

1-1 By: Bettencourt, et al. S.B. No. 505
1-2 (In the Senate - Filed November 25, 2024; February 3, 2025,
1-3 read first time and referred to Committee on State Affairs;
1-4 March 26, 2025, reported favorably by the following vote: Yeas 9,
1-5 Nays 1; March 26, 2025, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	Hughes	X		
1-9	Paxton	X		
1-10	Bettencourt	X		
1-11	Birdwell	X		
1-12	Hall	X		
1-13	Hinojosa of Nueces	X		
1-14	Middleton	X		
1-15	Parker	X		
1-16	Perry		X	
1-17	Schwertner	X		
1-18	Zaffirini	X		

1-19 A BILL TO BE ENTITLED
1-20 AN ACT

1-21 relating to processes to address election irregularities;
1-22 providing a civil penalty.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Title 16, Election Code, is amended by adding
1-25 Chapter 280 to read as follows:

1-26 CHAPTER 280. REQUEST TO ADDRESS ELECTION IRREGULARITY

1-27 Sec. 280.001. REQUEST FOR EXPLANATION. (a) A person
1-28 described by Subsection (f) may issue a written request to the
1-29 county clerk or other authority conducting an election for an
1-30 explanation and supporting documentation for:

1-31 (1) an action taken by an election officer that
1-32 appears to violate this code;

1-33 (2) irregularities in results in a precinct or at a
1-34 polling place or early voting polling place;

1-35 (3) inadequacy or irregularity of documentation
1-36 required to be maintained under this code; or

1-37 (4) discrepancies in the results of a reconciliation
1-38 of ballots between the number of voters and the number of votes
1-39 cast.

1-40 (b) Not later than the 20th day after the date a request is
1-41 received under Subsection (a), the county clerk or other authority
1-42 shall provide the requestor the requested explanation and any
1-43 supporting documentation.

1-44 (c) A requestor who is not satisfied with the explanation
1-45 and supporting documentation provided under Subsection (b) may
1-46 issue a request for further explanation and supporting
1-47 documentation to the county clerk or other authority.

1-48 (d) Not later than the 10th day after the date a request is
1-49 received under Subsection (c), the county clerk or other authority
1-50 shall provide the requestor the requested explanation and any
1-51 supporting documentation.

1-52 (e) A requestor who is not satisfied with the explanation
1-53 and supporting documentation provided under Subsection (d) may
1-54 issue a request to the secretary of state for an audit of the issue
1-55 described by Subsection (a), as provided by Section 280.002.

1-56 (f) A person may make a request under this section if the
1-57 person participated in the relevant election as:

1-58 (1) a candidate;

1-59 (2) a county chair or state chair of a political party;

1-60 (3) a presiding judge;

1-61 (4) an alternate presiding judge; or

(5) the head of a specific-purpose political committee that supports or opposes a ballot measure.

Sec. 280.002. AUDIT BY SECRETARY OF STATE. (a) A person to whom Section 280.001(e) applies may submit a request for an audit to the secretary of state for investigation. A request for an audit must 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) Not later than the 30th day after the date the secretary of state receives a request for an audit under this section, the secretary must determine whether the information submitted under Subsection (a) sufficiently explains the irregularity identified under Section 280.001(a). If the information is insufficient, the secretary of state shall immediately begin an audit of the identified irregularity at the expense of the county or other authority conducting the election.

(c) The county clerk or other authority conducting the election shall cooperate with the office of the secretary of state and may not interfere with or obstruct the audit.

(d) On conclusion of the audit, the secretary of state shall 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) The secretary of state may, in the secretary's discretion, 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. The secretary of state shall 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) If, following an audit, the secretary of state determines that a violation of this code has occurred, the secretary may appoint a conservator to oversee elections in the county where the violation occurred. The conservator shall serve for two federal election cycles.

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

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

(b) 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, the secretary of state shall 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. The remedy provided under this subsection is in addition to any other remedy available under law for a violation of this code.

(c) If the secretary of state is not able to remedy the violation on behalf of the county clerk or other authority, the secretary shall 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) The secretary of state shall maintain a record of county clerks or other authorities that conduct elections who have been assessed a civil penalty under Subsection (b). The secretary of state shall publish the record on the secretary of state's Internet website.

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

(f) A civil penalty collected under this section shall be

3-1 deposited in the state treasury to the credit of the general revenue
3-2 fund.

3-3 SECTION 2. A person may make a request under Section
3-4 280.001, Election Code, as added by this Act, only for an election
3-5 held on or after the effective date of this Act.

3-6 SECTION 3. This Act takes effect September 1, 2025.

3-7 * * * * *