

By: Toth

H.B. No. 4727

A BILL TO BE ENTITLED

AN ACT

relating to unlawful altering of election procedures.

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

SECTION 1. Section 276.019, Election Code, is amended to read as follows: (a) A public official or election official may not create, alter, modify, waive, or suspend any election standard, practice, or procedure mandated by law or rule in a manner not expressly authorized by this code.

(b) If, after receiving or discovering information indicating that a public official or election official has violated this section, the Secretary of State shall order that person to correct the offending conduct through written notice that includes a description of the violation and an explanation of the action necessary for compliance and of the consequences of noncompliance.

(c) If a person described by Subsection (b) fails to comply with an order from the Secretary of State under this section within the second day following, the Secretary of State shall:

(1) Inform the Attorney General that the official may be subject to a civil penalty under subsection (d); and

(2) deliver to the Attorney General all pertinent documents and information in the secretary's possession.

(3) The documents and information submitted under Subsection (c) are not considered public information until:

(A) the Secretary of State makes a determination

1 that the information received does not warrant an investigation; or  
2 (B) if referred to the Attorney General, the  
3 Attorney General has completed the investigation or has made a  
4 determination that the information referred does not warrant an  
5 investigation.

6 (d) A person is liable to this state for a civil penalty of  
7 \$1,000 for each day after the second day following the receipt of  
8 the written notice that the public official or election official  
9 fails to take affirmative action to comply with the corrective  
10 actions identified by the Secretary of State. The Attorney General  
11 may bring an action to recover a civil penalty imposed under this  
12 section.

13 (d-1) The civil penalty referenced in Subsection(d) shall  
14 increase to \$5,000 for each day following the 7th day that the  
15 public official or election official fails to take affirmative  
16 action to comply with the corrective actions identified by the  
17 Secretary of State.

18 (e) The attorney general may bring an action to recover a  
19 civil penalty imposed under this section.

20 (f) A civil penalty collected by the Attorney General under  
21 this section shall be deposited in the state treasury to the credit  
22 of the general revenue fund.

23 SECTION 2. This Act takes effect September 1, 2023.