may in turn make such recording available to the attorney general “upon request.”**
 - Authorizes partisan poll watchers to record images and sound at a polling place, except that a watcher cannot record a voter at a voting station unless the watcher “reasonably believes” the voter is receiving unlawful assistance. Poll watchers cannot “capture or record any information on a voter’s ballot.” Section 3.08 (re-numbered from prior version’s Section 3.07, but otherwise same as prior version)
 - Watchers may transmit their recording “directly to the secretary of state if the watcher reasonably believes the photo, video, or recording contains evidence of unlawful activity,” but is otherwise forbidden to “share or transmit” it. SOS must make that recording “available to the attorney general upon request.” Section 3.05 (this Section was added in the version passed by the Senate).
- **Specifying that election officers must maintain a register of spoiled ballots at the polling place which must include spoiled ballots from a DRE device.** Section 3.09 (re-numbered from prior version’s Section 3.08, otherwise no changes).
- **Required form by those who simultaneously provide transportation to three or more curbside voters, removal of non-curbside voters from vehicles during voting, and partisan poll watchers during curbside voting.** Section 3.10 (re-numbered from Section 3.09 with the substantive changes highlighted below):
 - Mandating that only the curbside voter is allowed to be in a vehicle while they are voting unless they would otherwise be entitled to accompany the voter into the polling place (e.g., assisters).
 - Requiring a person who “simultaneously” provides three or more curbside voters “with transportation to the polling place” to complete and sign a form containing the person’s name and address and whether the person is also serving as an assistant to the voter. This form must be delivered to and kept by SOS for the same amount of time as they are required to preserve precinct election records, and must make the form available to the AG for inspection “if the attorney general has received a complaint to which the information may be responsive.” The form requirement does not apply to drivers who are related to “each voter” in the car within a certain degree of relation



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- The Senate passed version made four changes here: 1) applying this new form requirement to those who “simultaneously” provide transportation to three or more curbside voters at the same time, instead of the prior version’s broader application to a person who provides transportation to a total of three or more curbside voters, even if not in the same trip; 2) requiring the driver to use a form “provided by an election officer; 3) limiting the Attorney General’s right to receive the form to situations where he/she has “received a complaint to which the information may be responsive”; and 4) excluding family members from the form requirement if they are within a certain degree of relation to “each voter” in the car.
- Authorizing partisan poll watchers to observe curbside voting.
- **Required form for assistants to voters:** Requires people who assist voters (other than election officers) to complete a form giving their name and address, “the manner in which the person assisted the voter,” “the reason the assistance was necessary,” and their relationship to the voter. The form must be incorporated into the VBM carrier envelope if the voter is voting by mail and receives assistance. Section 3.11 (re-numbered from prior version’s Section 3.10, otherwise remains the same). Same as Section 4.01 in the version of HB 6 approved by the House Elections Committee.
- **“Beginning January 1, 2024, no equipment to count votes shall be used that is capable of being connected to the Internet or any other computer network.”** Section 3.12 (this is an entirely new section added in the Senate passed version).
- **Expanded requirements for preservation of certain election records.**
 - Requiring presiding judges or their designees to “keep records of each person that has custody of a precinct election record until the records are delivered.” Section 3.13 (re-numbered from prior version’s Section 3.11, otherwise unchanged from prior version).
 - Currently, voted ballots are required to be preserved for at least 60 days after the election, but this would expand that requirement to the later of 60 days after an election or until any election contest is resolved. Further requiring that “[a]n electronic device used to store records may not be altered in any manner as to delete or overwrite the records during the preservation period.” Section 3.14 (re-numbered from prior version’s Section 3.12, otherwise unchanged from prior version)
- **Restrictions on expanded early voting hours, including prohibiting overnight voting** (Section 3.15, re-numbered from prior version’s Section 3.14, otherwise



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unchanged from prior version): Generally requiring early voting to take place after 6am and before 9pm:

