

By: Morgan

H.B. No. 3517

A BILL TO BE ENTITLED

AN ACT

relating to the prosecution of the criminal offense of unlawfully publishing a vote.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 61.006, Election Code, is amended to read as follows:

Sec. 61.006. UNLAWFULLY PUBLISHING [~~DIVULGING~~] VOTE. (a)

In this section:

(1) "Effective consent" means consent by a person legally authorized to act for the voter. Consent is not effective if:

(A) induced by force, threat, or fraud;

(B) given by a person the actor knows is not legally authorized to act for the voter;

(C) given by a person who by reason of youth, mental disease or defect, or intoxication is known by the actor to be unable to make reasonable decisions; or

(D) given solely to detect the commission of an offense.

(2) "Publish" means to communicate information or make information available to another person orally, in writing, or by means of telecommunication or electronic communication.

(a-1) A person commits an offense if the person [~~was in a polling place for any purpose other than voting and~~] knowingly

1 publishes [~~communicates to another person information that the~~
2 ~~person obtained at the polling place about~~] how a voter has voted
3 without the effective consent of the voter.

4 (b) An offense under this section is a felony of the third
5 degree.

6 (c) It is an exception to prosecution under this section
7 that the person published the voter's voting [~~This section does not~~
8 ~~apply to~~] information during:

9 (1) [~~presented in~~] an official investigation to which
10 the information was relevant; or

11 (2) an administrative, executive, legislative, or
12 judicial proceeding conducted before a public servant and to [~~other~~
13 ~~official proceeding in~~] which the information was [~~is~~] relevant,
14 including during the administration of an election.

15 SECTION 2. The change in law made by this Act applies only
16 to an offense committed on or after the effective date of this Act.
17 An offense committed before the effective date of this Act is
18 governed by the law in effect on the date the offense was committed,
19 and the former law is continued in effect for that purpose. For
20 purposes of this section, an offense was committed before the
21 effective date of this Act if any element of the offense occurred
22 before that date.

23 SECTION 3. This Act takes effect September 1, 2025.