

1-1 By: Bettencourt S.B. No. 1933
 1-2 (In the Senate - Filed March 8, 2023; March 20, 2023, read
 1-3 first time and referred to Committee on State Affairs;
 1-4 April 6, 2023, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 8, Nays 2; April 6, 2023,
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13		X		
1-14		X		
1-15	X			
1-16	X			
1-17	X			
1-18	X			
1-19			X	

1-20 COMMITTEE SUBSTITUTE FOR S.B. No. 1933 By: Hughes

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

1-23 relating to certain oversight procedures of the state over county
 1-24 elections.

1-25 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-26 SECTION 1. Subchapter A, Chapter 31, Election Code, is
 1-27 amended by adding Sections 31.017, 31.018, 31.019, 31.020, 31.021,
 1-28 31.022, and 31.023 to read as follows:

1-29 Sec. 31.017. IMPLEMENTATION OF ADMINISTRATIVE OVERSIGHT OF
 1-30 COUNTY ELECTION. The secretary of state's office may order
 1-31 administrative oversight of a county office administering
 1-32 elections or voter registration in the county if:

1-33 (1) an administrative election complaint is filed with
 1-34 the secretary of state; and

1-35 (2) the secretary of state has good cause to believe
 1-36 that a recurring pattern of problems with election administration
 1-37 or voter registration exists in the county, including any:

1-38 (A) malfunction of voting system equipment;

1-39 (B) unfair distribution of election supplies;

1-40 (C) errors in tabulation of results;

1-41 (D) delays in reporting election returns;

1-42 (E) discovery of voted ballots after the polls
 1-43 close; and

1-44 (F) failure to conduct maintenance activities on
 1-45 the lists of registered voters as required under this code.

1-46 Sec. 31.018. NOTICE OF IMPLEMENTATION OF ADMINISTRATIVE
 1-47 OVERSIGHT. (a) If the secretary of state determines
 1-48 administrative oversight is necessary under Section 31.017, the
 1-49 secretary shall provide written notice to the county judge and the
 1-50 county election official with authority over election
 1-51 administration or voter registration in the county of:

1-52 (1) the decision by the secretary to require
 1-53 administrative oversight of the election administration or voter
 1-54 registration activities in the county; and

1-55 (2) the designated period during which the oversight
 1-56 will take place.

1-57 (b) The administrative oversight authority under this
 1-58 subchapter must continue until at least December 31 of the first
 1-59 even-numbered year following the year in which the secretary
 1-60 provides notice under Subsection (a).

2-1 Sec. 31.019. ADMINISTRATIVE OVERSIGHT ACTIVITIES. (a) The
2-2 authority of administrative oversight over a county granted to the
2-3 secretary of state under this subchapter must:

2-4 (1) require the approval and review of any policies or
2-5 procedures adopted by the county election office subject to the
2-6 oversight by the secretary of state; and

2-7 (2) authorize all appropriate personnel in the
2-8 secretary of state's office to conduct in-person observations of
2-9 the county election office's activities, including any activities
2-10 related to voter registration, election preparation, early voting,
2-11 election day, and post-election day procedures.

2-12 (b) The county election office subject to the
2-13 administrative oversight shall provide sufficient access to the
2-14 appropriate personnel in the secretary of state's office to perform
2-15 their duties under Subsection (a).

2-16 Sec. 31.020. QUARTERLY REPORT ON OVERSIGHT ACTIVITIES. (a)
2-17 Once each quarter during the period designated by the secretary of
2-18 state for administrative oversight under Section 31.018, the
2-19 secretary of state shall submit a report regarding the activities
2-20 of the administrative oversight personnel to the county election
2-21 official with authority over election administration or voter
2-22 registration in the county, the county judge, the county attorney,
2-23 and the chairs of political parties holding primary elections in
2-24 the county.

2-25 (b) The secretary of state shall deliver the report required
2-26 by Subsection (a) in person to the county election commission or the
2-27 county commissioners court if requested by the commissioners court.

2-28 Sec. 31.021. TERMINATION OR EXTENSION OF OVERSIGHT. (a) At
2-29 the conclusion of the period designated by the secretary of state
2-30 for administrative oversight under Section 31.018, the secretary of
2-31 state shall issue a report to the county commissioners court
2-32 regarding:

2-33 (1) any remediation actions taken by the secretary of
2-34 state during the designated period; and

2-35 (2) the secretary's recommendation on whether further
2-36 administrative oversight of the county is necessary to ensure
2-37 proper election administration and voter registration in the
2-38 county.

