

By: Sparks, et al.
(Leach, et al.)

S.B. No. 618

A BILL TO BE ENTITLED

AN ACT

relating to the unlawful altering of election procedures; providing
a civil penalty.

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

SECTION 1. Section 276.019, Election Code, is amended to
read as follows:

Sec. 276.019. UNLAWFUL ALTERING OF ELECTION PROCEDURES;
CIVIL PENALTY. (a) A public official or election official may not
create, alter, modify, waive, or suspend any election standard,
practice, or procedure mandated by law or rule in a manner not
expressly authorized by this code.

(b) After the secretary of state receives a formal complaint
indicating that a public official or election official has violated
Subsection (a), the secretary of state shall promptly investigate
the standard, practice, or procedure appearing to have violated
Subsection (a). If the secretary of state determines that a
violation of Subsection (a) has occurred, the secretary of state
shall promptly send to the public official or election official
determined to have violated that subsection:

(1) notification of the secretary of state'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

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

3 (c) If, more than two business days after receiving
4 notification under Subsection (b), a public official or election
5 official does not comply with Subsection (a) as instructed under
6 Subsection (b)(3), the secretary of state shall:

7 (1) notify the attorney general that the official may
8 be subject to a civil penalty under Subsection (d); and

9 (2) forward to the attorney general any documents or
10 information received, discovered, or created during the secretary
11 of state's investigation under Subsection (b).

12 (d) A public official or election official is liable to this
13 state for a civil penalty for each day that the official fails or
14 refuses to take an affirmative action to comply with Subsection (a)
15 in an amount not to exceed:

16 (1) \$1,000 per day for each day after the second day
17 and on or before the seventh day after receiving a notice under
18 Subsection (b); or

19 (2) \$5,000 per day for each day after the seventh day
20 after receiving a notice under Subsection (b).

21 (e) The attorney general may bring an action to recover a
22 civil penalty imposed under Subsection (d).

23 (f) A civil penalty collected by the attorney general under
24 this section shall be deposited in the state treasury to the credit
25 of the general revenue fund.

26 (g) A repeated violation of Subsection (a) by a public
27 official or election official of a political subdivision, other

1 than an elected official, is grounds for removal of the official by
2 the appointing political subdivision.

3 (h) Except as provided by Subsection (i), the secretary of
4 state shall produce and post on the secretary of state's publicly
5 accessible Internet website a monthly report containing
6 information on each reported violation of Subsection (a). The
7 report shall only include:

8 (1) the county where the violation allegedly took
9 place;

10 (2) the specific election standard, practice, or
11 procedure mandated by law or rule alleged to have been created,
12 altered, modified, waived, or suspended in a manner not expressly
13 authorized by this code;

14 (3) the date or dates of the alleged violation; and

15 (4) the resolution of the secretary of state's
16 investigation, including the resolution of any further proceedings
17 or actions.

18 (h-1) The secretary of state shall update the information
19 required under Subsection (h)(4) as necessary.

20 (i) Documents or information received, discovered, or
21 created during the secretary of state's investigation under
22 Subsection (b) are confidential and not subject to disclosure under
23 Chapter 552, Government Code, unless the secretary of state or
24 attorney general has determined that a formal complaint submitted
25 to the secretary of state under this section does not rise to the
26 level of criminal conduct, or will not be further investigated or
27 the subject of any further proceedings or actions.

1 (j) A public official, election official, or registered
2 voter reporting an alleged violation of Subsection (a) by the
3 secretary of state or any personnel working in the secretary of
4 state's elections division shall send a formal complaint containing
5 the details of the alleged violation to the secretary of state. The
6 complaint must:

7 (1) include the nature of the alleged violation; and
8 (2) demand that the secretary of state cease all acts
9 or omissions that constitute the alleged violation and take
10 whatever action necessary to correct the violation.

11 (j-1) The secretary of state shall include information on
12 each formal complaint received under Subsection (j) in the manner
13 provided by Subsection (h).

14 (j-2) The secretary of state shall promptly notify the
15 complainant in writing of all corrective action taken in response
16 to the alleged violation of Subsection (a) or a clear explanation to
17 the complainant on the secretary of state's compliance with
18 Subsection (a).

19 SECTION 2. This Act takes effect September 1, 2025.