

By: Zaffirini

S.B. No. 1901

A BILL TO BE ENTITLED

AN ACT

relating to the authority of the secretary of state to order the performance of certain election functions.

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

SECTION 1. The heading to Section 31.005, Election Code, is amended to read as follows:

Sec. 31.005. PROTECTION OF VOTING RIGHTS; ENFORCEMENT.

SECTION 2. Section 31.005, Election Code, is amended by amending Subsection (b) and adding Subsection (c) to read as follows:

(b) The secretary of state may order ~~[If the secretary determines that]~~ a person performing official functions in the administration of any part of the electoral processes to correct offending conduct if the secretary determines that the person is exercising the powers vested in that person in a manner that:

(1) impedes the free exercise of a citizen's voting rights; or

(2) unless acting under an order of a court of competent jurisdiction, delays or cancels an election that the person does not have specific statutory authority to delay or cancel.

(c) [the secretary may order the person to correct the offending conduct.] If a [the] person described by Subsection (b) fails to comply with an order from the secretary of state under this

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1 section, the secretary may seek enforcement of the order by a
2 temporary restraining order or a writ of injunction or mandamus
3 obtained through the attorney general.

4 SECTION 3. This Act takes effect September 1, 2021.