

1-1 By: Sparks, Hagenbuch, Kolkhorst S.B. No. 618
1-2 (In the Senate - Filed December 13, 2024; February 3, 2025,
1-3 read first time and referred to Committee on State Affairs;
1-4 April 1, 2025, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 9, Nays 0; April 1, 2025,
1-6 sent to printer.)

1-7	COMMITTEE VOTE				
1-8		Yea	Nay	Absent	PNV
1-9	Hughes	X			
1-10	Paxton	X			
1-11	Bettencourt	X			
1-12	Birdwell	X			
1-13	Hall	X			
1-14	Hinojosa of Nueces	X			
1-15	Middleton	X			
1-16	Parker	X			
1-17	Perry	X			
1-18	Schwertner			X	
1-19	Zaffirini			X	

1-20 COMMITTEE SUBSTITUTE FOR S.B. No. 618 By: Hall

1-21 A BILL TO BE ENTITLED
1-22 AN ACT

1-23 relating to the unlawful altering of election procedures; providing
1-24 a civil penalty.

1-25 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-26 SECTION 1. Section 276.019, Election Code, is amended to
1-27 read as follows:

1-28 Sec. 276.019. UNLAWFUL ALTERING OF ELECTION PROCEDURES;
1-29 CIVIL PENALTY. (a) A public official or election official may not
1-30 create, alter, modify, waive, or suspend any election standard,
1-31 practice, or procedure mandated by law or rule in a manner not
1-32 expressly authorized by this code.

1-33 (b) After the secretary of state receives or discovers
1-34 information indicating that a public official or election official
1-35 has violated Subsection (a), the secretary of state shall
1-36 investigate the standard, practice, or procedure appearing to have
1-37 violated Subsection (a). If the secretary of state determines that
1-38 a violation of Subsection (a) has occurred, the secretary of state
1-39 shall send to the public official or election official determined
1-40 to have violated that subsection:

1-41 (1) notification of the secretary of state's
1-42 determination;

1-43 (2) a demand that the official immediately cease the
1-44 implementation or enforcement of the standard, practice, or
1-45 procedure determined to have violated Subsection (a); and

1-46 (3) instructions for the specific actions necessary
1-47 for compliance with Subsection (a).

1-48 (c) If, more than two days after receiving notification
1-49 under Subsection (b), a public official or election official does
1-50 not comply with Subsection (a) as instructed under Subsection
1-51 (b)(3), the secretary of state shall:

1-52 (1) notify the attorney general that the official may
1-53 be subject to a civil penalty under Subsection (d); and

1-54 (2) forward to the attorney general any documents or
1-55 information received, discovered, or created during the secretary
1-56 of state's investigation under Subsection (b).

1-57 (d) A public official or election official is liable to this
1-58 state for a civil penalty for each day that the official fails or
1-59 refuses to take an affirmative action to comply with Subsection (a)
1-60 in an amount not to exceed:

(1) \$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

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

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

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

(g) A repeated violation of Subsection (a) by a public official or election official, other than an elected official, is grounds for removal of the official by the appointing political subdivision.

(h) Except as provided by Subsection (i), the secretary of state shall produce a monthly report containing information on each reported violation of Subsection (a). The report shall only include:

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

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

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

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

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

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

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

(1) include the nature of the alleged violation; and

(2) demand that the secretary of state cease all acts or omissions that constitute the alleged violation and take whatever action necessary to correct the violation.

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

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

(k) Except as provided by Subsection (l), if the secretary of state has not complied with the demand or demonstrated compliance in their response to a notice provided under Subsection (j) after the second business day after the date the secretary receives the notice, the complainant may bring an action against the secretary for damages incurred by the failure to comply and for appropriate equitable relief.

(l) A complainant may immediately bring an action under Subsection (k) if election security is at immediate risk.

(m) A complainant may bring an action under Subsection (k) in a district court located in a county impacted by the secretary of state's failure to comply with the demand that is the subject of the action or in the complainant's county of residence.

(n) A complaint is not required to demonstrate direct or concrete injury to obtain relief in an action brought under Subsection (k).

(o) A prevailing claimant in an action brought under Subsection (k) is entitled to:

- (1) compensatory damages;
- (2) a restraining order;
- (3) injunctive relief;
- (4) mandamus relief; and
- (5) court costs and reasonable attorney's fees incurred in bringing the action.

(p) The secretary of state may not assert official immunity as a defense to an action brought under Subsection (k).

(q) A district court shall expedite an action brought under Subsection (k) if the court determines that the expedition is necessitated by the public interest.

(r) This section supersedes any other provisions of this code or a law outside this code to the extent of any conflict.

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

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