

## **BILL ANALYSIS**

Senate Research Center

S.B. 1807  
By: Springer  
State Affairs  
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As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Election law, rules, and procedures should be consistent across the state, which is why, during the 87th legislature, there was a statute passed that prohibited any elected or election official from being able to alter election laws, rules, or procedures not explicitly allowed by the Texas Election Code. However, because there is no penalty attached to this prohibition, there are still those who continue to violate this provision. This bill seeks to establish civil penalties for election or elected officials who fail to conduct their elections according to the Texas Election Code after being advised by the Secretary of State on how to correct the violation.

As proposed, S.B. 1807 amends current law relating to unlawful altering of election procedures.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 276.019, Election Code, as follows:

- (a) Creates this subsection from existing text.
- (b) Requires the secretary of state (SOS), if, after receiving or discovering information indicating that a public official or election official has violated Section 276.019 (Unlawful Altering of Election Procedures), to order that person to correct the offending conduct through written notice that includes a description of the violation and an explanation of the action necessary for compliance and of the consequences of noncompliance.
- (c) Requires SOS, if a person described by Subsection (b) fails to comply with an order from SOS under this section within the second day following, to:
  - (1) inform the attorney general that the official is authorized to be subject to a civil penalty under subsection (d); and
  - (2) deliver to the attorney general all pertinent documents and information in the SOS's possession.
  - (3) provides that the documents and information submitted under Subsection (c) are not considered public information until:
    - (A) SOS makes a determination that the information received does not warrant an investigation; or
    - (B) if referred to the attorney general, the attorney general has completed the investigation or has made a determination that the information referred does not warrant an investigation.

(d) Provides that a person is liable to this state for a civil penalty of \$1,000 for each day after the second day following the receipt of the written notice that the public official or election official fails to take affirmative action to comply with the corrective actions identified by SOS. Authorizes the attorney general to bring an action to recover a civil penalty imposed under this section. Requires the civil penalty referenced in Subsection (d) to increase to \$5,000 for each day following the 7th day that the public official or election official fails to take affirmative action to comply with the corrective actions identified by SOS.

(e) Authorizes the attorney general to bring an action to recover a civil penalty imposed under this section.

(f) Requires a civil penalty collected by the attorney general under this section to be deposited in the state treasury to the credit of the general revenue fund.

SECTION 2. Effective date: September 1, 2023.