

BILL ANALYSIS

S.B. 1901
By: Zaffirini
Elections
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Current law authorizes the secretary of state to order the performance of certain official election functions, including functions that correct conduct impeding the electoral process, and to seek enforcement through the attorney general. However, there are concerns over the potential interpretation of such authority, particularly with regard to conduct involving conduct that delays or cancels an election. S.B. 1901 seeks to address these concerns by authorizing the secretary of state to seek enforcement of an order for the performance of such administration functions to correct conduct that delays or cancels an election by a temporary restraining order or a writ of injunction or mandamus obtained through the attorney general.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

S.B. 1901 amends the Election Code to authorize the secretary of state to order a person performing official functions in the administration of any part of the electoral processes to correct offending conduct if the secretary determines that the person is exercising the powers vested in that person in a manner that, unless acting under an order of a court of competent jurisdiction, delays or cancels an election that the person does not have specific statutory authority to delay or cancel. The bill authorizes the secretary of state, if a person fails to comply with such an order, to seek enforcement of the order by a temporary restraining order or a writ of injunction or mandamus obtained through the attorney general.

EFFECTIVE DATE

September 1, 2021.