

By: Johnson

S.B. No. 891

A BILL TO BE ENTITLED

AN ACT

relating to penalties for intimidation and harassment of election officials and election interference; creating criminal offenses.

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

SECTION 1. Title 16, Election Code, is amended by adding Chapter 280 to read as follows:

CHAPTER 280. INTIMIDATION OF ELECTION OFFICIALS AND ELECTION INTERFERENCE

Sec. 280.0101. DEFINITIONS. In this chapter:

(1) "Election official" has the meaning assigned by Section 1.005. The term also includes:

(A) a member of a local canvassing authority; or
(B) a county auditor or city secretary charged with duties related to the administration of an election.

(2) "Family member" means an individual related to another individual within the second degree of consanguinity or affinity or an individual residing in the same household as another individual.

(3) "Personal information" means personal identifying information or sensitive personal information, as those terms are defined by Section 521.002, Business & Commerce Code, or a person's residence address in combination with a photograph or description of and directions to the residence.

Sec. 280.0102. INTIMIDATION AND HARASSMENT OF ELECTION

1 OFFICIALS. (a) A person commits an offense if the person, on more
2 than one occasion and pursuant to the same scheme or course of
3 conduct that is directed specifically at an election official in
4 the performance of statutory or other official duties related to
5 the administration of an election or as a result of action taken or
6 a decision made in the course of that performance, knowingly
7 engages in conduct that:

8 (1) constitutes an offense under Section 42.07, Penal
9 Code, or the actor knows or reasonably should know the election
10 official will regard as threatening:

11 (A) bodily injury or death for the election
12 official;

13 (B) bodily injury or death for a family member of
14 the election official or for an individual with whom the election
15 official has a dating relationship; or

16 (C) that an offense will be committed against the
17 election official's property;

18 (2) causes the election official, a family member of
19 the election official, or an individual with whom the election
20 official has a dating relationship to be placed in fear of bodily
21 injury or death or in fear that an offense will be committed against
22 the election official's property, or to feel harassed, annoyed,
23 alarmed, abused, tormented, embarrassed, or offended; and

24 (3) would cause a reasonable person to:

25 (A) fear bodily injury or death for himself or
26 herself;

27 (B) fear bodily injury or death for a family

1 member of the person or for an individual with whom the person has a
2 dating relationship;

3 (C) fear that an offense will be committed
4 against the person's property; or

5 (D) feel harassed, annoyed, alarmed, abused,
6 tormented, embarrassed, or offended.

7 (b) A person commits an offense if the person directly or
8 indirectly uses or threatens force, coercion, violence, restraint,
9 damage, harm, or loss, including loss of employment or financial
10 reprisal, against another with the intent to influence an election
11 official in the performance of a duty related to the administration
12 of an election.

13 (c) An offense under this section is a felony of the third
14 degree, except that the offense is a felony of the second degree if
15 the actor has previously been convicted of an offense under this
16 section or a law that contains elements that are substantially
17 similar to the elements of an offense under this section or the laws
18 of another recognized United States jurisdiction.

19 Sec. 280.0103. ELECTION INTERFERENCE. A person commits an
20 offense if the person intentionally interferes with, hinders, or
21 prevents an election official from performing a statutory or other
22 official duty related to the administration of an election.

23 Sec. 280.0104. DISSEMINATION OF PERSONAL INFORMATION. (a)
24 A person commits an offense if the person, knowingly and without
25 consent, disseminates personal information about an election
26 official or a family member of an election official if:

27 (1) the dissemination poses an imminent and serious

1 threat to the election official's safety or the safety of a family
2 member of the election official; and

3 (2) the person disseminating the information knows or
4 reasonably should know of any imminent and serious threat.

5 (b) An offense under this section is a misdemeanor
6 punishable by:

7 (1) a fine of not more than \$1,000;

8 (2) confinement in the county jail for not more than
9 six months; or

10 (3) both the fine and confinement.

11 Sec. 280.0105. OBSTRUCTING ACCESS OR EGRESS. A person
12 commits an offense if the person intentionally and physically
13 obstructs an election official's access to or egress from:

14 (1) a polling place;

15 (2) a meeting of a local canvassing authority;

16 (3) a place where election supplies are located; or

17 (4) any other place where an election official is
18 performing statutory or other official duties related to the
19 administration of an election.

20 Sec. 280.0106. CONSPIRACY. (a) A person commits a
21 conspiracy if, with intent:

22 (1) the person agrees with one or more persons that
23 they or one or more of them engage in conduct that would violate a
24 provision of this chapter; and

25 (2) the person or one or more of the persons with whom
26 the person has an agreement described by Subdivision (1) perform an
27 overt act in pursuance of the agreement.

1 (b) An agreement constituting a conspiracy may be inferred
2 from acts of the parties.

3 (c) It is no defense to prosecution for conspiracy that:

4 (1) one or more of the coconspirators are not
5 responsible for the violation of this chapter;

6 (2) one or more of the coconspirators have been
7 acquitted, so long as two or more coconspirators have not been
8 acquitted;

9 (3) one or more of the coconspirators have not been
10 prosecuted or convicted, have been convicted of a different
11 offense, or are immune from prosecution;

12 (4) the actor belongs to a class of persons that is
13 legally incapable of committing a violation of this chapter in an
14 individual capacity; or

15 (5) the violation of this chapter was actually
16 committed.

