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| BILL ANALYSIS |

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| C.S.H.B. 1475 |
| By: Schofield |
| Elections |
| Committee Report (Substituted) |

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| **BACKGROUND AND PURPOSE** Current law entitles a person who is being harmed or is in danger of being harmed by a violation or threatened violation of the Election Code to appropriate injunctive relief to prevent such a violation from continuing or occurring. The bill author has informed the committee that during the November 2022 general election in Harris County, a temporary restraining order was issued to keep the polls open an hour later. The bill author has also informed the committee that the Office of the Attorney General (OAG) was not notified by the court of that hearing or its results even though the election was concerning federal and state offices and that since the OAG is the designated state agency to defend Texas law, there is a need for the OAG to have an opportunity to weigh in and protect state election interests. C.S.H.B. 1475 seeks to provide the OAG with this opportunity by requiring a court to electronically notify the OAG before an action seeking a temporary restraining order under state election law. |
| **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**  C.S.H.B. 1475 amends the Election Code to require a court, as soon as practicable before a hearing in an action under that code seeking a temporary restraining order, to electronically notify the attorney general of the hearing and to require the attorney general to designate an email address at which to receive such a notice. The bill prohibits a court from holding such a hearing sooner than two hours after the court provides the required email notice to the attorney general, but authorizes the attorney general, after receiving the notice, to waive the requisite two-hour window. The bill requires a court to allow the attorney general to participate remotely in a hearing in such an action seeking a temporary restraining order, using any reasonably available method. A temporary restraining order issued in violation of the bill's provisions is void and unenforceable. |
| **EFFECTIVE DATE** September 1, 2025. |
| **COMPARISON OF INTRODUCED AND SUBSTITUTE**While C.S.H.B. 1475 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.The substitute revises the introduced version's requirement for a court to notify the attorney general of a hearing in an action under the Election Code seeking a temporary restraining order as soon as practicable before the hearing by specifying that the notification must be made electronically at a designated email address. The substitute includes the following provisions which did not appear in the introduced:* a requirement for the attorney general to designate an email address at which to receive such a notice;
* a prohibition against a court holding such a hearing sooner than two hours after the court provides the required email notice to the attorney general;
* an authorization for the attorney general to waive the requisite two-hour window after receiving the notice;
* a requirement for a court to allow the attorney general to participate remotely in a hearing in such an action seeking a temporary restraining order, using any reasonably available method; and
* a provision establishing that a temporary restraining order issued in violation of the bill's provisions is void and unenforceable.
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