

1-1 By: Bettencourt S.B. No. 1541  
1-2 (In the Senate - Filed February 21, 2025; March 6, 2025,  
1-3 read first time and referred to Committee on State Affairs;  
1-4 April 7, 2025, reported favorably by the following vote: Yeas 10,  
1-5 Nays 0; April 7, 2025, sent to printer.)

1-6	COMMITTEE VOTE				
1-7		Yea	Nay	Absent	PNV
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 state oversight of county elections following a county  
1-22 election audit.  
1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:  
1-24 SECTION 1. Section 31.017, Election Code, is amended to  
1-25 read as follows:  
1-26 Sec. 31.017. IMPLEMENTATION OF ADMINISTRATIVE OVERSIGHT OF  
1-27 COUNTY ELECTION. (a) ~~The [In a county with a population of more~~  
1-28 ~~than 4 million, the]~~ secretary of state's office may order  
1-29 administrative oversight of a county office administering  
1-30 elections or voter registration in the county:  
1-31 (1) under Section 127.351; or  
1-32 (2) if, in a county with a population of more than 4  
1-33 million:  
1-34 (A) ~~[(1)]~~ an administrative election complaint  
1-35 is filed with the secretary of state by a person who participated in  
1-36 the relevant election as:  
1-37 (i) ~~[(A)]~~ a candidate;  
1-38 (ii) ~~[(B)]~~ a county chair or state chair of  
1-39 a political party;  
1-40 (iii) ~~[(C)]~~ a presiding judge;  
1-41 (iv) ~~[(D)]~~ an alternate presiding judge; or  
1-42 (v) ~~[(E)]~~ the head of a specific-purpose  
1-43 political committee that supports or opposes a measure;  
1-44 (B) ~~[(2)]~~ the secretary of state has provided  
1-45 notice to the county election official with authority over election  
1-46 administration or voter registration under Section 31.018; and  
1-47 (C) ~~[(3)]~~ the secretary of state, after  
1-48 conducting an investigation under Section 31.019, has good cause to  
1-49 believe that a recurring pattern of problems with election  
1-50 administration or voter registration exists in the county,  
1-51 including any recurring:  
1-52 (i) ~~[(A)]~~ malfunction of voting system  
1-53 equipment that prevents a voter from casting a vote;  
1-54 (ii) ~~[(B)]~~ carelessness or official  
1-55 misconduct in the distribution of election supplies;  
1-56 (iii) ~~[(C)]~~ errors in the tabulation of  
1-57 results that would have affected the outcome of an election;  
1-58 (iv) ~~[(D)]~~ violations of Section 66.053;  
1-59 (v) ~~[(E)]~~ discovery of properly executed  
1-60 voted ballots after the canvass of an election that were not  
1-61 counted; or

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

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

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

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

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

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

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

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

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

SECTION 3. Sections 31.019(a) and (c), Election Code, are amended to read as follows:

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

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

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

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

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

(a) If the secretary of state implements administrative oversight under Section 31.017, the secretary shall provide written notice to the county election official with authority over election administration or voter registration and the county judge of the determination by the secretary to implement administrative oversight in the county. The notice must include the specific recurring pattern of problems with election administration or voter registration identified by the secretary and as described by ~~[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 recurring pattern of problems with election administration or voter registration, as described under Section 31.017(a)(2)(C) ~~[31.017(a)(3)]~~, exists in an audited county and the problems impede the free exercise of a citizen's voting rights, the secretary:

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

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

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

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

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

(B) an audit of other elections held within 12 months of the completion of an audit under this section ~~[, as determined necessary by the secretary]~~.

(e-1) The secretary of state may monitor compliance with a plan developed under Subsection (e)(1)(B) 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 Subsection (e).

SECTION 7. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2025.

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