

## **BILL ANALYSIS**

C.S.S.B. 1541  
By: Bettencourt  
Elections  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Under current statute, after a November election held in an even-numbered year, the secretary of state is required to select four counties at random to be audited, two with a population of less than 300,000 and two with a population of 300,000 or more. The bill sponsor has informed the committee that during an interim hearing in the Senate State Affairs Committee, the secretary of state's office raised concerns about what actions are needed following their randomized post-election audits. C.S.S.B. 1541 seeks to address this issue by authorizing the secretary of state, should a county fail a randomized audit following a November election, to temporarily monitor elections in that county and coordinate with local election officials to develop a plan to help remedy any identified issues and by providing for administrative oversight of counties that do not remedy the identified issues.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change 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**

C.S.S.B. 1541 amends the Election Code to revise provisions applicable to the secretary of state in the circumstance that, not later than July 31 of the first odd-numbered year following the commencement of a randomized county audit, the audit findings demonstrate to the secretary of state that a recurring pattern of problems with election administration or voter registration for which the secretary of state's office may order administrative oversight exists in an audited county and the problems impede the free exercise of a citizen's voting rights as follows:

- removes the deadline of not later than July 31 of the first odd-numbered year following the commencement of a randomized county audit from the provision's applicability;
- replaces the provision requiring the secretary of state to publicly release the preliminary findings of the audit and recommend the county for administrative oversight under statutory provisions relating to the administration of elections by the secretary of state with a provision requiring the secretary of state to publicly release the findings of the audit and either recommend the county for administrative oversight under those provisions or coordinate with the applicable county election official to develop a plan to remedy the identified problems; and
- expands the provision authorizing the secretary of state to conduct an audit of other elections held in the county in the previous two years, as determined necessary by the secretary of state, to include as an alternative an authorization for the secretary of state

to conduct an audit of other elections held within two years of the completion of a randomized county audit, as determined necessary by the secretary of state.

The bill authorizes the secretary of state to monitor compliance with a plan developed in coordination with an applicable county election official to remedy the identified problems for a year following the creation of the plan. If the secretary of state determines the county has failed to adequately implement the plan developed, the secretary of state may order administrative oversight in accordance with the previous provisions.

C.S.S.B. 1541 authorizes the secretary of state's office to order administrative oversight of a county office administering elections or voter registration in the county under statutory provisions relating to randomized county audits, as revised by the bill, in addition to the existing authorization for the secretary of state's office to order such administrative oversight in a county with a population of more than four million if certain conditions are met. The bill revises the requirement for the secretary of state to make a determination on whether to implement such administrative oversight not later than the 30th day after the earliest of certain statutorily prescribed dates to include among those deadlines not later than the 30th day after the expiration of the monitoring period under statutory provisions relating to randomized county audits.

C.S.S.B. 1541 revises the requirement for the secretary of state to conduct the administrative oversight of a county until the earlier of certain dates to include among those dates December 31 of the even-numbered year following the first anniversary of the secretary of state's decision to administer administrative oversight under statutory provisions relating to randomized county audits, as revised by the bill. The bill revises the authorization for the secretary of state, in a county with a population of more than four million, to enter a written order to terminate the employment of a county elections administrator at the conclusion of administrative oversight of the county elections administrator's office under statutory provisions relating to the administration of elections by the secretary of state if the recurring pattern of problems with election administration or voter registration is not rectified or continues to impede the free exercise of a citizen's voting rights in the county as follows:

- removes the limitation on the applicability of the authorization based on minimum county population; and
- changes the time at which the secretary of state may enter such an order of termination from at the conclusion of administrative oversight of the county elections administrator's office under statutory provisions relating to the administration of elections by the secretary of state to the conclusion of such administrative oversight under statutory provisions relating to the administration of elections by a county elections administrator in certain counties.

#### **EFFECTIVE DATE**

On passage, or, if the bill does not receive the necessary vote, September 1, 2025.

#### **COMPARISON OF SENATE ENGRAVED AND SUBSTITUTE**

While C.S.S.B. 1541 may differ from the engrossed in minor or nonsubstantive ways, the following summarizes the substantial differences between the engrossed and committee substitute versions of the bill.

The substitute revises the authorization in the engrossed for the secretary of state, if the findings of a randomized county audit demonstrate to the secretary that an applicable recurring pattern of problems with election administration or voter registration exists in an audited county and the problems impede the free exercise of a citizen's voting rights, to conduct, as determined necessary by the secretary, an audit of other elections held within a 12-month period following the completion of a randomized county audit by extending that period to two years.