

By: Zedler

H.B. No. 3208

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the investigation of criminal conduct in election
3 matters.

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

5 SECTION 1. Section 15.028, Election Code, is amended to
6 read as follows:

7 Sec. 15.028. NOTICE OF UNLAWFUL VOTING TO
8 PROSECUTOR. ~~[(a)]~~ If the registrar determines that a person who
9 is not a registered voter voted in an election, the registrar shall
10 execute and deliver to the attorney general and to the county or
11 district attorney having jurisdiction in the territory covered by
12 the election an affidavit stating the relevant facts.

13 ~~[(b) If the election covers territory in more than one~~
14 ~~county, the registrar shall also deliver an affidavit to the~~
15 ~~attorney general.]~~

16 SECTION 2. Section 273.001, Election Code, is amended to
17 read as follows:

18 Sec. 273.001. INVESTIGATION OF CRIMINAL CONDUCT. (a) If
19 two or more registered voters of the territory covered by an
20 election present affidavits alleging criminal conduct in
21 connection with the election to the county or district attorney
22 having jurisdiction in that territory, the county or district
23 attorney shall investigate the allegations. ~~[If the election~~
24 ~~covers territory in more than one county, t]~~The voters may also

1 present the affidavits to the attorney general, and the attorney
2 general shall investigate the allegations.

3 (b) A district or county attorney having jurisdiction or the
4 attorney general may conduct an investigation on the officer's own
5 initiative to determine if criminal conduct occurred in connection
6 with an election.

7 (c) On receipt of an affidavit under Section 15.028, the
8 county or district attorney having jurisdiction and, if applicable,
9 the attorney general shall investigate the matter.

10 (d) On referral of a complaint from the secretary of state
11 under Section 31.006, the attorney general may investigate the
12 allegations.

13 (e) Not later than the 30th day after the date on which a
14 county or district attorney begins an investigation under this
15 section, the county or district attorney shall deliver notice of
16 the investigation to the secretary of state. The notice must
17 include a statement that a criminal investigation is being
18 conducted and the date on which the election that is the subject of
19 the investigation was held. The secretary of state may disclose
20 information relating to a criminal investigation received under
21 this subsection only if the county or district attorney has
22 disclosed the information or would be required by law to disclose
23 the information.

24 (f) Upon receipt of a complaint under section 31.006 or an
25 affidavit under this section or 15.028, the attorney general,
26 county attorney or district attorney shall promptly investigate the
27 matter to determine if criminal conduct occurred and shall take all

1 necessary actions in accordance with this code to prevent criminal
2 conduct in connection with the election.

3 SECTION 3. EFFECTIVE DATE. This Act takes effect
4 immediately if it receives a vote of two-thirds of all the members
5 elected to each house, as provided by Section 39, Article III, Texas
6 Constitution. If this Act does not receive the vote necessary for
7 immediate effect, this Act takes effect on the 91st day after the
8 last day of the legislative session.