

1-1 By: Creighton S.B. No. 2363
1-2 (In the Senate - Filed March 12, 2025; March 25, 2025, read
1-3 first time and referred to Committee on State Affairs; May 5, 2025,
1-4 reported adversely, with favorable Committee Substitute by the
1-5 following vote: Yeas 9, Nays 1; May 5, 2025, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
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 COMMITTEE SUBSTITUTE FOR S.B. No. 2363 By: Hall

1-20 A BILL TO BE ENTITLED
1-21 AN ACT

1-22 relating to the prosecution of the criminal offense of unlawfully
1-23 publishing a vote.

1-24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-25 SECTION 1. Section 61.006, Election Code, is amended to
1-26 read as follows:

1-27 Sec. 61.006. UNLAWFULLY PUBLISHING ~~[DIVULGING]~~ VOTE. (a)
1-28 In this section:

1-29 (1) "Effective consent" means consent by a person
1-30 legally authorized to act for the voter. Consent is not effective
1-31 if:

1-32 (A) induced by force, threat, or fraud;

1-33 (B) given by a person the actor knows is not
1-34 legally authorized to act for the voter;

1-35 (C) given by a person who by reason of youth,
1-36 mental disease or defect, or intoxication is known by the actor to
1-37 be unable to make reasonable decisions; or

1-38 (D) given solely to detect the commission of an
1-39 offense.

1-40 (2) "Publish" means to communicate information or make
1-41 information available to another person orally, in writing, or by
1-42 means of telecommunication or electronic communication.

1-43 (a-1) A person commits an offense if the person
1-44 intentionally or ~~[was in a polling place for any purpose other than~~
1-45 ~~voting and]~~ knowingly publishes ~~[communicates to another person~~
1-46 ~~information that the person obtained at the polling place about]~~
1-47 how a voter has voted without the effective consent of the voter.

1-48 (b) An offense under this section is a felony of the third
1-49 degree.

1-50 (c) It is an affirmative defense to prosecution under this
1-51 section that the person published the voter's voting ~~[This section~~
1-52 ~~does not apply to]~~ information pursuant to a state law that requires
1-53 the publication ~~[presented in an official investigation or other~~
1-54 ~~official proceeding in which the information is relevant].~~

1-55 SECTION 2. The change in law made by this Act applies only
1-56 to an offense committed on or after the effective date of this Act.
1-57 An offense committed before the effective date of this Act is
1-58 governed by the law in effect on the date the offense was committed,
1-59 and the former law is continued in effect for that purpose. For
1-60 purposes of this section, an offense was committed before the

2-1 effective date of this Act if any element of the offense occurred
2-2 before that date.

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

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