

1-1 By: Hagenbuch S.B. No. 2743
1-2 (In the Senate - Filed March 13, 2025; April 3, 2025, read
1-3 first time and referred to Committee on State Affairs;
1-4 April 15, 2025, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 8, Nays 1; April 15, 2025,
1-6 sent to printer.)

1-7	COMMITTEE VOTE				
1-8		Yea	Nay	Absent	PNV
1-9	Hughes	X			
1-10	Paxton	X			
1-11	Bettencourt	X			
1-12	Birdwell			X	
1-13	Hall	X			
1-14	Hinojosa of Nueces	X			
1-15	Middleton	X			
1-16	Parker	X			
1-17	Perry	X			
1-18	Schwertner			X	
1-19	Zaffirini		X		

1-20 COMMITTEE SUBSTITUTE FOR S.B. No. 2743 By: Hughes

1-21 A BILL TO BE ENTITLED
1-22 AN ACT

1-23 relating to the prosecution of certain election offenses.
1-24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
1-25 SECTION 1. Article 2A.104, Code of Criminal Procedure, is
1-26 amended by amending Subsection (b) and adding Subsection (b-1) to
1-27 read as follows:
1-28 (b) Except as provided by Subsection (b-1), if [~~If~~] an
1-29 attorney representing the state is disqualified to act in any case
1-30 or proceeding, is absent from the county or district, or is
1-31 otherwise unable to perform the duties of the attorney's office, or
1-32 if there is no attorney representing the state, the judge of the
1-33 court in which the attorney represents the state may appoint to
1-34 perform the duties of the attorney's office during the attorney's
1-35 absence or disqualification:
1-36 (1) an attorney representing the state from any county
1-37 or district; or
1-38 (2) an assistant attorney general.
1-39 (b-1) If an attorney representing the state is disqualified
1-40 to act under Article 2A.105(d) or 2A.1051, the judge of the court in
1-41 which the attorney represents the state shall appoint an assistant
1-42 attorney general to perform the duties of the attorney's office
1-43 during the attorney's disqualification. The duties of the
1-44 assistant attorney general appointed under this subsection are
1-45 additional duties of the office of the attorney general, and the
1-46 office of the attorney general is not entitled to additional
1-47 compensation for performing those duties.
1-48 SECTION 2. Article 2A.105, Code of Criminal Procedure, is
1-49 amended by adding Subsection (d) to read as follows:
1-50 (d) A judge of a court in which a district or county attorney
1-51 represents the state shall declare the attorney disqualified for
1-52 purposes of Article 2A.104(b-1) with respect to a criminal case or
1-53 proceeding involving the election laws of this state, on a showing
1-54 that the attorney has adopted a policy or practice, or is following
1-55 or enforcing a policy or practice, under which the attorney
1-56 consistently refuses or declines to prosecute a violation of the
1-57 election laws of this state.
1-58 SECTION 3. Subchapter C, Chapter 2A, Code of Criminal
1-59 Procedure, is amended by adding Article 2A.1051 to read as follows:
1-60 Art. 2A.1051. PETITION TO DISQUALIFY IN CERTAIN CASES. (a)

A person who has resided in the same county of this state for at least six months may file, in any district or county court for that county, a petition seeking the disqualification of a district or county attorney who serves that county or an adjacent county if:

(1) the district or county attorney filed a criminal case or proceeding involving the election laws of this state in a court for the county in which the person resides or for a county adjacent to the county in which the person resides; and

(2) the person has reason to believe the district or county attorney has adopted a policy or practice, or is following or enforcing a policy or practice, under which the attorney consistently refuses or declines to prosecute a violation of the election laws of this state.

(b) The judge of the court in which a petition is filed under Subsection (a) shall declare the attorney against whom the petition is filed disqualified for purposes of Article 2A.104(b-1) on the petitioner showing that the attorney has adopted or is following or enforcing a policy or practice described by Subsection (a)(2). If the judge disqualifies an attorney under this subsection, the judge shall send notice to the judge of the court in which the case described by Subsection (a)(1) is pending that the attorney is disqualified and an appointment under Article 2A.104(b-1) is required.

(c) Before a charging instrument in a criminal case is filed, with respect to a violation of the election laws of this state that a person has reason to believe occurred in the county in which the person resides, a person described by Subsection (a) may file a petition seeking to refer the investigation and prosecution of the violation to the office of the attorney general with a court described by that subsection in the same manner as if the violation had been filed as a case or proceeding described by Subsection (a)(1). A judge of a court in which a petition is filed under this subsection shall refer the case to the office of the attorney general if the petitioner makes the showing required by Subsection (b) with respect to the district or county attorney serving the petitioner's county of residence.

SECTION 4. Section 273.021, Election Code, is amended by adding Subsection (d) to read as follows:

(d) In accordance with an appointment made under Article 2A.104(b-1), Code of Criminal Procedure, the attorney general may prosecute a criminal offense prescribed by the election laws of this state on the disqualification of a district or county attorney under Article 2A.105(d) or 2A.1051, Code of Criminal Procedure, or on the referral of the case under Article 2A.1051(c), Code of Criminal Procedure.

SECTION 5. The changes in law made by this Act apply only to the prosecution of an offense committed on or after the effective date of this Act. The prosecution of an offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 6. This Act takes effect September 1, 2025.

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