

By: Middleton

S.B. No. 1994

A BILL TO BE ENTITLED

AN ACT

relating to vote harvesting; creating a civil penalty.

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

SECTION 1. Chapter 276, Election Code, is amended by adding Section 276.0151 to read as follows:

Sec. 276.0151. CIVIL LIABILITY FOR UNLAWFUL VOTE HARVESTING. (a) In this section, "vote harvesting services" has the meaning assigned by Section 276.015.

(b) A person who commits an offense under Section 276.015 is liable to any candidate or political party harmed by the vote harvesting services for damages and penalties that may be awarded under Subsection (e).

(c) A person is harmed by the vote harvesting services if the person can demonstrate that:

(1) the person has standing to seek relief; and

(2) the liable party committed an offense under Section 276.015.

(d) To establish standing under this section, a person is not required to demonstrate that the vote harvesting services successfully delivered votes for a specific candidate or measure, but must demonstrate that:

(1) the vote harvesting services were intended to deliver votes for a specific candidate or measure; and

(2) the person opposed the candidate or measure in the

1 person's capacity as a candidate or political party.

2 (e) A litigant who prevails in an action under Subsection
3 (c) shall recover from any person who committed the unlawful vote
4 harvesting services damages in an amount including:

5 (1) the amount of any compensation paid to or received
6 by the person in exchange for the vote harvesting services;

7 (2) the fair market value of any benefit given or
8 received in exchange for the vote harvesting services;

9 (3) a penalty in the amount of \$35,000; and

10 (4) reasonable attorney's fees, court costs, witness
11 fees, and discovery costs.

12 (f) A litigant who prevails in an action under Subsection
13 (c) and shows that the number of voters contacted by the vote
14 harvesting services exceeds the number of votes by which the
15 litigant lost the election shall recover from the person liable for
16 the unlawful vote harvesting services punitive damages in an amount
17 including:

18 (1) any of the litigant's campaign expenditures
19 properly filed on a campaign finance report in connection with the
20 election; and

21 (2) any fees and expenses incurred by the litigant in
22 filing and securing a place on the ballot.

23 (g) A person who commits an offense under Section [276.015](#)
24 and is found liable under this chapter or other law for any amount
25 of damages arising from the vote harvesting services is jointly
26 liable with any other defendant for the entire amount of damages
27 arising from the vote harvesting services.

1 (h) The cause of action created by this section is
2 cumulative to any other remedy provided by common law or statute.

3 (i) The expedited actions process created by Rule 169, Texas
4 Rules of Civil Procedure, does not apply to an action under this
5 section.

6 (j) Chapter 27, Civil Practice and Remedies Code, does not
7 apply to a cause of action under this section.

8 (k) A cause of action under this section may be brought in
9 the county where any part of the vote harvesting services occurred.

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