

By: Jetton

H.B. No. 188

A BILL TO BE ENTITLED

AN ACT

relating to the enforcement by the secretary of state of certain voter roll maintenance provisions; providing a civil penalty.

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 voter registrar for compliance with the following provisions and with any rules implementing the following provisions:

(1) Subchapter D, Chapter 15;

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

(3) Subchapter C, Chapter 18.

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

(1) for the first violation, require the 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 registrar serves to determine the actions needed to achieve compliance with state law and rules adopted by the secretary of state and provide the results of the audit to the registrar; or

1           (3) for a third or subsequent violation, if the  
2 secretary of state determines that the registrar has not performed  
3 any overt actions in pursuance of compliance with the actions  
4 identified under Subsection (b)(2) as necessary for the registrar  
5 to achieve compliance with state law and rules adopted by the  
6 secretary of state within 14 days of receiving the results of the  
7 audit conducted under that subsection, inform the attorney general  
8 that the county which the registrar serves may be subject to a civil  
9 penalty under Subsection (c).

10           (c) A county is liable to this state for a civil penalty of  
11 \$1,000 for each day after the 14th day following the receipt of the  
12 results of the audit conducted under Subsection (b)(2) that the  
13 county's voter registrar fails to take overt action to comply with  
14 the actions identified under that subsection as necessary for the  
15 registrar to achieve compliance with state law and rules adopted by  
16 the secretary of state. The attorney general may bring an action to  
17 recover a civil penalty imposed under this section.

18           (d) A civil penalty collected by the attorney general under  
19 this section shall be deposited in the state treasury to the credit  
20 of the general revenue fund.

21           (e) The secretary of state shall develop and implement a  
22 training course for registrars on the maintenance of voter rolls  
23 required and permitted by law.

24           (f) The secretary of state shall adopt rules and prescribe  
25 procedures for the implementation of this section.

26           SECTION 2. Not later than January 1, 2022, the secretary of  
27 state shall develop the training course required by Section 31.017,

1 Election Code, as added by this Act.

2 SECTION 3. This Act takes effect on the 91st day after the  
3 last day of the legislative session.