- For elections other than those ordered by a city, early voting at the main early voting polling place (and permanent branch polling places) must be conducted on each weekday that is not a state holiday for at least nine hours, and take place only within the hours of 6am and 9pm.
- Further, elections in counties with a population of over 30,000 must have early voting at the main early voting polling place (and permanent branch polling places) for 12 hours on each weekday of the last week of early voting, which must take place within the hours of 6am and 9pm.
- In city elections, early voting must be conducted at the main early voting polling place at least nine (rather than the current 8) hours each weekday.
 - But if the territory has fewer than 1,000 registered voters, voting must be conducted at least 4 (rather than the current three) hours each day.
 - Further, deletes the current requirement that early voting in elections ordered by cities must be conducted for at least 12 hours on 1-2 weekdays (depending on the election).
- Similar **in spirit** to SB 1115, one of the “Bettencourt Seven,” which sets a statewide uniform early voting hours as follows, and prohibiting any deviation without a court order: weekdays of the first week of early voting, 8am-5pm; Saturday, 7am-7pm; Sunday, 1pm-6pm; weekdays of the last week, 7am-7pm
- **Applying the current procedure for identifying who is waiting in line to vote when the polls close on Election Day to early voting polling places specifically** (this is a new **Section 3.16** added by the Senate passed version):
 - The presiding judge must direct the voters waiting in line to enter the polling place and close it to others. But “if that procedure is impracticable,” the presiding judge must “distribute numbered identification cards to the waiting voters and permit entry into the polling place for voting after closing time only by those possessing a card.”
 - The presiding judge must “take the precautions necessary to prevent voting after closing time by persons who are not entitled to do so.”
 - Stating explicitly that voters waiting in line at an early voting polling place at closing time is entitled to vote.
- **Requiring that voting machines used for early voting “may not be removed from the polling place until the polls close on election day,” except that a machine may be removed from service and replaced if it is defective or in need of repair.** (This is a new **Section 3.19** added by the Senate passed version).



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- **Making communications between public officials and voting systems vendors “public information”:** Mandating that “a written letter, e-mail, or other communication” between a public official and a voting systems vendor is public information and not confidential even if it would be confidential under “any other law.” This is a new Section 3.22 added in the Senate-passed version.
- **Tightening ban on straight ticket voting:** Prohibiting voting systems from arranging ballots in a manner that would allow a political party’s candidates “to be selected in one motion or gesture.” Section 3.23 (re-numbered from prior version’s Section 3.18, but otherwise unchanged).
- **Requiring that voting devices allow a voter to cast a ballot without voting on all items if the voter affirmatively chooses to do so.** Section 3.24 (re-numbered from prior version’s Section 3.19, but otherwise unchanged).
- **Tracking of inputs and activity on electronic devices in counting stations:** Requiring counting station managers and presiding judges of counting stations to develop a protocol under which “any electronic device inside a central counting station that is necessary to count votes is equipped with software that tracks all input and activity on the electronic device,” with such information required to be printed and delivered to the SOS no later than the 5th day after vote counting is complete. Section 3.25 (re-numbered from prior version’s Section 3.20, but otherwise unchanged).
- **Video recording and live streaming of ballots at central counting stations, and police escort:**
 - Mandating in counties with a population of 100,000 or more the creation of a video surveillance system, and dissemination of the video to the public via a livestream, of “all areas containing voted ballots from the time the voted ballots are delivered to the central counting station until the canvass of precinct election returns.” Creation and dissemination of the video is discretionary in counties with a population of less than 100,000.
 - Creation and dissemination of the video was discretionary for all counties in the prior version, but the Senate-passed version made it mandatory for counties of 100K or more.
 - Requiring that a licensed peace officer (instead of just a “guard” as under current law) be posted near ballot boxes containing voted ballots “throughout the period of tabulation at the central counting station.” Section 3.26 (re-numbered from prior version’s Section 3.21, with substantive change noted above).



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- **Prohibiting central counting stations from using an “optical ballot scan system that uses a data storage disc on which information, once written, is capable of being modified” after January 1, 2024. Section 3.27** (this is a new section that was added in the Senate-passed version).

