

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 1508
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State Affairs
4/20/2021
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

While the Office of the Attorney General has lawyers who investigate violations of the Election Code, there is no unified division for these investigations. Additionally, there are times when counties fail to cooperate with an investigation within the Office of the Attorney General.

S.B. 1508 creates an Election Integrity Division within the Office of the Attorney General, and ensures that local law enforcement will assist in these investigations. S.B. 1508 also grants the division administrative subpoena power to compel local officials to cooperate in an investigation by this division.

(Original Author's/Sponsor's Statement of Intent)

C.S.S.B. 1508 amends current law relating to the establishment of the election integrity division in the office of the attorney general.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter A, Chapter 273, Election Code, by adding Section 273.0025, as follows:

Sec. 273.0025. REQUEST FOR RECORDS. (a) Requires an election official or political subdivision to promptly provide access to election records requested by a law enforcement officer or prosecutor in connection with an investigation under Subchapter B (Prosecution by Attorney General).

(b) Requires that copies of records and information provided pursuant to Subsection (a) or another section of this code, notwithstanding any other provision of this code, be provided in an unredacted format and, upon request, be certified by the official providing the records.

(c) Provides that a request made under this section is not a public information request under Chapter 552 (Public Information), Government Code, and the records and information provided under this section are confidential. Provides that the original election records in the custody of an election official or political subdivision remain subject to existing law, but are required to be retained pending the final outcome of any investigation and resulting litigation, including appeal.

SECTION 2. Amends Subchapter B, Chapter 402, Government Code, by adding Section 402.0385, as follows:

Sec. 402.0385. ELECTION INTEGRITY DIVISION. (a) Requires the office of the attorney general to establish an election integrity division to safeguard the integrity of

elections, ensure public confidence in the electoral process, and investigate and prosecute election fraud offenses under the laws of this state.

(b) Requires the election integrity division to, using available funds or any funds appropriated to the division, investigate and prosecute, when appropriate, credible complaints of election fraud pursuant to authority granted under Chapter 273 (Criminal Investigation and Other Enforcement Proceedings), Election Code.

(c) Requires a law enforcement agency in this state to assist the election integrity division in an investigation conducted under this section as requested by the division.

SECTION 3. Effective date: September 1, 2021.