

By: Bell of Kaufman

H.B. No. 678

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the appointment by the attorney general of a special
3 prosecutor to prosecute certain election offenses that are
4 committed in an adjacent county.

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

6 SECTION 1. Section 273.001(e), Election Code, is amended to
7 read as follows:

8 (e) Not later than the 30th day after the date on which a
9 county or district attorney begins an investigation under this
10 section, the county or district attorney shall deliver notice of
11 the investigation to the Office of the Attorney General [~~secretary~~
12 ~~of state~~]. The notice may [~~must~~] include a request that the
13 Attorney General appoint a county or district attorney in an
14 adjacent county as a special prosecutor for the case. [~~statement~~
15 ~~that a criminal investigation is being conducted and the date on~~
16 ~~which the election that is the subject of the investigation was~~
17 ~~held. The secretary of state may disclose information relating to a~~
18 ~~criminal investigation received under this subsection only if the~~
19 ~~county or district attorney has disclosed the information or would~~
20 ~~be required by law to disclose the information.~~]

21 SECTION 2. Section 273.002, Election Code, is amended to
22 read as follows:

23 Sec. 273.002. LOCAL ASSISTANCE TO ATTORNEY GENERAL. For an
24 election in which the attorney general is conducting an

1 investigation, the attorney general may:

2 (1) request [~~direct~~] the county or district attorney
3 serving a county in the territory covered by the election to conduct
4 or assist the attorney general in conducting the investigation; or

5 (2) direct the Department of Public Safety to assist in
6 conducting the investigation.

7 SECTION 3. The heading to Section 273.021, Election Code,
8 is amended to read as follows:

9 Sec. 273.021. PROSECUTION BY SPECIAL PROSECUTOR [~~ATTORNEY~~
10 ~~GENERAL AUTHORIZED~~].

11 SECTION 4. Section 273.021, Election Code, is amended to
12 read as follows:

13 (a) The attorney general may in the course of investigating
14 [~~prosecute~~] a criminal offense prescribed by the election laws of
15 this state request that the county or district attorney of the
16 county where the offense occurred or the county or district
17 attorney of an adjacent county be appointed as a special prosecutor
18 for the matter.

19 (b) The special prosecutor [~~attorney general~~] may appear
20 before a grand jury in connection with an offense the [~~attorney~~
21 ~~general~~] special prosecutor is requested [~~authorized~~] to prosecute
22 under Subsection (a).

23 (c) The authority to prosecute prescribed by this
24 subchapter does not affect the authority derived from other law to
25 prosecute the same offenses.

26 SECTION 5. Section 273.022, Election Code, is repealed.

27 SECTION 6. This Act takes effect September 1, 2023.