

**SUBJECT:** Requiring SOS monitor clerk, voter registrar compliance; creating offense

**COMMITTEE:** Elections — favorable, without amendment

**VOTE:** 5 ayes — Cain, Clardy, Jetton, Schofield, Swanson

4 nays — J. González, Beckley, Bucy, Fierro

**WITNESSES:** For — Alan Vera, Harris County Republican Party Ballot Security Committee; Bonnie Seelig; (*Registered, but did not testify*: Gerald Welty, Convention of States; Brandon Moore, SREC Election Integrity Committee; Beth Biesel and Deana Johnston, Texas Eagle Forum; Tom Glass, Texas Election Integrity; Chad Ennis, Texas Public Policy Foundation; Robert L. Green, Travis County Republican Party Election Integrity Committee; Marcia Strickler, WilcoWeTheePeople; and 23 individuals)

Against — (*Registered, but did not testify*: Matt Simpson, ACLU of Texas; Stephanie Gomez, Common Cause Texas; Joanne Richards, Common Ground for Texans; Daniel Collins, El Paso County; Thamara Narvaez, Harris County Commissioners Court; Susan Schultz, League of Women Voters of Texas; Fatima Menendez, Mexican American Legal Defense and Educational Fund; Jason Taper, Religious Action Center of Reform Judaism; Leonard Aguilar, Texas AFL-CIO; Jennifer Anderson, Texas Association of Elections Administrators; James Slattery, Texas Civil Rights Project; Candice Matthews, Texas Coalition Of Black Democrats; Jen Ramos, Texas Democratic Party; Carisa Lopez, Texas Freedom Network; Lonzo Kerr, Texas State NAACP; Julie Wheeler, Travis County Commissioners Court; Stephanie Gharakhanian, Workers Defense Action Fund; and 30 individuals)

On — (*Registered, but did not testify*: Scott O’Grady, Texans for Election Integrity; Keith Ingram, Texas Secretary of State)

**BACKGROUND:** Interested parties have raised concerns about the enforcement of certain statutory requirements pertaining to voter rolls. Some have called for the

Legislature to require the secretary of state to monitor court clerks and voter registrars to ensure uniform compliance with election laws relating to voter roll maintenance.

DIGEST:

HB 2546 would require the secretary of state to monitor each court clerk and voter registrar for compliance with certain statutory provisions, including any rules implementing these provisions, pertaining to:

- a list of persons excused or disqualified from jury service due to not being a citizen or not being a county resident;
- a suspense list containing certain voter information;
- official notice relating to a voter's death, mental incapacity, felony conviction status, or disqualification;
- canceling a voter's registration because of ineligibility, the end of the suspense list period, investigation by a registrar, request by a voter, or citizenship status; and
- the statewide voter registration list.

It would be a state-jail felony (180 days to two years in a state jail and an optional fine of up to \$10,000) for a county clerk or voter registrar to fail to comply with a requirement imposed by the preceding provisions three or more times.

By January 1, 2022, the secretary of state would have to develop and implement a training course for court clerks and registrars on the maintenance of voter rolls required and permitted by law.

If the secretary of state determined that a court clerk or voter registrar had failed to comply with a requirement imposed on the clerk or registrar by one of these provisions, the secretary would have to:

- for the first violation, require the clerk of registrar to attend a training course developed by the secretary;
- for the second violation, audit the voter registration list for the county in which the clerk or registrar served to determine the actions needed to achieve compliance with state law and rules

- adopted by the secretary of state; or
- for a third or subsequent violation, inform an appropriate law enforcement agency that an offense may have been committed.

The bill would take effect September 1, 2021, and would apply only to an offense committed on or after January 1, 2022.