

BILL ANALYSIS

Senate Research Center

S.B. 1113
By: Bettencourt et al.
State Affairs
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Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Under current law, voter registrars are required to cancel the voter registration of ineligible voters upon receipt of certain evidence, including: voters whose residence is determined to be outside the county or state; deceased voters; convicted felons; and those who have applied for a limited ballot in another county.

In the wake of the 2020 election, reports surfaced of mail-in ballot applications being mailed to voters who have been deceased between 2-11 years, those who have moved to other states, and those registered to vote at commercial post office boxes. Such practices and derelictions of statutory duty undermine voter confidence and election integrity in Texas.

In order to ensure that the voter registrar complies with ineligible voter cancellation requirements of the Texas Election Code, S.B. 1113 would provide that the secretary of state has the authority to withhold funds available to the voter registrar under Chapter 19 of the Texas Election Code if the voter registrar fails to timely remove voters who should be cancelled. Chapter 19 funding is intended to help local voter registrars administer state and local elections. S.B. 1113 ensures that those funds be provided on the condition that the integrity of voter rolls is maintained by local registrars.

(Original Author's/Sponsor's Statement of Intent)

S.B. 1113 amends current law relating to a registrar's failure to approve, change, or cancel voter registrations under applicable law.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter B, Chapter 16, Election Code, by adding Section 16.039, as follows:

Sec. 16.039. FAILURE BY REGISTRAR TO TIMELY PERFORM DUTY. (a) Authorizes the secretary of state (SOS), if a registrar fails to timely perform a duty imposed on the registrar under Subchapter B (Cancellation) requiring the approval, change, or cancellation of a voter's registration, to withhold funds administered and distributed by SOS under Chapter 19 (Financing Voter Registration) or Section 31.009 (Distribution of Certain Funds) from the registrar.

(b) Requires SOS, notwithstanding Subsection (a), to distribute funds under Chapter 19 or Section 31.009 if the registrar performs the registrar's duty not later than 30 days after the funds are withheld.

SECTION 2. Effective date: September 1, 2021.