

By: Hefner

H.B. No. 4480

A BILL TO BE ENTITLED

AN ACT

relating to the prevention of fraud in the conduct of elections;
providing a civil penalty; creating a civil cause of action.

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

ARTICLE 1. ELECTION CONTESTS

SECTION 1.01. Chapter 232, Election Code, is amended by
adding Subchapter C to read as follows:

SUBCHAPTER C. CONTEST INVOLVING ALLEGED FRAUD

Sec. 232.061. PETITION ALLEGING FRAUD. This subchapter
applies to an election contest in which the contestant alleges in
the petition that an opposing candidate, an agent of the opposing
candidate, or a person acting on behalf of the opposing candidate
with the candidate's knowledge committed election fraud under any
of the following sections of this code:

(1) Section 13.007;

(2) Section 64.012;

(3) Section 64.036;

(4) Section 84.003;

(5) Section 84.0041;

(6) Section 86.0051;

(7) Section 86.006;

(8) Section 86.010; or

(9) Section 276.013.

Sec. 232.062. EVIDENTIARY STANDARD. A contestant must

1 prove an allegation described by Section 232.061 by a preponderance
2 of the evidence.

3 Sec. 232.063. CIVIL PENALTY. (a) If the court in its
4 judgment finds that the contestee, an agent of the contestee, or a
5 person acting on behalf of the contestee with the contestee's
6 knowledge committed one or more violations of a section described
7 by Section 232.061, the contestee is liable to this state for a
8 civil penalty of \$1,000 for each violation.

9 (b) A penalty collected under this section by the attorney
10 general shall be deposited in the state treasury to the credit of
11 the general revenue fund.

12 Sec. 232.064. ATTORNEY'S FEES. In an election contest to
13 which this subchapter applies, the court may award reasonable
14 attorney's fees to the prevailing party.

15 SECTION 1.02. (a) The changes in law made by this article
16 apply only to an election contest for which the associated election
17 occurred after the effective date of this Act.

18 (b) The changes in law made by this article apply only to an
19 election ordered on or after the effective date of this Act. An
20 election ordered before the effective date of this Act is governed
21 by the law in effect when the election was ordered, and the former
22 law is continued in effect for that purpose.

23 ARTICLE 2. EFFECTIVE DATE

24 SECTION 2.01. This Act takes effect September 1, 2021.