

1-1 By: Fallon S.B. No. 1568
1-2 (In the Senate - Filed March 5, 2019; March 14, 2019, read
1-3 first time and referred to Committee on State Affairs;
1-4 April 9, 2019, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 9, Nays 0; April 9, 2019,
1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8 Huffman	X			
1-9 Hughes	X			
1-10 Birdwell	X			
1-11 Creighton	X			
1-12 Fallon	X			
1-13 Hall	X			
1-14 Lucio	X			
1-15 Nelson	X			
1-16 Zaffirini	X			
1-17				

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 1568 By: Fallon

1-19 A BILL TO BE ENTITLED
1-20 AN ACT

1-21 relating to organized election fraud activity; imposing a civil
1-22 penalty.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Chapter 276, Election Code, is amended by adding
1-25 Section 276.012 to read as follows:

1-26 Sec. 276.012. LIABILITY FOR ENGAGING IN ORGANIZED ELECTION
1-27 FRAUD ACTIVITY. (a) In this section, "organized election fraud
1-28 activity" means an offense under Section 276.011(a).

1-29 (b) A person who engages in organized election fraud
1-30 activity in connection with an election in this state is liable to
1-31 the state for civil penalties in an action by the attorney general
1-32 as provided by this section.

1-33 (c) In an action under this section, the attorney general
1-34 may seek injunctive relief to prevent a violation of Section
1-35 276.011(a) from continuing or recurring.

1-36 (d) In an action under this section, the attorney general
1-37 must establish each element of the action by a preponderance of the
1-38 evidence.

1-39 (e) It is not a defense under this section that:

1-40 (1) a defendant is not criminally responsible for an
1-41 offense committed in furtherance of the organized election fraud
1-42 activity; or

1-43 (2) another alleged participant in the organized
1-44 election fraud activity has been acquitted.

1-45 (f) In all actions under this section, the state shall be
1-46 awarded a civil penalty of \$1,000 for each offense committed under
1-47 Titles 1 through 7 in the course of committing organized election
1-48 fraud activity.

1-49 (g) The cause of action created by this section is
1-50 cumulative of any other remedy provided by common law or statute.

1-51 (h) A person found liable under this section or other law
1-52 for any amount of damages arising from organized election fraud
1-53 activity is jointly liable with any other defendant for the entire
1-54 amount of damages arising from the activity.

1-55 (i) A civil action or proceeding under this section against
1-56 any person may be brought in the county where any part of the
1-57 organized election fraud activity occurred.

1-58 SECTION 2. The change in law made by this Act applies only
1-59 to an offense committed under Section 276.011(a), Election Code, on
1-60 or after the effective date of this Act. An offense committed

2-1 before the effective date of this Act is governed by the law in
2-2 effect on the date the offense was committed, and the former law is
2-3 continued in effect for that purpose. For purposes of this section,
2-4 an offense was committed before the effective date of this Act if
2-5 any element of the offense occurred before that date.

2-6 SECTION 3. This Act takes effect September 1, 2019.

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