

By: Jetton, Cain, et al.

H.B. No. 2546

A BILL TO BE ENTITLED

AN ACT

relating to the enforcement by the secretary of state of certain voter roll maintenance provisions; creating a criminal offense.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter A, Chapter 31, Election Code, is amended by adding Section 31.017 to read as follows:

Sec. 31.017. ENFORCEMENT OF VOTER ROLL MAINTENANCE PROVISIONS. (a) The secretary of state shall monitor each court clerk and voter registrar for compliance with the following provisions and with any rules implementing the following provisions:

(1) Sections 62.113 and 62.114, Government Code;

(2) Subchapter D, Chapter 15;

(3) Subchapters A and B, Chapter 16; and

(4) Subchapter C, Chapter 18.

(b) If the secretary of state determines that a court clerk or voter registrar has failed to comply with a requirement imposed on the clerk or registrar by a provision listed in Subsection (a), the secretary of state shall:

(1) for the first violation, require the clerk or registrar to attend a training course developed under Subsection (e);

(2) for the second violation, audit the voter registration list for the county in which the clerk or registrar

1 serves to determine the actions needed to achieve compliance with
2 state law and rules adopted by the secretary of state; or

3 (3) for a third or subsequent violation, inform an
4 appropriate law enforcement agency that an offense under Subsection
5 (c) may have been committed.

6 (c) A county clerk or voter registrar commits an offense if
7 the clerk or registrar fails to comply with a requirement imposed on
8 the clerk or registrar by a provision listed under Subsection (a)
9 three or more times.

10 (d) An offense under Subsection (c) is a state jail felony.

11 (e) The secretary of state shall develop and implement a
12 training course for court clerks and registrars on the maintenance
13 of voter rolls required and permitted by law.

14 SECTION 2. The changes in law made by this Act apply only to
15 an offense committed on or after January 1, 2022. An offense
16 committed before January 1, 2022, is governed by the law in effect
17 on the date the offense was committed, and the former law is
18 continued in effect for that purpose. For purposes of this section,
19 an offense was committed before January 1, 2022, if any element of
20 the offense was committed before January 1, 2022.

21 SECTION 3. Not later than January 1, 2022, the secretary of
22 state shall develop the training course required by Section 31.017,
23 Election Code, as added by this Act.

24 SECTION 4. This Act takes effect September 1, 2021.