

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 87TH LEGISLATURE 3rd CALLED SESSION 2021

October 3, 2021

TO: Honorable Bryan Hughes, Chair, Senate Committee on State Affairs

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: SB47 by Bettencourt (Relating to processes to address election irregularities; providing a civil penalty.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would require the Secretary of State (SOS) to create and implement an audit process to address requests submitted to the SOS by a requestor not satisfied with a county clerk or other authority conducting an election response regarding election irregularities. As part of this process, the SOS would be required to review such a request and determine whether the county clerk or applicable election authority provided a sufficient response. If the response is determined to be insufficient, the SOS would be required to immediately audit the identified irregularity at the expense of the county or other authority conducting the election. The bill would also require the SOS to determine an acceptable margin of error for the 2020 election results county review process.

It is assumed that duties and responsibilities with implementing the provisions of the bill could be accomplished utilizing existing resources. The revenue implications of any civil penalties assessed cannot be estimated because the number of potential penalties assessed is unknown.

Local Government Impact

While the bill may have a significant impact on local election officials, including having to incur costs associated with reviewing and responding to election irregularity related requests, cooperating with the SOS and being responsible for the cost of an audit, and reviewing and acting on requests for a review of the 2020 election results, the fiscal impact to units of local government cannot be determined due to not knowing the volume of potential future requests and any response to such requests.

Source Agencies: 302 Office of the Attorney General, 304 Comptroller of Public Accounts, 307 Secretary of State

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