

## **BILL ANALYSIS**

H.B. 2546  
By: Jetton  
Elections  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Concerns have been raised regarding the enforcement by the secretary of state of certain voter roll maintenance requirements. It has been noted that some discrepancies exist across the state with regard to how counties update these voter rolls. There have been calls for the secretary of state to establish metrics to verify that county-level voter rolls are being maintained according to these requirements. H.B. 2546 seeks to remedy this situation by requiring the secretary of state to monitor court clerk and voter registrar compliance with certain voter roll requirements.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill expressly does one or more of the following: creates a criminal offense, increases the punishment for an existing criminal offense or category of offenses, or changes the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

H.B. 2546 amends the Election Code to require the secretary of state to monitor each court clerk and voter registrar for compliance with the following provisions and with any rules implementing those provisions:

- the requirement for a court clerk to maintain a list of the name and address of each person who is excused or disqualified from jury service because the person is not a citizen of the United States or is not a resident of the appropriate county;
- the requirement for a voter registrar to maintain a suspense list;
- filing and preservation requirements for notice of a voter's death, mental incapacity, felony conviction, or disqualification as a voter;
- the processes by which the registrar is required to cancel a voter's registration due to ineligibility, appearance on the suspense list, voter request, or citizenship status; and
- the requirement for the secretary of state to implement and maintain a statewide computerized voter registration list.

H.B. 2546 requires the secretary of state to require a clerk or registrar who fails to comply with a requirement imposed by those provisions to attend a training course on the maintenance of voter rolls required and permitted by law that is developed and implemented by the secretary of state. The bill requires the secretary of state to audit the applicable county's voter registration list after a second such violation to determine the actions needed to achieve compliance with state law and rules adopted by the secretary of state. The bill creates a state jail felony offense for a clerk or registrar who violates the provisions three or more times and requires the secretary of state to inform an appropriate law enforcement agency that the offense may have been

committed. The bill requires the secretary of state to develop the training course not later than January 1, 2022. The bill applies only to an offense committed on or after that date.

**EFFECTIVE DATE**

September 1, 2021.