

BILL ANALYSIS

Senate Research Center
88R20085 MLH-D

C.S.S.B. 1909
By: Bettencourt
State Affairs
3/30/2023
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Under the Texas Election Code, a party is entitled to appropriate injunctive relief to prevent a violation of the Election Code from continuing or occurring.

During the November 2022 election in Harris County, there was a temporary restraining order issued to keep the polls open an hour later. The office of the attorney general was not notified of the hearing or the results by the court even though the election was over federal and state offices.

S.B. 1909 would require that if a court issues a temporary restraining order under the Texas Election Code, a copy of the temporary restraining order would be submitted to the attorney general.

(Original Author's/Sponsor's Statement of Intent)

C.S.S.B. 1909 amends current law relating to requiring notice to the attorney general in an action under the Election Code seeking a temporary restraining order.

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 the heading to Subchapter E, Chapter 273, Election Code, to read as follows:

SUBCHAPTER E. INJUNCTION OR RESTRAINING ORDER

SECTION 2. Amends Subchapter E, Chapter 273, Election Code, by adding Section 273.082, as follows:

Sec. 273.082. TEMPORARY RESTRAINING ORDER; NOTICE. Requires a court, as soon as practicable before a hearing in an action under this code seeking a temporary restraining order, to notify the attorney general of the hearing.

SECTION 3. Effective date: September 1, 2023.