

CONFERENCE COMMITTEE REPORT FORM

Austin, Texas

26 May 2023

Date

Honorable Dan Patrick
President of the Senate

Honorable Dade Phelan
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on Senate Bill 1933 have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Paul Bettencourt
Bettencourt (chair)

Smith
Smith (chair)

Creighton
Creighton

Brcy
DeAyala

Hughes
Hughes

Kolkhorst
Kolkhorst

Metcalf
Metcalf

Middleton
On the part of the Senate Middleton

Schofield
On the part of the House Schofield

Note to Conference Committee Clerk:

Please type the names of the members of the Conference Committee under the lines provided for signature. Those members desiring to sign the report should sign each of the six copies. Attach a copy of the Conference Committee Report and a Section by Section side by side comparison to each of the six reporting forms. The original and two copies are filed in house of origin of the bill, and three copies in the other house.

CONFERENCE COMMITTEE REPORT

3rd Printing

S.B. No. 1933

A BILL TO BE ENTITLED

1 AN ACT

2 relating to certain oversight procedures of the state over county
3 elections.

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

5 SECTION 1. This Act may be cited as the Alan Vera Election
6 Accountability Act of 2023.

7 SECTION 2. Subchapter A, Chapter 31, Election Code, is
8 amended by adding Sections 31.017, 31.018, 31.019, 31.020, 31.021,
9 and 31.022 to read as follows:

10 Sec. 31.017. IMPLEMENTATION OF ADMINISTRATIVE OVERSIGHT OF
11 COUNTY ELECTION. (a) In a county with a population of more than 4
12 million, the secretary of state's office may order administrative
13 oversight of a county office administering elections or voter
14 registration in the county if:

15 (1) an administrative election complaint is filed with
16 the secretary of state by a person who participated in the relevant
17 election as:

18 (A) a candidate;

19 (B) a county chair or state chair of a political
20 party;

21 (C) a presiding judge;

22 (D) an alternate presiding judge; or

23 (E) the head of a specific-purpose political
24 committee that supports or opposes a measure;

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

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

8 (A) malfunction of voting system equipment that
9 prevents a voter from casting a vote;

10 (B) carelessness or official misconduct in the
11 distribution of election supplies;

12 (C) errors in the tabulation of results that
13 would have affected the outcome of an election;

14 (D) violations of Section 66.053;

15 (E) discovery of properly executed voted ballots
16 after the canvass of an election that were not counted; or

17 (F) failure to conduct maintenance activities on
18 the lists of registered voters as required under this code.

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

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

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

1 or

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

6 Sec. 31.018. NOTICE OF COMPLAINT. (a) In a county with a
7 population of more than 4 million and not later than the 30th day
8 after receiving an administrative election complaint under Section
9 31.017(a)(1), the secretary of state shall provide notice of the
10 complaint to the applicable county election official with authority
11 over election administration or voter registration, including the
12 specific allegations against the election official in the
13 complaint.

14 (b) Subject to Subsection (c), not later than the 30th day
15 after receiving notice of the administrative election complaint
16 under Subsection (a), the county election official with authority
17 over election administration or voter registration may provide a
18 response with any supporting documentation relating to the
19 complaint or the allegations in the complaint to the secretary of
20 state.

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

1 Sec. 31.019. INVESTIGATION OF COMPLAINT. (a) In a county
2 with a population of more than 4 million, the secretary of state may
3 direct personnel in the secretary of state's office to conduct an
4 investigation on an administrative election complaint received
5 under Section 31.017(a)(1) and must consider any response or
6 supporting documentation provided by the county election official
7 with authority over election administration or voter registration
8 under Section 31.018, if applicable.

9 (b) If the secretary of state decides to conduct an
10 investigation under Subsection (a), the secretary must provide the
11 county election official with authority over election
12 administration or voter registration notice of the determination to
13 conduct the investigation.

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

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

19 (2) the individual who filed the administrative
20 election complaint under Section 31.017(a)(1).

21 Sec. 31.020. COUNTY ELECTION OFFICE OVERSIGHT BY SECRETARY.

22 (a) If the secretary of state implements administrative oversight
23 under Section 31.017, the secretary shall provide written notice to
24 the county election official with authority over election
25 administration or voter registration and the county judge of the
26 determination by the secretary to implement administrative
27 oversight in the county. The notice must include the specific

1 recurring pattern of problems with election administration or voter
2 registration identified by the secretary under Section
3 31.017(a)(3).