17 (d) An offense under this section is a state jail felony.

18 Sec. 280.0107. PENALTIES. Except as otherwise provided, an
19 offense under this chapter is a felony of the third degree.

20 SECTION 2. Section 552.117(a), Government Code, is amended
21 to read as follows:

22 (a) Information is excepted from the requirements of
23 Section 552.021 if it is information that relates to the home
24 address, home telephone number, emergency contact information, or
25 social security number of the following person or that reveals
26 whether the person has family members:

27 (1) a current or former official or employee of a

1 governmental body, except as otherwise provided by Section 552.024;

2 (2) a current or honorably retired peace officer as
3 defined by Article 2A.001, Code of Criminal Procedure, or a current
4 or honorably retired security officer commissioned under Section
5 51.212, Education Code, regardless of whether the officer complies
6 with Section 552.024 or 552.1175, as applicable;

7 (3) a current or former employee of the Texas
8 Department of Criminal Justice or of the predecessor in function of
9 the department or any division of the department, regardless of
10 whether the current or former employee complies with Section
11 552.1175;

12 (4) a peace officer as defined by Article 2A.001, Code
13 of Criminal Procedure, or other law, a reserve law enforcement
14 officer, a commissioned deputy game warden, or a corrections
15 officer in a municipal, county, or state penal institution in this
16 state who was killed in the line of duty, regardless of whether the
17 deceased complied with Section 552.024 or 552.1175;

18 (5) a commissioned security officer as defined by
19 Section 1702.002, Occupations Code, regardless of whether the
20 officer complies with Section 552.024 or 552.1175, as applicable;

21 (6) an officer or employee of a community supervision
22 and corrections department established under Chapter 76 who
23 performs a duty described by Section 76.004(b), regardless of
24 whether the officer or employee complies with Section 552.024 or
25 552.1175;

26 (7) a current or former employee of the office of the
27 attorney general who is or was assigned to a division of that office

1 the duties of which involve law enforcement or are performed under
2 Chapter 231, Family Code, regardless of whether the current or
3 former employee complies with Section 552.024 or 552.1175;

4 (8) a current or former employee of the Texas Juvenile
5 Justice Department or of the predecessors in function of the
6 department, regardless of whether the current or former employee
7 complies with Section 552.024 or 552.1175;

8 (9) a current or former juvenile probation or
9 supervision officer certified by the Texas Juvenile Justice
10 Department, or the predecessors in function of the department,
11 under Title 12, Human Resources Code, regardless of whether the
12 current or former officer complies with Section 552.024 or
13 552.1175;

14 (10) a current or former employee of a juvenile
15 justice program or facility, as those terms are defined by Section
16 261.405, Family Code, regardless of whether the current or former
17 employee complies with Section 552.024 or 552.1175;

18 (11) a current or former member of the United States
19 Army, Navy, Air Force, Coast Guard, or Marine Corps, an auxiliary
20 service of one of those branches of the armed forces, or the Texas
21 military forces, as that term is defined by Section 437.001;

22 (12) a current or former district attorney, criminal
23 district attorney, or county or municipal attorney whose
24 jurisdiction includes any criminal law or child protective services
25 matters, regardless of whether the current or former attorney
26 complies with Section 552.024 or 552.1175;

27 (13) a current or former employee of a district

1 attorney, criminal district attorney, or county or municipal
2 attorney whose jurisdiction includes any criminal law or child
3 protective services matters, regardless of whether the current or
4 former employee complies with Section 552.024 or 552.1175;

5 (14) a current or former employee of the Texas Civil
6 Commitment Office or of the predecessor in function of the office or
7 a division of the office, regardless of whether the current or
8 former employee complies with Section 552.024 or 552.1175;

9 (15) a current or former federal judge or state judge,
10 as those terms are defined by Section 1.005, Election Code, a
11 federal bankruptcy judge, a marshal of the United States Marshals
12 Service, a United States attorney, or a family member of a current
13 or former federal judge, including a federal bankruptcy judge, a
14 marshal of the United States Marshals Service, a United States
15 attorney, or a state judge;

16 (16) a current or former child protective services
17 caseworker, adult protective services caseworker, or investigator
18 for the Department of Family and Protective Services, regardless of
19 whether the caseworker or investigator complies with Section
20 552.024 or 552.1175, or a current or former employee of a department
21 contractor performing child protective services caseworker, adult
22 protective services caseworker, or investigator functions for the
23 contractor on behalf of the department;

24 (17) an elected public officer, regardless of whether
25 the officer complies with Section 552.024 or 552.1175;

26 (18) a current or former United States attorney,
27 assistant United States attorney, federal public defender, deputy

1 federal public defender, or assistant federal public defender and
2 the spouse or child of the current or former attorney or public
3 defender, regardless of whether the person complies with Section
4 552.024 or 552.1175; [~~or~~]

5 (19) a firefighter or volunteer firefighter or
6 emergency medical services personnel as defined by Section 773.003,
7 Health and Safety Code, regardless of whether the firefighter or
8 volunteer firefighter or emergency medical services personnel
9 comply with Section 552.024 or 552.1175, as applicable; or

10 (20) a current election official, as defined by
11 Section 280.0101, Election Code.

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