

By: Fallon

S.B. No. 1568

A BILL TO BE ENTITLED

AN ACT

relating to organized election fraud activity; imposing a civil penalty.

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

SECTION 1. Chapter 276, Election Code, is amended by adding Section 276.012 to read as follows:

Sec. 276.012. LIABILITY FOR ENGAGING IN ORGANIZED ELECTION FRAUD ACTIVITY. (a) In this section, "organized election fraud activity" means an offense under Section 276.011(a).

(b) A person who engages in organized election fraud activity in connection with an election in this state is liable to the state for civil penalties in an action by the attorney general as provided by this section.

(c) In an action under this section, the attorney general or person bringing the action must establish each element of the action by a preponderance of the evidence.

(d) It is not a defense under this section that:

(1) a defendant is not criminally responsible for an offense committed in furtherance of the organized election fraud activity; or

(2) another alleged participant in the organized election fraud activity has been acquitted.

(e) In all actions under this section, the state shall be awarded a civil penalty of \$1,000 for each offense committed under

1 Titles 1 through 7 in the course of committing organized election
2 fraud activity.

3 (f) The cause of action created by this section is
4 cumulative of any other remedy provided by common law or statute.

5 (g) A person found liable under this section or other law
6 for any amount of damages arising from organized election fraud
7 activity is jointly liable with any other defendant for the entire
8 amount of damages arising from the activity.

9 (h) A civil action or proceeding under this section against
10 any person may be brought in the county where any part of the
11 organized election fraud activity occurred.

12 SECTION 2. The change in law made by this Act applies only
13 to an offense committed under Section 276.011(a), Election Code, on
14 or after the effective date of this Act. An offense committed
15 before the effective date of this Act is governed by the law in
16 effect on the date the offense was committed, and the former law is
17 continued in effect for that purpose. For purposes of this section,
18 an offense was committed before the effective date of this Act if
19 any element of the offense occurred before that date.

20 SECTION 3. This Act takes effect September 1, 2019.