4 (b) The authority of administrative oversight over a county
5 granted to the secretary of state under this subchapter must
6 include:

7 (1) requiring the approval and review by the secretary
8 of state of any policies or procedures regarding the administration
9 of elections issued by the county; and

10 (2) authorizing all appropriate personnel in the
11 secretary of state's office to conduct in-person observations of
12 the county election office's activities, including any activities
13 related to election preparation, early voting, election day, and
14 post-election day procedures.

15 (c) The county election office being overseen by the
16 secretary of state shall provide sufficient access to the
17 appropriate personnel in the secretary of state's office to perform
18 their duties under Subsection (b).

19 (d) Once each quarter during the period when the secretary
20 of state is overseeing elections in a county under Subsection (a),
21 the secretary shall submit a report regarding the activities of the
22 oversight personnel to the members of the county election
23 commission and the county attorney.

24 (e) The secretary of state shall deliver the report required
25 by Subsection (d) in person to the county commissioners court if
26 requested by the commissioners court.

27 (f) The secretary of state shall conduct the administrative

1 oversight of a county until the earlier of:

2 (1) December 31 of the even-numbered year following
3 the first anniversary of the date the complaint was received under
4 Section 31.017(a)(1); or

5 (2) the date on which the secretary of state
6 determines that the recurring pattern of problems with election
7 administration or voter registration is rectified.

8 Sec. 31.021. REMOVAL OR TERMINATION OF COUNTY ELECTION
9 OFFICIAL AFTER ADMINISTRATIVE OVERSIGHT. (a) At the conclusion of
10 administrative oversight under this subchapter, if the recurring
11 pattern of problems with election administration or voter
12 registration is not rectified or continues to impede the free
13 exercise of a citizen's voting rights in the county, the secretary
14 of state may file a petition for the removal under Section 87.015,
15 Local Government Code, of the applicable county officer with
16 authority over election administration or voter registration.

17 (b) At the conclusion of administrative oversight under
18 this subchapter, the secretary of state may enter a written order to
19 terminate the employment of a county elections administrator, in a
20 county that has the position, under Section 31.037(b).

21 Sec. 31.022. RULES. The secretary of state may adopt rules
22 necessary to implement the administrative oversight of a county as
23 provided under this subchapter.

24 SECTION 3. Section 31.037, Election Code, is amended to
25 read as follows:

26 Sec. 31.037. SUSPENSION OR TERMINATION OF EMPLOYMENT. (a)
27 The employment of the county elections administrator may be

1 suspended, with or without pay, or terminated at any time for good
2 and sufficient cause on the four-fifths vote of the county election
3 commission and approval of that action by a majority vote of the
4 commissioners court.

5 (b) In a county with a population of more than 4 million, the
6 secretary of state may enter a written order to terminate the
7 employment of a county elections administrator at the conclusion of
8 administrative oversight of the county elections administrator's
9 office under Subchapter A if the recurring pattern of problems with
10 election administration or voter registration is not rectified or
11 continues to impede the free exercise of a citizen's voting rights
12 in the county.

13 SECTION 4. Section 127.351, Election Code, is amended by
14 amending Subsections (a) and (d) and adding Subsections (e) and (f)
15 to read as follows:

16 (a) Immediately after the uniform election date in November
17 of an even-numbered year, the secretary of state shall conduct an
18 audit of the elections held on the uniform election date in four
19 counties during the previous two years.

20 (d) If the secretary of state completes the audit of a
21 county under Subsection (b)(1) before the end of a two-year period,
22 the secretary may randomly select another county with a total
23 population of less than 300,000 to be audited.

24 (e) If not later than July 31 of the first odd-numbered year
25 following the commencement of an audit under this section, the
26 audit findings demonstrate to the secretary of state that a
27 recurring pattern of problems with election administration or voter

1 registration, as described under Section 31.017(a)(3), exists in an
2 audited county and the problems impede the free exercise of a
3 citizen's voting rights, the secretary:

4 (1) shall:

5 (A) publicly release the preliminary findings of
6 the audit; and

7 (B) recommend the county for administrative
8 oversight under Subchapter A, Chapter 31; and

9 (2) may conduct an audit of other elections held in the
10 county in the previous two years, as determined necessary by the
11 secretary.

12 (f) The secretary of state shall adopt rules as necessary to
13 implement this section.

14 SECTION 5. This Act takes effect September 1, 2023.

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SENATE VERSION

No equivalent provision.

