

## **BILL ANALYSIS**

Senate Research Center  
89R4599 JDK-F

S.B. 618  
By: Sparks  
State Affairs  
3/20/2025  
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. S.B. 618 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. 618 amends current law relating to the unlawful altering of election procedures and provides a civil penalty.

### **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:

Sec. 276.019. New heading: UNLAWFUL ALTERING OF ELECTION PROCEDURES; CIVIL PENALTY. (a) Creates this subsection from existing text and makes no further changes.

(b) Requires the secretary of state (SOS), after SOS receives or discovers information indicating that a public official or election official has violated Subsection (a), to investigate the standard, practice, or procedure appearing to have violated Subsection (a). Requires SOS, if SOS determines that a violation of Subsection (a) has occurred, to send to the public official or election official determined to have violated that subsection:

(1) notification of SOS's determination;

(2) a demand that the official immediately cease the implementation or enforcement of the standard, practice, or procedure determined to have violated Subsection (a); and

(3) instructions for the specific actions necessary for compliance with Subsection (a).

(c) Requires SOS, if, more than two days after receiving notification under Subsection (b), a public official or election official does not comply with Subsection (a) as instructed under Subsection (b)(3), to notify the attorney general that the official may be subject to a civil penalty under Subsection (d) and forward to the attorney general any documents or information received, discovered, or created during SOS's investigation under Subsection (b).

(d) Provides that a public official or election official is liable to this state for a civil penalty for each day that the official fails or refuses to take an affirmative action to comply with Subsection (a) in an amount not to exceed \$1,000 per day for each day after the second day and on or before the seventh day after receiving a notice under Subsection (b) or \$5,000 per day for each day after the seventh day after receiving a notice under Subsection (b).

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

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

(g) Provides that documents or information received, discovered, or created during SOS's investigation under Subsection (b) are confidential and not subject to disclosure under Chapter 552 (Public Information), Government Code, unless SOS or attorney general has determined that a complaint submitted to SOS under this section will not be further investigated or the subject of any further proceedings or actions.

SECTION 2. Effective date: September 1, 2025.