

By: Anchia

H.B. No. 283

A BILL TO BE ENTITLED

AN ACT

relating to prohibited deceptive election practices; providing a criminal penalty.

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

SECTION 1. Chapter 61, Election Code, is amended by adding Subchapter C to read as follows:

SUBCHAPTER C. DECEPTIVE ELECTION PRACTICES

Sec. 61.061. DECEPTIVE ELECTION PRACTICES PROHIBITED. A person may not knowingly deceive another person regarding:

(1) the time, place, or manner of conducting an election in this state; or

(2) the qualifications for or restrictions governing voter eligibility for an election in this state.

Sec. 61.062. CRIMINAL OFFENSE. (a) A person commits an offense if the person violates Section 61.061 with the intent to prevent another person from:

(1) voting in an election; or

(2) casting a ballot that may legally be counted.

(b) An offense under this section is a Class B misdemeanor.

Sec. 61.063. REPORT TO SECRETARY OF STATE; ACTION BY SECRETARY. (a) A person may report a suspected violation of Section 61.061 to the secretary of state through the voting rights hotline or otherwise.

(b) Not later than 48 hours after receiving the report, the

1 secretary of state shall:

2 (1) refer the matter to the attorney general as  
3 provided by Section 31.006 if the secretary determines that there  
4 is reasonable cause to suspect that a criminal offense has been  
5 committed; and

6 (2) take any action determined necessary to provide  
7 correct information to the voters affected by the violation.

8 (c) The secretary of state shall adopt rules regarding the  
9 method of taking corrective action under Subsection (b)(2).

10 Sec. 61.064. CIVIL ACTION. The attorney general or a person  
11 harmed by a violation of Section 61.061 may bring a civil action for  
12 relief against a person who violates that section, including an  
13 action seeking a permanent or temporary injunction, restraining  
14 order, or other appropriate order.

15 Sec. 61.065. REPORT TO LEGISLATURE. (a) Not later than  
16 February 1 of each year, the secretary of state shall submit a  
17 report to the legislature regarding the reported violations of  
18 Section 61.061 during the preceding calendar year.

19 (b) The report must include:

20 (1) the number of reports of violations received;  
21 (2) the number of alleged violations referred to the  
22 attorney general;

23 (3) a description of the corrective actions taken  
24 under Section 61.063(b)(2);

25 (4) the geographic locations of and populations  
26 affected by the alleged violations; and

27 (5) any other information considered appropriate by

1 the secretary of state.

2 (c) The secretary of state may withhold specific  
3 information from a report under this section if the secretary  
4 determines that the disclosure of that information would unduly  
5 interfere with an ongoing investigation.

6 SECTION 2. This Act takes effect September 1, 2009.