

## **BILL ANALYSIS**

H.B. 2149  
By: Denny  
Elections  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Under current law, a county or district attorney is required to investigate criminal conduct in an election upon receipt of affidavits from two or more registered voters of the governmental entity conducting the election. Because the county or district attorney is not required to provide any notice of this investigation to the secretary of state, the secretary of state's office does not have a uniform method of keeping apprised of when investigations are taking place. Instead, their information is obtained by outside inquiries, often from the press or the general public. As chief elections officer, the secretary of state has an interest in knowing when an election has resulted in a criminal investigation. House Bill 2149 amends provisions relating to notice of an investigation of criminal conduct in connection with an election.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

House Bill 2149 amends the Election Code to require a county or district attorney, not later than the 30th day after the date on which the county or district attorney begins an investigation of criminal conduct in an election, to deliver notice of the investigation to the secretary of state. The bill provides that the notice must include a statement that a criminal investigation is being conducted and the date on which the election that is the subject of the investigation was held.

### **EFFECTIVE DATE**

September 1, 2003.