

By: Springer

S.B. No. 1807

A BILL TO BE ENTITLED

AN ACT

relating to the unlawful altering of election procedures; providing a civil penalty.

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

SECTION 1. Section 276.019, Election Code, is amended to read as follows:

Sec. 276.019. UNLAWFUL ALTERING OF ELECTION PROCEDURES; CIVIL PENALTY. (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) After the secretary of state receives or discovers information indicating that a public official or election official has violated Subsection (a), the secretary of state shall investigate the standard, practice, or procedure appearing to have violated Subsection (a). If the secretary of state determines that a violation of Subsection (a) has occurred, the secretary of state shall send to the public official or election official determined to have violated that subsection:

(1) notification of the secretary of state's determination;

(2) a demand that the official immediately cease the implementation or enforcement of the standard, practice, or procedure determined to have violated Subsection (a); and

1 (3) instructions for the specific actions necessary
2 for compliance with Subsection (a).

3 (c) If, more than two days after receiving notification
4 under Subsection (b), a public official or election official does
5 not comply with Subsection (a) as instructed under Subsection
6 (b)(3), the secretary of state shall:

7 (1) notify the attorney general that the official may
8 be subject to a civil penalty under Subsection (d); and

9 (2) forward to the attorney general any documents or
10 information received, discovered, or created during the secretary
11 of state's investigation under Subsection (b).

12 (d) A public official or election official is liable to this
13 state for a civil penalty for each day that the official fails or
14 refuses to take an affirmative action to comply with Subsection (a)
15 in an amount not to exceed:

16 (1) \$1,000 per day for each day after the second day
17 and on or before the seventh day after receiving a notice under
18 Subsection (b); or

19 (2) \$5,000 per day for each day after the seventh day
20 after receiving a notice under Subsection (b).

21 (e) The attorney general may bring an action to recover a
22 civil penalty imposed under Subsection (d).

23 (f) A civil penalty collected by the attorney general under
24 this section shall be deposited in the state treasury to the credit
25 of the general revenue fund.

26 (g) Documents or information received, discovered, or
27 created during the secretary of state's investigation under

1 Subsection (b) are confidential and not subject to disclosure under
2 Chapter 552, Government Code, unless the secretary of state or
3 attorney general has determined that a complaint submitted to the
4 secretary of state under this section will not be further
5 investigated or the subject of any further proceedings or actions.

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