

SUBJECT: Allowing the secretary of state to withhold funds from certain registrars

COMMITTEE: Elections — favorable, without amendment

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

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

SENATE VOTE: On final passage, April 12 — 19-12 (Alvarado, Blanco, Eckhardt, Gutierrez, Johnson, Lucio, Menéndez, Miles, Powell, West, Whitmire, Zaffirini)

WITNESSES: No public hearing.

DIGEST: SB 1113 would allow the secretary of state to withhold certain state and federal funds from registrars who failed to timely perform a duty requiring the cancellation of a voter's registration. This would include funds available for voter registration, the administration of elections, and the reimbursement of political subdivisions for expenses incurred in conducting a statewide special election.

The secretary of state would have to distribute withheld funds to a registrar if the registrar performed the duties within 30 days of the withholding.

The bill would take effect September 1, 2021.

SUPPORTERS SAY: SB 1113 would help to ensure the accuracy of voter rolls in Texas by allowing the secretary of state to withhold election assistance funding from counties whose registrars failed to cancel the registrations of ineligible voters in a timely manner. It has been reported that certain counties have failed to cancel voter registrations of the deceased, individuals who moved out of the county, felons, and non-citizens. The bill would incentivize these counties to maintain accurate voter rolls by creating a potential consequence for failure to comply with voter registrar requirements.

Requiring registrars to timely complete the cancellation of ineligible voter registrations would bolster, not diminish, the accuracy of voter rolls. The bill would not seek to punish counties by withholding funds but rather encourage them to comply with their duties. The withholding of election funds also would not be permanent, since the secretary of state would have to restore funding as soon as a county came back into compliance.

If a voter registrar objected to the withholding of funds under the bill, the county could utilize existing legal avenues to seek relief.

CRITICS
SAY:

SB 1113 would unfairly punish counties whose voter registrars could not complete the cancellation of a voter's registration quickly due to administrative constraints or lack of resources. It also could risk the ability of registrars to maintain accurate rolls by withholding election-related funds, thereby counteracting the goal of ensuring certain registrations were cancelled in a timely manner.

The word "timely" is undefined, which could intimidate counties into rushing cancellation of voter registrations, a serious task that should not be completed hastily. Had this bill been in effect in 2019 when counties received an inaccurate list of flagged voters from the secretary of state, a large number of eligible voters could have been incorrectly purged by registrars rushing to comply with the secretary's orders to avoid losing funding.

SB 1113 does not contain due process provisions or allow for a county to appeal the secretary of state's decision, limiting a county's ability to seek relief under the law.

NOTES:

The House companion bill, HB 4044 by Cain, was considered in a public hearing by the House Elections Committee on April 21, reported favorably, and sent to the Calendars Committee on April 29.