SECTION 1. Subchapter A, Chapter 31, Election Code, is amended by adding Sections 31.017, 31.018, 31.019, 31.020, 31.021, 31.022, and 31.023 to read as follows:

Sec. 31.017. IMPLEMENTATION OF ADMINISTRATIVE OVERSIGHT OF COUNTY ELECTION. The secretary of state's office may order administrative oversight of a county office administering elections or voter registration in the county if:

(1) an administrative election complaint is filed with the secretary of state; and

(2) the secretary of state has good cause to believe that a recurring pattern of problems with election administration or voter registration exists in the county, **including any:**

(A) malfunction of voting system equipment;

HOUSE VERSION (IE)

SECTION __. This Act may be cited as the Alan Vera Election Accountability Act of 2023. [FA1]

SECTION 1. Subchapter A, Chapter 31, Election Code, is amended by adding Sections 31.017, 31.018, 31.019, 31.020, 31.021, and 31.022 to read as follows:

Sec. 31.017. IMPLEMENTATION OF ADMINISTRATIVE OVERSIGHT OF COUNTY ELECTION. ***(a) 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 if: [FA8(1A)]

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

(A) a candidate;

(B) a county chair or state chair of a political party;

(C) a presiding judge;

(D) an alternate presiding judge; or

(E) the head of a specific-purpose political committee that supports or opposes a measure; [FA2]

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

(3) the secretary of state, **after conducting an investigation under Section 31.019,** has good cause to believe that a recurring pattern of problems with election administration or voter registration exists in the county **due to any recurring:** [FA3(1)]

(A) malfunction of voting system equipment **that prevents a voter from casting a vote;**

CONFERENCE

SECTION 1. Same as House version.

SECTION 2. Subchapter A, Chapter 31, Election Code, is amended by adding Sections 31.017, 31.018, 31.019, 31.020, 31.021, and 31.022 to read as follows:

Sec 31.017. Same as House version except as follows:

(3) the secretary of state, **after conducting an investigation under Section 31.019,** has good cause to believe that a recurring pattern of problems with election administration or voter registration exists in the county, **including any recurring:**

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- (B) unfair distribution of election supplies;
- (C) errors in tabulation of results;
- (D) delays in reporting election returns;
- (E) discovery of voted ballots after the polls close; and
- (F) failure to conduct maintenance activities on the lists of registered voters as required under this code.

No equivalent provision.

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- (B) carelessness or official misconduct in the distribution of election supplies;
- (C) errors in the tabulation of results that would have affected the outcome of an election;
- (D) violations of Section 66.053;
- (E) discovery of properly executed voted ballots after the canvass of an election that were not counted; or
- (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.

Sec. 31.018. NOTICE OF COMPLAINT. (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)(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

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Sec. 31.018. Same as House version.

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election official in the complaint. [FA8(2)]
(b) Subject to Subsection (c), not later than the 30th day after receiving notice of the administrative election complaint under Subsection (a), the county election official with authority over election administration or voter registration may provide a response with any supporting documentation relating to the complaint or the allegations in the complaint to the secretary of state.
(c) If the administrative election complaint filed under Section 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).

No equivalent provision.

Sec. 31.019. INVESTIGATION OF COMPLAINT. (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)(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. [FA8(1B)]
(b) If the secretary of state decides to conduct an investigation under Subsection (a), the secretary must provide the county election official with authority over election administration or voter registration notice of the determination to conduct the investigation.
(c) After completing an investigation under this section, the secretary of state must provide a report on the findings of the

Sec. 31.019. Same as House version.

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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)(1).

Sec. 31.020. COUNTY ELECTION OFFICE OVERSIGHT BY SECRETARY.

- (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 under Section 31.017(a)(3). [FA4]

(See Sec. 31.020(f) below.)

(Sec. 31.020 continued)

- (b) *Under this subchapter, the secretary of state is granted the following* authority of administrative oversight over a

Sec. 31.018. NOTICE OF IMPLEMENTATION OF ADMINISTRATIVE OVERSIGHT.

- (a) If the secretary of state *determines administrative oversight is necessary* under Section 31.017, the secretary shall provide written notice to the county judge and the county election official with authority over election administration or voter registration *in the county* of:

- (1) the *decision* by the secretary to *require* administrative oversight *of the election administration or voter registration activities* in the county; and
- (2) the *designated period during which the oversight will take place.*

- (b) *The administrative oversight authority under this subchapter must continue until at least December 31 of the first even-numbered year following the year in which the secretary provides notice under Subsection (a).*

Sec. 31.019. ADMINISTRATIVE OVERSIGHT ACTIVITIES.

