

## **BILL ANALYSIS**

S.B. 1568  
By: Fallon  
Elections  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

It has been noted that the 85th Texas Legislature created the offense of engaging in organized election fraud activity for a person who commits or conspires to commit one or more offenses under Titles 1 through 7 of the Election Code with the intent to establish, maintain, or participate in a vote harvesting organization. It has been suggested that establishing civil liability for this illegal activity would act as a further deterrent. S.B. 1568 seeks to establish civil liability for a person who engages in organized election fraud activity in connection with an election in Texas and provide for the enforcement of that liability.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

S.B. 1568 amends the Election Code to make a person who engages in organized election fraud activity in connection with an election in Texas liable for civil penalties in an action by the attorney general. The bill authorizes the attorney general to seek injunctive relief in such an action to prevent that activity from continuing or recurring and requires the attorney general to establish each element of the action by a preponderance of the evidence. The bill establishes that it is not a defense to liability in such an action that a defendant is not criminally responsible for an offense committed in furtherance of the organized election fraud activity or that another alleged participant in the activity has been acquitted.

S.B. 1568 requires the state, in all actions under the bill's provisions, to be awarded a civil penalty of \$1,000 for each applicable Election Code offense committed in the course of committing organized election fraud activity. The bill establishes that the cause of action created by the bill's provisions is cumulative of any other remedy provided by common law or statute and makes a person found liable under the bill's provisions or other law for any amount of damages arising from organized election fraud activity jointly liable with any other defendant for the entire amount of damages arising from the activity. A civil action or proceeding under the bill's provisions against any person may be brought in the county where any part of the organized election fraud activity occurred.

### **EFFECTIVE DATE**

September 1, 2019.