[Skipping over Sections 3.28 and 3.29 regarding auditable voting systems and public tests of logic and accuracy]

- **Requiring an automatic recount in a precinct if the results show that the number of votes cast there exceeds the number of registered voters in the precinct. Section 3.30** (re-numbered from prior version’s Section 3.24, otherwise no changes from prior version).
- **Only small private donations to counties to help with elections allowed unless SOS, Governor, the Lieutenant Governor, and the Speaker of the House agree:** Prohibiting commissioners courts from accepting a donation of over \$1,000 for use in administering elections unless the SOS consents in writing. SOS can only grant such consent if SOS consults with the Governor, the Lieutenant Governor, and the Speaker of the House, and they unanimously agree to the donation. **Section 3.31** (re-numbered from the prior version’s Section 3.25, otherwise no changes from prior version)

Article 4 -- Enforcement

- **Prohibiting “election officials” from serving if they had previously been finally convicted of the offense of unlawfully obstructing a poll watcher. Section 4.01.**
 - Election official is defined as: (1) a county clerk; (2) a permanent or temporary deputy county clerk; (3) an elections administrator; (4) a permanent or temporary employee of an elections administrator; (5) an election judge; (6) an alternate election judge; (7) an early voting clerk; (8) a deputy early voting clerk; (9) an election clerk; (10) the presiding judge of an early voting ballot board; (11) the alternate presiding judge of an early voting ballot board; (12) a member of an early voting ballot board; (13) the chair of a signature verification committee; (14) the vice chair of a signature verification committee; (15) a member of a signature verification committee; (16) the presiding judge of a central counting station; (17) the alternate presiding judge of a central counting station; (18) a central counting station manager; (19) a central counting station clerk; (20) a tabulation supervisor; and (21) an assistant to a tabulation supervisor.
- **Civil penalty and loss of employment benefits for election officials who violate Election Code:** Making election officials liable to the state for a civil penalty for violating



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the Election Code, which may include termination of the person's employment "and loss of the person's employment benefits." Section 4.01.

- **Exposing election officers to new criminal offense for not accepting a poll watcher, and requiring poll watchers to swear to an oath they will not "disrupt" voting or "harass" voters** (Section 4.02):
 - Making it a Class A misdemeanor for an election officer who "knowingly refuses to accept a watcher for service whose acceptance is required by this code." **Similar to Section 3.03 of the version of HB 6 that was approved by the House Elections Committee, except HB 6 makes it a Class B misdemeanor.**
 - **Poll watchers must swear to the following oath: "I swear (or affirm) that I will not disrupt the voting process or harass voters in the discharge of my duties." This oath was added in the Senate-passed version of SB 7 and does not appear in the version of HB 6 that was approved by the House Elections Committee.**
- **Allowing watchers to seek injunctive relief to enforce provisions affecting them.** Section 4.03.
- **Requiring early voting clerks to send to the AG within 30 days of election day copies of the carrier envelope and ballot application of any rejected mail ballot when "any form of voter fraud was committed."** Section 4.04.
- **New venue for election contests for statewide office** (Section 4.05): Granting venue of an election contest for a statewide office in either Travis County (as required under current law) or "any county where a contestee resided at the time of the election"
 - Residence is defined under Section 411.0257, Government Code
- **New candidate contest process for "election fraud"** (Section 4.06): Creating a new contest process when a candidate alleges "that an opposing candidate, an agent of the opposing candidate, or a person acting on behalf of the opposing candidate with the candidate's knowledge committed election fraud" under the following sections
 - 13.007 (false statement on VR applications)
 - 64.012 ("illegal voting" felony offense)
 - 64.036 (unlawful assistance)
 - 84.003 (witnessing/assisting vote by mail applications)
 - 84.0041 (fraudulent use of application for VBM)
 - 86.0051 (unlawful witnessing of carrier envelope, depositing of VBM ballot for a voter)
 - 86.006 (returning marked VBM ballot)
 - 86.010 (unlawful assistance to person voting by mail)