- (a) The authority of administrative oversight over a county *granted to the secretary of state under this subchapter must:*

Sec. 31.020. Same heading as House version.

- (a) Same as House version.

(Sec. 31.020 continued)

- (b) The authority of administrative oversight over a county *granted to the secretary of state under this subchapter must*

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(1) require the approval and review of any policies or procedures adopted by the county election office subject to the oversight by the secretary of state; and
(2) authorize all appropriate personnel in the secretary of state's office to conduct in-person observations of the county election office's activities, including any activities related to voter registration, election preparation, early voting, election day, and post-election day procedures.

(b) The county election office subject to the administrative oversight shall provide sufficient access to the appropriate personnel in the secretary of state's office to perform their duties under Subsection (a).

Sec. 31.020. QUARTERLY REPORT ON OVERSIGHT ACTIVITIES.

(a) Once each quarter during the period designated by the secretary of state for administrative oversight under Section 31.018, the secretary of state shall submit a report regarding the activities of the administrative oversight personnel to the county election official with authority over election administration or voter registration in the county, the county judge, the county attorney, and the chairs of political parties holding primary elections in the county.

(b) The secretary of state shall deliver the report required by Subsection (a) in person to the county election commission or the county commissioners court if requested by the commissioners court.

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county: [FA3(2)]

(1) requiring the approval and review by the secretary of state of any policies or procedures regarding the administration of elections issued by the county; and
(2) authorizing all appropriate personnel in the secretary of state's office to conduct in-person observations of the county election office's activities, including any activities related to election preparation, early voting, election day, and post-election day procedures.

(c) The county election office being overseen by the secretary of state shall provide sufficient access to the appropriate personnel in the secretary of state's office to perform their duties under Subsection (b).

(Sec. 31.020 continued)

(d) Once each quarter during the period when the secretary of state is overseeing elections in a county under Subsection (a), the secretary shall submit a report regarding the activities of the oversight personnel to the members of the county election commission and the county attorney.

(e) The secretary of state shall deliver the report required by Subsection (d) in person to the county commissioners court if requested by the commissioners court.

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include:

(1) requiring the approval and review by the secretary of state of any policies or procedures regarding the administration of elections issued by the county; and
(2) authorizing all appropriate personnel in the secretary of state's office to conduct in-person observations of the county election office's activities, including any activities related to election preparation, early voting, election day, and post-election day procedures.

(c) Same as House version.

(Sec. 31.020 continued)

(d) Same as House version.

(e) Same as House version.

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No equivalent provision. (But see Sec. 31.018 above.)

Sec. 31.021. TERMINATION OR EXTENSION OF OVERSIGHT. (a) At the conclusion of the period designated by the secretary of state for administrative oversight under Section 31.018, the secretary of state shall issue a report to the county commissioners court regarding:
(1) any remediation actions taken by the secretary of state during the designated period; and
(2) the secretary's recommendation on whether further administrative oversight of the county is necessary to ensure proper election administration and voter registration in the county.
(b) If the secretary of state determines that additional oversight of the county is necessary, the report submitted under Subsection (a) must include a detailed plan for the additional oversight activities.
(c) If the secretary of state determines that no additional oversight of the county is necessary, the secretary shall issue an order terminating the administrative oversight of the county under this subchapter.

No equivalent provision.

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

No equivalent provision.

Sec. 31.021. REMOVAL OR TERMINATION OF COUNTY ELECTION OFFICIAL AFTER ADMINISTRATIVE OVERSIGHT. (a) At the conclusion of

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(f) Same as House version.

Same as House version.

Sec. 31.021. Same as House version.

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administrative oversight under this subchapter, 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, the secretary of state may file a petition for the removal under Section 87.015, Local Government Code, of the applicable county officer with authority over election administration or voter registration.

(b) At the conclusion of administrative oversight under this subchapter, the secretary of state may enter a written order to terminate the employment of a county elections administrator, in a county that has the position, under Section 31.037(b).

No equivalent provision.

Same as House version.

Sec. 31.022. APPOINTMENT OF CONSERVATOR. (a) The secretary of state shall appoint a conservator to oversee elections in the county if at the conclusion of the period designated by the secretary for administrative oversight under Section 31.018, the secretary determines that:

(1) the recurring pattern of problems with election administration or voter registration, as described under Section 31.017(2), have not been properly remediated or continue to impede the free exercise of a citizen's voting rights in the county; and

(2) an extension of administrative oversight under Section 31.021(b) will not properly remediate the problems.

