

By: Bettencourt, et al.
(Swanson)

S.B. No. 1541

Substitute the following for S.B. No. 1541:

By: Shaheen

C.S.S.B. No. 1541

A BILL TO BE ENTITLED

AN ACT

relating to state oversight of county elections following a county election audit.

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

SECTION 1. Section 31.017, Election Code, is amended to read as follows:

Sec. 31.017. IMPLEMENTATION OF ADMINISTRATIVE OVERSIGHT OF COUNTY ELECTION. (a) The ~~[In a county with a population of more than 4 million, the]~~ secretary of state's office may order administrative oversight of a county office administering elections or voter registration in the county:

(1) under Section 127.351; or

(2) if, in a county with a population of more than 4 million:

(A) ~~[(1)]~~ an administrative election complaint is filed with the secretary of state by a person who participated in the relevant election as:

(i) ~~[(A)]~~ a candidate;

(ii) ~~[(B)]~~ a county chair or state chair of a political party;

(iii) ~~[(C)]~~ a presiding judge;

(iv) ~~[(D)]~~ an alternate presiding judge; or

(v) ~~[(E)]~~ the head of a specific-purpose political committee that supports or opposes a measure;

1 (B) [~~(2)~~] the secretary of state has provided
2 notice to the county election official with authority over election
3 administration or voter registration under Section 31.018; and

4 (C) [~~(3)~~] the secretary of state, after
5 conducting an investigation under Section 31.019, has good cause to
6 believe that a recurring pattern of problems with election
7 administration or voter registration exists in the county,
8 including any recurring:

9 (i) [~~(A)~~] malfunction of voting system
10 equipment that prevents a voter from casting a vote;

11 (ii) [~~(B)~~] carelessness or official
12 misconduct in the distribution of election supplies;

13 (iii) [~~(C)~~] errors in the tabulation of
14 results that would have affected the outcome of an election;

15 (iv) [~~(D)~~] violations of Section 66.053;

16 (v) [~~(E)~~] discovery of properly executed
17 voted ballots after the canvass of an election that were not
18 counted; or

19 (vi) [~~(F)~~] failure to conduct maintenance
20 activities on the lists of registered voters as required under this
21 code.

22 (b) The secretary of state shall make a determination on
23 whether to implement administrative oversight under Subsection (a)
24 not later than the 30th day after the earliest of:

25 (1) the day a response by the county election official
26 with authority over election administration or voter registration
27 is received by the secretary of state under Section 31.018;

1 (2) the last day the county election official with
2 authority over election administration or voter registration could
3 provide a response to the secretary of state under Section 31.018;
4 ~~[or]~~

5 (3) the day the report on the findings of an
6 investigation is provided to the county election official with
7 authority over election administration or voter registration under
8 Section 31.019; or

9 (4) the monitoring period under Section 127.351 has
10 expired.

11 SECTION 2. Sections 31.018(a) and (c), Election Code, are
12 amended to read as follows:

13 (a) In a county with a population of more than 4 million and
14 not later than the 30th day after receiving an administrative
15 election complaint under Section 31.017(a)(2)(A) ~~[31.017(a)(1)]~~,
16 the secretary of state shall provide notice of the complaint to the
17 applicable county election official with authority over election
18 administration or voter registration, including the specific
19 allegations against the election official in the complaint.

20 (c) If the administrative election complaint filed under
21 Section 31.017(a)(2)(A) ~~[31.017(a)(1)]~~ concerns an election for
22 which voting by personal appearance has begun and the final canvass
23 has not been completed, the county election official with authority
24 over election administration or voter registration must provide a
25 response under Subsection (b) not later than 72 hours after
26 receiving notice of the complaint under Subsection (a).

27 SECTION 3. Sections 31.019(a) and (c), Election Code, are

1 amended to read as follows:

2 (a) In a county with a population of more than 4 million, the
3 secretary of state may direct personnel in the secretary of state's
4 office to conduct an investigation on an administrative election
5 complaint received under Section 31.017(a)(2)(A) [~~31.017(a)(1)~~]
6 and must consider any response or supporting documentation provided
7 by the county election official with authority over election
8 administration or voter registration under Section 31.018, if
9 applicable.

10 (c) After completing an investigation under this section,
11 the secretary of state must provide a report on the findings of the
12 investigation to:

13 (1) the county election official with authority over
14 election administration or voter registration; and

15 (2) the individual who filed the administrative
16 election complaint under Section 31.017(a)(2)(A) [~~31.017(a)(1)~~].

17 SECTION 4. Sections 31.020(a) and (f), Election Code, are
18 amended to read as follows:

19 (a) If the secretary of state implements administrative
20 oversight under Section 31.017, the secretary shall provide written
21 notice to the county election official with authority over election
22 administration or voter registration and the county judge of the
23 determination by the secretary to implement administrative
24 oversight in the county. The notice must include the specific
25 recurring pattern of problems with election administration or voter
26 registration identified by the secretary and as described by
27 [~~under~~] Section 31.017(a)(2)(C) [~~31.017(a)(3)~~].

(f) The secretary of state shall conduct the administrative oversight of a county until the earlier of:

(1) December 31 of the even-numbered year following the first anniversary of the date the complaint was received under Section 31.017(a)(2)(A) [~~31.017(a)(1)~~];

(2) December 31 of the even-numbered year following the first anniversary of the secretary of state's decision to administer administrative oversight under Section 127.351; or

(3) [~~(2)~~] the date on which the secretary of state determines that the recurring pattern of problems with election administration or voter registration is rectified.

SECTION 5. Section 31.037(b), Election Code, is amended to read as follows:

(b) The [~~In a county with a population of more than 4 million, the~~] secretary of state may 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 this subchapter [~~Subchapter A~~] 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.

SECTION 6. Section 127.351, Election Code, is amended by amending Subsection (e) and adding Subsection (e-1) to read as follows:

(e) If [~~not later than July 31 of the first odd-numbered year following the commencement of an audit under this section,~~] the audit findings demonstrate to the secretary of state that a

1 recurring pattern of problems with election administration or voter
2 registration, as described under Section 31.017(a)(2)(C)
3 ~~[31.017(a)(3)]~~, exists in an audited county and the problems impede
4 the free exercise of a citizen's voting rights, the secretary:

5 (1) shall~~+~~
6 ~~[(A)]~~ publicly release the ~~[preliminary]~~
7 findings of the audit~~+~~ and either:

8 (A) ~~[(B)]~~ recommend the county for
9 administrative oversight under Subchapter A, Chapter 31; or

10 (B) coordinate with the applicable county
11 election official to develop a plan to remedy the identified
12 problems; and

13 (2) may conduct, as determined necessary by the
14 secretary:

15 (A) an audit of other elections held in the
16 county in the previous two years; or

17 (B) an audit of other elections held within two
18 years of the completion of an audit under this section~~, as~~
19 ~~determined necessary by the secretary].~~

20 (e-1) The secretary of state may monitor compliance with a
21 plan developed under Subsection (e)(1)(B) for a year following the
22 creation of the plan. If the secretary of state determines the
23 county has failed to adequately implement the plan developed, the
24 secretary of state may order administrative oversight in accordance
25 with Subsection (e).

26 SECTION 7. This Act takes effect immediately if it receives
27 a vote of two-thirds of all the members elected to each house, as

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1 provided by Section 39, Article III, Texas Constitution. If this
2 Act does not receive the vote necessary for immediate effect, this
3 Act takes effect September 1, 2025.