

BILL ANALYSIS

S.B. 509
By: Bettencourt
Elections
Committee Report (Unamended)

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 sponsor 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 sponsor 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. S.B. 509 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

S.B. 509 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 e-mail 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 e-mail 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.