(b) If the county for which a conservator is appointed under Subsection (a) has an appointed elections administrator under Section 31.032, the secretary of state may provide a written recommendation to the county election commission for the suspension or termination of the elections administrator.

(c) Notwithstanding any other provision of this subchapter, the secretary of state may immediately appoint a conservator

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to oversee elections in a county, regardless of whether administrative oversight of the county has been previously conducted under this subchapter, if the secretary has good cause to determine that:

(1) a recurring pattern of problems with election administration or voter registration, as described under Section 31.017(2), exists and substantially impedes the free exercise of a citizen's voting rights within the preceding two years; and

(2) the immediate appointment of a conservator is necessary to properly remediate the problems.

(d) If a conservator is immediately appointed under Subsection (c), the secretary of state may simultaneously authorize the administrative oversight of the county to be conducted in the manner provided by this subchapter.

(e) A conservator appointed under this section serves until the first uniform election date after the secretary of state determines that the recurring pattern of problems with election administration or voter registration, as described under Section 31.017(2), is rectified.

Sec. 31.023. RULES. The secretary of state may adopt rules necessary to implement the administrative oversight of a county as provided under this subchapter.

No equivalent provision.

Sec. 31.022. Same as Senate version.

SECTION 2. Section 31.037, Election Code, is amended to read as follows:

Sec. 31.037. SUSPENSION OR TERMINATION OF EMPLOYMENT. (a) The employment of the county elections administrator may be suspended, with or without pay, or terminated at any time for good and sufficient cause on the four-fifths vote of the county election commission and

Sec. 31.022. Same as Senate version.

SECTION 3. Same as House version.

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approval of that action by a majority vote of the commissioners court.

(b) 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 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. [FA8(1C)]

SECTION 2. Section 127.351, Election Code, is amended by amending Subsections (a) and (d) and adding Subsections (e) and (f) to read as follows:

(a) Immediately after the uniform election date in November of an even-numbered year, the secretary of state shall conduct an audit of the elections held on the uniform election date in four counties during the previous two years.

(d) If the secretary of state completes the audit of a county under Subsection (b)(1) before the end of a two-year period, the secretary may randomly select another county with a total population of less than 300,000 to be audited.

(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(2), 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

SECTION 3. Same as Senate version except makes a conforming change to a cross-reference.

SECTION 4. Same as House version.

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(B) recommend the county for administrative oversight under Subchapter A, Chapter 31; and
(2) may conduct an audit of other elections held in the county in the previous two years, as determined necessary by the secretary.
(f) The secretary of state shall adopt rules as necessary to implement this section.

SECTION 3. Effective date.

HOUSE VERSION (IE)

SECTION 4. Same as Senate version.

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SECTION 5. Same as Senate version.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION

May 27, 2023

TO: Honorable Dan Patrick, Lieutenant Governor, Senate
Honorable Dade Phelan, Speaker of the House, House of Representatives

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: SB1933 by Bettencourt (Relating to certain oversight procedures of the state over county elections.),
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The fiscal implications of the bill cannot be determined because the application of this bill to certain specified counties cannot be determined.

The bill would amend the Election Code related to oversight of the state over county elections.

The bill would clarify that the current randomized election audits are only to be conducted for elections held on the unified election date. It would permit, but not require, the Secretary of State (SOS) to conduct a fifth audit under certain circumstances. It would provide statutory authorization for the processing of certain complaints regarding the administration of elections in certain counties.

In certain circumstances, the bill would grant the SOS administrative oversight of certain county offices administering elections or voter registration, would specify the powers granted to the agency for this oversight function, and would require certain reports.

According to the SOS, the modifications the bill would make to the agency's statutory requirement to conduct randomized audits would not have a material effect because many elections are conducted on the uniform election dates set out in the Election Code. As a result, according to the SOS, the provisions of the bill related to the conducting of audits would have no significant fiscal impact on the agency and would not generate any reductions in expenditures due to establishing a lower baseline of audit activity.

Whether certain specified counties would be subject to administrative oversight cannot be determined.

Local Government Impact

No significant fiscal implication to units of local government is anticipated based on the assessment by the SOS that the statutorily required audits would not be materially reduced in number by the bill. Costs to certain specified counties resulting from administrative oversight cannot be determined at this time.

Source Agencies: 307 Secretary of State

LBB Staff: JMc, CMA, MOc, GP, SMAT, LCO, NV