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S.B. No. 1933

A BILL TO BE ENTITLED

AN ACT

relating to certain oversight procedures of the state over county elections.

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

SECTION 1. Subchapter A, Chapter 31, Election Code, is amended by adding Sections 31.017, 31.018, 31.019, 31.020, 31.021, 31.022, and 31.023 to read as follows:

Sec. 31.017. IMPLEMENTATION OF ADMINISTRATIVE OVERSIGHT OF COUNTY ELECTION. The secretary of state's office may order administrative oversight of a county office administering elections or voter registration in the county if:

(1) an administrative election complaint is filed with the secretary of state; and

(2) the secretary of state has good cause to believe that a recurring pattern of problems with election administration or voter registration exists in the county, including any:

(A) malfunction of voting system equipment;

(B) unfair distribution of election supplies;

(C) errors in tabulation of results;

(D) delays in reporting election returns;

(E) discovery of voted ballots after the polls close; and

(F) failure to conduct maintenance activities on the lists of registered voters as required under this code.

1       Sec. 31.018. NOTICE OF IMPLEMENTATION OF ADMINISTRATIVE  
2 OVERSIGHT. (a) If the secretary of state determines  
3 administrative oversight is necessary under Section 31.017, the  
4 secretary shall provide written notice to the county judge and the  
5 county election official with authority over election  
6 administration or voter registration in the county of:

7           (1) the decision by the secretary to require  
8 administrative oversight of the election administration or voter  
9 registration activities in the county; and

10           (2) the designated period during which the oversight  
11 will take place.

12           (b) The administrative oversight authority under this  
13 subchapter must continue until at least December 31 of the first  
14 even-numbered year following the year in which the secretary  
15 provides notice under Subsection (a).

16       Sec. 31.019. ADMINISTRATIVE OVERSIGHT ACTIVITIES. (a) The  
17 authority of administrative oversight over a county granted to the  
18 secretary of state under this subchapter must:

19           (1) require the approval and review of any policies or  
20 procedures adopted by the county election office subject to the  
21 oversight by the secretary of state; and

22           (2) authorize all appropriate personnel in the  
23 secretary of state's office to conduct in-person observations of  
24 the county election office's activities, including any activities  
25 related to voter registration, election preparation, early voting,  
26 election day, and post-election day procedures.

27           (b) The county election office subject to the

1 administrative oversight shall provide sufficient access to the  
2 appropriate personnel in the secretary of state's office to perform  
3 their duties under Subsection (a).

4 Sec. 31.020. QUARTERLY REPORT ON OVERSIGHT ACTIVITIES. (a)  
5 Once each quarter during the period designated by the secretary of  
6 state for administrative oversight under Section 31.018, the  
7 secretary of state shall submit a report regarding the activities  
8 of the administrative oversight personnel to the county election  
9 official with authority over election administration or voter  
10 registration in the county, the county judge, the county attorney,  
11 and the chairs of political parties holding primary elections in  
12 the county.

13 (b) The secretary of state shall deliver the report required  
14 by Subsection (a) in person to the county election commission or the  
15 county commissioners court if requested by the commissioners court.

16 Sec. 31.021. TERMINATION OR EXTENSION OF OVERSIGHT. (a) At  
17 the conclusion of the period designated by the secretary of state  
18 for administrative oversight under Section 31.018, the secretary of  
19 state shall issue a report to the county commissioners court  
20 regarding:

21 (1) any remediation actions taken by the secretary of  
22 state during the designated period; and

23 (2) the secretary's recommendation on whether further  
24 administrative oversight of the county is necessary to ensure  
25 proper election administration and voter registration in the  
26 county.

27 (b) If the secretary of state determines that additional

1 oversight of the county is necessary, the report submitted under  
2 Subsection (a) must include a detailed plan for the additional  
3 oversight activities.

4 (c) If the secretary of state determines that no additional  
5 oversight of the county is necessary, the secretary shall issue an  
6 order terminating the administrative oversight of the county under  
7 this subchapter.

8 Sec. 31.022. APPOINTMENT OF CONSERVATOR. (a) The  
9 secretary of state shall appoint a conservator to oversee elections  
10 in the county if at the conclusion of the period designated by the  
11 secretary for administrative oversight under Section 31.018, the  
12 secretary determines that:

13 (1) the recurring pattern of problems with election  
14 administration or voter registration, as described under Section  
15 31.017(2), have not been properly remediated or continue to impede  
16 the free exercise of a citizen's voting rights in the county; and

17 (2) an extension of administrative oversight under  
18 Section 31.021(b) will not properly remediate the problems.

19 (b) If the county for which a conservator is appointed under  
20 Subsection (a) has an appointed elections administrator under  
21 Section 31.032, the secretary of state may provide a written  
22 recommendation to the county election commission for the suspension  
23 or termination of the elections administrator.

24 (c) Notwithstanding any other provision of this subchapter,  
25 the secretary of state may immediately appoint a conservator to  
26 oversee elections in a county, regardless of whether administrative  
27 oversight of the county has been previously conducted under this

1 subchapter, if the secretary has good cause to determine that:

2 (1) a recurring pattern of problems with election  
3 administration or voter registration, as described under Section  
4 31.017(2), exists and substantially impedes the free exercise of a  
5 citizen's voting rights within the preceding two years; and

6 (2) the immediate appointment of a conservator is  
7 necessary to properly remediate the problems.

8 (d) If a conservator is immediately appointed under  
9 Subsection (c), the secretary of state may simultaneously authorize  
10 the administrative oversight of the county to be conducted in the  
11 manner provided by this subchapter.

12 (e) A conservator appointed under this section serves until  
13 the first uniform election date after the secretary of state  
14 determines that the recurring pattern of problems with election  
15 administration or voter registration, as described under Section  
16 31.017(2), is rectified.

17 Sec. 31.023. RULES. The secretary of state may adopt rules  
18 necessary to implement the administrative oversight of a county as  
19 provided under this subchapter.

20 SECTION 2. Section [127.351](#), Election Code, is amended by  
21 amending Subsections (a) and (d) and adding Subsections (e) and (f)  
22 to read as follows:

23 (a) Immediately after the uniform election date in November  
24 of an even-numbered year, the secretary of state shall conduct an  
25 audit of the elections held on the uniform election date in four  
26 counties during the previous two years.

27 (d) If the secretary of state completes the audit of a

1 county under Subsection (b)(1) before the end of a two-year period,  
2 the secretary may randomly select another county with a total  
3 population of less than 300,000 to be audited.

4 (e) If not later than July 31 of the first odd-numbered year  
5 following the commencement of an audit under this section, the  
6 audit findings demonstrate to the secretary of state that a  
7 recurring pattern of problems with election administration or voter  
8 registration, as described under Section 31.017(2), exists in an  
9 audited county and the problems impede the free exercise of a  
10 citizen's voting rights, the secretary:

11 (1) shall:

12 (A) publicly release the preliminary findings of  
13 the audit; and

14 (B) recommend the county for administrative  
15 oversight under Subchapter A, Chapter 31; and

16 (2) may conduct an audit of other elections held in the  
17 county in the previous two years, as determined necessary by the  
18 secretary.

19 (f) The secretary of state shall adopt rules as necessary to  
20 implement this section.

21 SECTION 3. This Act takes effect September 1, 2023.