

BILL ANALYSIS

H.B. 1671
By: Jetton
Elections
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Texans have requested a civil mechanism through which to recoup costs resulting from bad actors providing vote harvesting services. H.B. 1671 seeks to establish such a mechanism by creating civil penalties for a person who commits vote harvesting and by making these offenders liable to any candidate harmed by the vote harvesting services.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

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

H.B. 1671 amends the Election Code to make a person who commits the third degree felony offense of vote harvesting liable to any candidate harmed by the vote harvesting services for damages and penalties in an amount that includes the following:

- the amount of any compensation paid to or received by the person in exchange for the vote harvesting services;
- the fair market value of any benefit given or received in exchange for the services;
- a penalty in the amount of \$25,000;
- reasonable attorney's fees, court costs, witness fees, and deposition fees; and
- any of the litigant's properly filed and reported campaign expenditures and fees and expenses incurred by the litigant in filing and securing a place on the ballot, if the litigant shows that the number of voters contacted by the vote harvesting services exceeds the number of votes by which the litigant lost the election.

The bill defines "vote harvesting services" as in-person interaction with one or more voters, in the physical presence of an official ballot or a ballot voted by mail, intended to deliver votes for a specific candidate or measure. The bill establishes that a candidate is considered harmed if the candidate can demonstrate that they were a candidate for office, the liable party committed the offense, and another candidate seeking the same office received a vote attributable to the offense, regardless of whether the other candidate knowingly participated in the vote harvesting services. The bill provides for the prevailing litigant's recovery of the prescribed damages and makes a person who commits the offense and is found liable for damages arising from the vote harvesting services jointly liable with any other defendant for the entire amount of damages.

H.B. 1671 establishes that the cause of action is cumulative to any other remedy provided by common law or statute but excludes the action from applicability of the expedited actions process created by Rule 169, Texas Rules of Civil Procedure, and Civil Practice and Remedies

Code provisions relating to actions involving the exercise of certain constitutional rights. The bill authorizes the cause of action to be brought in the county where any part of the vote harvesting services occurred.

EFFECTIVE DATE

September 1, 2023.