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- 276.013 (“election fraud”)
- **Setting the standard of proof in contests as “preponderance of the evidence.”**
Section 4.06.
- **Civil penalty for election fraud contests:** For any violation found in a contest, civil penalty set at \$1,000 for each violation, and attorney’s fees may be awarded to the prevailing party. Section 4.06.
- **Creating the following two new Class A misdemeanor “election fraud” offenses if the person “knowingly or intentionally makes any effort to”:**
 - “count votes or alter a report to include votes the person knows are invalid”; or
 - “refuse to count valid votes or alter a report to exclude valid votes.”
 - This is a new created Section 4.07 in the Senate-passed version of SB 7, and is very similar to Section 5.03 of the version of HB 6 that was approved by the House Elections Committee.
- **Creating a new “paid harvesting” criminal offense.** This is in a new Section 4.08 added in the Senate-passed version of SB 7 that is very similar to Section 5.04 in the version of HB 6 passed by the House Elections Committee.
 - The following constitute criminal “paid harvesting,” a third degree felony, if a person knowingly does one of the following:
 - Providing or offering “vote harvesting services in exchange for compensation or other benefit, *including benefits to a party whose welfare is of interest to the person.*” This provision is identical to its analogue in the version of HB 6 that was approved by the House Elections Committee, except that the italics portion is unique to SB 7.
 - Providing or offering “compensation or other benefit to a person, *or to another party whose welfare is of interest to the person,* in exchange for vote harvesting services.” This provision is identical to its analogue in the version of HB 6 that was approved by the House Elections Committee, except that the italics portion is unique to SB 7.
 - Collecting or possessing “a ballot voted by mail or official carrier envelope from a voter in connection with vote harvesting services.” This provision is identical to its analogue in the version of HB 6 that was approved by the House Elections Committee.
 - 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.” This



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- provision is identical to its analogue in the version of HB 6 that was approved by the House Elections Committee.
- Excluding from paid harvesting conduct “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.” This is nearly identical to its analogue in the version of HB 6 that was approved by the House Elections Committee, except that HB 6 said that it does not apply to “political speech or other acts merely promoting a candidate or measure...”
 - The compensation element 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.” This is identical to its analogue in the version of HB 6 that was approved by the House Elections Committee, except that HB 6 referred to “compensation or other benefit.”
 - If any form of “paid harvesting” also constitutes an offense under a separate statute, a defendant may be charged with either offense, or both. This section is identical to its analogue in the most recent version of HB 6 that was approved by the House Elections Committee.
 - NOTE: Another difference between this section and its analogue in the version of HB 6 that was approved by the House Elections Committee is that HB 6 defined “benefit” for purposes of this offense as “anything reasonably regarded as a gain or advantage, including: a promise or offer of employment, a political favor, or a favorable discretionary official act; and a benefit to any other person in whose welfare the beneficiary has an interest.” SB 7 does not define the term “benefit” in this section.
- **New civil cause of action for “unlawful vote harvesting.”** This is in a new Section 4.08 added in the Senate-passed version of SB 7, and it does not have an analogue in the version of HB 6 that passed the House Elections Committee:
 - A person who violates the criminal paid harvesting offense newly created above is also liable “to any candidate harmed by the vote harvesting services for damages and penalties,” including:
 - the amount of any compensation paid to or received by the person in exchange for the vote harvesting services;
 - the fair market value of any benefit given or received in exchange for the vote harvesting services;
 - a penalty in the amount of \$25,000; and
 - reasonable attorney’s fees, court costs, witness fees, and deposition fees.
 - The plaintiff must show that:



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- The plaintiff was “a candidate for office”;
 - The defendant committed the criminal offense of paid harvesting described above;
 - “[A]nother candidate seeking the same office as the [plaintiff] received a vote attributable to the offense, regardless of whether the other candidate knowingly participated in the vote harvesting services.”
- The plaintiff may also recover punitive damages if they show “that the number of voters contacted by the vote harvesting services exceeds the number of votes by which the litigant lost the election,” in an amount including:
 - “any of the litigant’s campaign expenditures properly filed on a campaign finance report in connection with the election”; and
 - “any fees and expenses incurred by the litigant in filing and securing a place on the ballot”
- Standard of proof is “preponderance of the evidence” and defendants are jointly liable with each other for “the entire amount of damages arising from the vote harvesting services.” This cause of action “is cumulative to any other remedy provided by common law or statute.” A case may be brought “in the county where any part of the vote harvesting services occurred.” Finally, the following two provisions do not apply to such causes of action: 1) The expedited actions process created by Rule 169, Texas Rules of Civil Procedure; (2) Chapter 27, Civil Practice and Remedies Code.

Article 5 - Repealer and Effective Date

- **Repealing the following sections of the Election Code:**
 - Section 85.062(e), which grants county clerks the authority to set up temporary branch polling places in movable structures.
 - Section 127.201(f), which grants SOS the authority to “waive or reinstate” requirements for political subdivisions regarding a post-election manual count of a portion of electronic voting system ballots to ensure the accuracy of the tabulation of electronic voting system results. Repealing this provision was added in the Senate-passed version of SB 7.
- **Act takes effect September 1, 2021. Section 5.03**