

SUBJECT: Ordering performance of certain election functions by secretary of state

COMMITTEE: Elections — favorable, without amendment

VOTE: 6 ayes — Cain, Bucy, Clardy, Jetton, Schofield, Swanson

1 nay — J. González

2 absent — Beckley, Fierro

SENATE VOTE: On final passage, April 23 — 31-0, on Local and Uncontested Calendar

WITNESSES: For — (*Registered, but did not testify*: Robert L. Green, Travis County Republican Party Election Integrity Committee; Susana Carranza; Iona Griffith; Vanessa MacDougal; Thomas Parkinson; Michael Wolfe)

Against — (*Registered, but did not testify*: Rene Perez, Libertarian Party of Texas)

On — Keith Ingram, Texas Secretary of State

BACKGROUND: Under Election Code sec. 31.005, the secretary of state may take appropriate action to protect the voting rights of citizens from abuse by the authorities administering the state's electoral processes.

If the secretary determines that a person performing official functions in the administration of any part of the electoral processes is exercising the powers vested in them in a manner that impedes the free exercise of a citizen's voting rights, the secretary may order the person to correct the offending conduct. If the person fails to comply, the secretary may seek enforcement of the order by a temporary restraining order or a writ of injunction or mandamus obtained through the attorney general.

Some have called for including certain actions related to delaying or canceling elections under the secretary of state's authority to order individuals to correct their conduct.

DIGEST:

SB 1901 would authorize the secretary of state to order a person administering an election to correct their offending conduct if the secretary determined that the person was delaying or canceling an election that the person did not have specific statutory authority to delay or cancel. An exception would be made if the person was acting under a court order.

The current authority of the secretary of state to seek enforcement of an order by a temporary restraining order or a writ of injunction or mandamus would be extended to orders issued under the bill.

The bill would take effect September 1, 2021.