2-39 (b) If the secretary of state determines that additional
2-40 oversight of the county is necessary, the report submitted under
2-41 Subsection (a) must include a detailed plan for the additional
2-42 oversight activities.

2-43 (c) If the secretary of state determines that no additional
2-44 oversight of the county is necessary, the secretary shall issue an
2-45 order terminating the administrative oversight of the county under
2-46 this subchapter.

2-47 Sec. 31.022. APPOINTMENT OF CONSERVATOR. (a) The
2-48 secretary of state shall appoint a conservator to oversee elections
2-49 in the county if at the conclusion of the period designated by the
2-50 secretary for administrative oversight under Section 31.018, the
2-51 secretary determines that:

2-52 (1) the recurring pattern of problems with election
2-53 administration or voter registration, as described under Section
2-54 31.017(2), have not been properly remediated or continue to impede
2-55 the free exercise of a citizen's voting rights in the county; and

2-56 (2) an extension of administrative oversight under
2-57 Section 31.021(b) will not properly remediate the problems.

2-58 (b) If the county for which a conservator is appointed under
2-59 Subsection (a) has an appointed elections administrator under
2-60 Section 31.032, the secretary of state may provide a written
2-61 recommendation to the county election commission for the suspension
2-62 or termination of the elections administrator.

2-63 (c) Notwithstanding any other provision of this subchapter,
2-64 the secretary of state may immediately appoint a conservator to
2-65 oversee elections in a county, regardless of whether administrative
2-66 oversight of the county has been previously conducted under this
2-67 subchapter, if the secretary has good cause to determine that:

2-68 (1) a recurring pattern of problems with election
2-69 administration or voter registration, as described under Section

3-1 31.017(2), exists and substantially impedes the free exercise of a
3-2 citizen's voting rights within the preceding two years; and

3-3 (2) the immediate appointment of a conservator is
3-4 necessary to properly remediate the problems.

3-5 (d) If a conservator is immediately appointed under
3-6 Subsection (c), the secretary of state may simultaneously authorize
3-7 the administrative oversight of the county to be conducted in the
3-8 manner provided by this subchapter.

3-9 (e) A conservator appointed under this section serves until
3-10 the first uniform election date after the secretary of state
3-11 determines that the recurring pattern of problems with election
3-12 administration or voter registration, as described under Section
3-13 31.017(2), is rectified.

3-14 Sec. 31.023. RULES. The secretary of state may adopt rules
3-15 necessary to implement the administrative oversight of a county as
3-16 provided under this subchapter.

3-17 SECTION 2. Section 127.351, Election Code, is amended by
3-18 amending Subsections (a) and (d) and adding Subsections (e) and (f)
3-19 to read as follows:

3-20 (a) Immediately after the uniform election date in November
3-21 of an even-numbered year, the secretary of state shall conduct an
3-22 audit of the elections held on the uniform election date in four
3-23 counties during the previous two years.

3-24 (d) If the secretary of state completes the audit of a
3-25 county under Subsection (b)(1) before the end of a two-year period,
3-26 the secretary may randomly select another county with a total
3-27 population of less than 300,000 to be audited.

3-28 (e) If not later than July 31 of the first odd-numbered year
3-29 following the commencement of an audit under this section, the
3-30 audit findings demonstrate to the secretary of state that a
3-31 recurring pattern of problems with election administration or voter
3-32 registration, as described under Section 31.017(2), exists in an
3-33 audited county and the problems impede the free exercise of a
3-34 citizen's voting rights, the secretary:

3-35 (1) shall:
3-36 (A) publicly release the preliminary findings of
3-37 the audit; and

3-38 (B) recommend the county for administrative
3-39 oversight under Subchapter A, Chapter 31; and

3-40 (2) may conduct an audit of other elections held in the
3-41 county in the previous two years, as determined necessary by the
3-42 secretary.

3-43 (f) The secretary of state shall adopt rules as necessary to
3-44 implement this section.

3-45 SECTION 3. This Act takes effect September 1, 2023.

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