

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

	Yea	Nay	Absent	PNV
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			
1-18			X	
1-19			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:

2-1           (1) \$1,000 per day for each day after the second day  
2-2 and on or before the seventh day after receiving a notice under  
2-3 Subsection (b); or  
2-4           (2) \$5,000 per day for each day after the seventh day  
2-5 after receiving a notice under Subsection (b).  
2-6           (e) The attorney general may bring an action to recover a  
2-7 civil penalty imposed under Subsection (d).  
2-8           (f) A civil penalty collected by the attorney general under  
2-9 this section shall be deposited in the state treasury to the credit  
2-10 of the general revenue fund.  
2-11           (g) A repeated violation of Subsection (a) by a public  
2-12 official or election official, other than an elected official, is  
2-13 grounds for removal of the official by the appointing political  
2-14 subdivision.  
2-15           (h) Except as provided by Subsection (i), the secretary of  
2-16 state shall produce a monthly report containing information on each  
2-17 reported violation of Subsection (a). The report shall only  
2-18 include:  
2-19           (1) the county where the violation allegedly took  
2-20 place;  
2-21           (2) the specific election standard, practice, or  
2-22 procedure mandated by law or rule alleged to have been created,  
2-23 altered, modified, waived, or suspended in a manner not expressly  
2-24 authorized by this code;  
2-25           (3) the date or dates of the alleged violation; and  
2-26           (4) the resolution of the secretary of state's  
2-27 investigation including the resolution of any further proceedings  
2-28 or actions.  
2-29           (h-1) The secretary of state shall update the information  
2-30 required under Subsection (h)(4) as necessary.  
2-31           (i) Documents or information received, discovered, or  
2-32 created during the secretary of state's investigation under  
2-33 Subsection (b) are confidential and not subject to disclosure under  
2-34 Chapter 552, Government Code, unless the secretary of state or  
2-35 attorney general has determined that a complaint submitted to the  
2-36 secretary of state under this section does not rise to the level of  
2-37 criminal conduct, or will not be further investigated or the  
2-38 subject of any further proceedings or actions.  
2-39           (j) A public official, election official, or registered  
2-40 voter reporting an alleged violation of Subsection (a) by the  
2-41 secretary of state or any personnel working in the secretary of  
2-42 state's elections division, shall send a notice containing the  
2-43 details of the alleged violation to the secretary of state. The  
2-44 notice must:  
2-45           (1) include the nature of the alleged violation; and  
2-46           (2) demand that the secretary of state cease all acts  
2-47 or omissions that constitute the alleged violation and take  
2-48 whatever action necessary to correct the violation.  
2-49           (j-1) The secretary of state shall include information on  
2-50 each notice received under Subsection (j) in the manner provided by  
2-51 Subsection (h).  
2-52           (j-2) The secretary of state shall promptly notify the  
2-53 complainant in writing of all corrective action taken in response  
2-54 to the alleged violation of Subsection (a) or a clear explanation to  
2-55 the complainant on the secretary of state's compliance with  
2-56 Subsection (a).  
2-57           (k) Except as provided by Subsection (l), if the secretary  
2-58 of state has not complied with the demand or demonstrated  
2-59 compliance in their response to a notice provided under Subsection  
2-60 (j) after the second business day after the date the secretary  
2-61 receives the notice, the complainant may bring an action against  
2-62 the secretary for damages incurred by the failure to comply and for  
2-63 appropriate equitable relief.  
2-64           (l) A complainant may immediately bring an action under  
2-65 Subsection (k) if election security is at immediate risk.  
2-66           (m) A complainant may bring an action under Subsection (k)  
2-67 in a district court located in a county impacted by the secretary of  
2-68 state's failure to comply with the demand that is the subject of the  
2-69 action or in the complainant's county of residence.

3-1 (n) A complaint is not required to demonstrate direct or  
3-2 concrete injury to obtain relief in an action brought under  
3-3 Subsection (k).

3-4 (o) A prevailing claimant in an action brought under  
3-5 Subsection (k) is entitled to:

3-6 (1) compensatory damages;

3-7 (2) a restraining order;

3-8 (3) injunctive relief;

3-9 (4) mandamus relief; and

3-10 (5) court costs and reasonable attorney's fees  
3-11 incurred in bringing the action.

3-12 (p) The secretary of state may not assert official immunity  
3-13 as a defense to an action brought under Subsection (k).

3-14 (q) A district court shall expedite an action brought under  
3-15 Subsection (k) if the court determines that the expedition is  
3-16 necessitated by the public interest.

3-17 (r) This section supersedes any other provisions of this  
3-18 code or a law outside this code to the extent of any conflict.

3-19 SECTION 2. This Act takes effect September 1, 2025.

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