

BILL ANALYSIS

Senate Research Center
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S.B. 505
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Election irregularities occur in every election cycle. S.B. 505 would establish a civil administrative review process to identify and remedy irregularities and improve access, security, processes, documentation, and accuracy with each election. Under current law, election irregularities are mostly addressed if there is an election contest, which happens rarely. The result is that irregularities that are identified by election judges, candidates, proponents/opponents of a measure, and party chairs are not always attended to, and create a lack of confidence in the system.

S.B. 505 would provide a vehicle, going forward, for election judges, candidates, and proponents/opponents of a measure to inquire with county election officials about identified irregularities and get a rationale for the irregularity and, hopefully, a plan to improve the situation. If the county is unable to provide a satisfactory reason, the inquirer could raise the issue with the Secretary of State (SOS). Once at SOS, the inquiry would be reviewed and, if necessary, an audit regarding the specific issue identified would be initiated. If a violation of the Election Code is identified, the SOS will notify the county and work to get the issue resolved.

Lastly, S.B. 505 will provide an avenue for the SOS to appoint a conservator to oversee elections for two federal election cycles.

As proposed, S.B. 505 amends current law relating to processes to address election irregularities and provides a civil penalty.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Title 16, Election Code, by adding Chapter 280, as follows:

CHAPTER 280. REQUEST TO ADDRESS ELECTION IRREGULARITY

Sec. 280.001. REQUEST FOR EXPLANATION. (a) Authorizes a person described by Subsection (f) to issue a written request to the county clerk or other authority conducting an election for an explanation and supporting documentation for:

- (1) an action taken by an election officer that appears to violate this code;
- (2) irregularities in results in a precinct or at a polling place or early voting polling place;
- (3) inadequacy or irregularity of documentation required to be maintained under this code; or
- (4) discrepancies in the results of a reconciliation of ballots between the number of voters and the number of votes cast.

(b) Requires the county clerk or other authority, not later than the 20th day after the date a request is received under Subsection (a), to provide the requestor the requested explanation and any supporting documentation.

(c) Authorizes a requestor who is not satisfied with the explanation and supporting documentation provided under Subsection (b) to issue a request for further explanation and supporting documentation to the county clerk or other authority.

(d) Requires a county clerk or other authority, not later than the 10th day after the date a request is received under Subsection (c), to provide the requestor the requested explanation and any supporting documentation.

(e) Authorizes a requestor who is not satisfied with the explanation and supporting documentation provided under Subsection (d) to issue a request to the secretary of state (SOS) for an audit of the issue described by Subsection (a), as provided by Section 280.002.

(f) Authorizes a person to make a request under this section if the person participated in the relevant election as a candidate, a county chair or state chair of a political party, a presiding judge, an alternate presiding judge, or the head of a specific-purpose political committee that supports or opposes a ballot measure.

Sec. 280.002. AUDIT BY SECRETARY OF STATE. (a) Authorizes a person to whom Section 280.001(e) applies to submit a request for an audit to SOS for investigation. Requires that a request for an audit include copies of:

(1) the requests made by the person to the county clerk or other authority conducting the election under Sections 280.001(a) and (c); and

(2) the explanations and any supporting documentation provided by the county clerk or other authority to the person under Sections 280.001(b) and (d).

(b) Requires SOS, not later than the 30th day after the date SOS receives a request for an audit under this section, to determine whether the information submitted under Subsection (a) sufficiently explains the irregularity identified under Section 280.001(a). Requires SOS, if the information is insufficient, to immediately begin an audit of the identified irregularity at the expense of the county or other authority conducting the election.

(c) Provides that the county clerk or other authority conducting the election is required to cooperate with the office of SOS and is prohibited from interfering with or obstructing the audit.

(d) Requires SOS, on conclusion of the audit, to provide notice of the findings of the audit to the person who submitted the request for the audit and the county clerk or other authority conducting the election.

(e) Authorizes SOS, in the SOS's discretion, to make a determination that a violation of this code has occurred solely on the basis of evidence submitted under Subsection (a) without conducting an audit. Requires SOS to send notice of the determination to the person who submitted the request for the audit and to the county clerk or other authority conducting the election.

(f) Authorizes SOS, if, following an audit, SOS determines that a violation of this code has occurred, to appoint a conservator to oversee elections in the county where the violation occurred. Requires the conservator to serve for two federal election cycles.

(g) Requires a county for which a conservator is appointed under Subsection (f) to pay the costs of providing the conservator, including the salary and benefits of the conservator.

Sec. 280.003. FINDING OF VIOLATION. (a) Requires SOS, in addition to notice required under Section 280.002(d), to provide special notice to the county clerk or other authority conducting an election detailing any violation of this code found by SOS under Section 280.002.

(b) Requires SOS, if the county clerk or other authority conducting an election does not remedy a violation detailed in a notice under Subsection (a) by the 30th day after the date the clerk or other authority receives the notice, to assess a civil penalty of \$500 for each violation not remedied and, if possible, remedy the violation on behalf of the county clerk or other authority. Provides that the remedy provided under this subsection is in addition to any other remedy available under law for a violation of this code.

(c) Requires SOS, if SOS is not able to remedy the violation on behalf of the county clerk or other authority, to assess an additional penalty under Subsection (b) for each day the county clerk or other authority does not remedy the violation until the violation is remedied.

(d) Requires SOS to maintain a record of county clerks or other authorities that conduct elections who have been assessed a civil penalty under Subsection (b). Requires SOS to publish the record on SOS's Internet website.

(e) Authorizes the attorney general to bring an action under this section to recover a civil penalty that has not been paid.

(f) Requires a civil penalty collected under this section to be deposited in the state treasury to the credit of the general revenue fund.

SECTION 2. Authorizes a person to make a request under Section 280.001, Election Code, as added by this Act, only for an election held on or after the effective date of this Act.

SECTION 3. Effective date: September 1, 2025.