

By: Bettencourt

S.B. No. 2063

A BILL TO BE ENTITLED

AN ACT

relating to the oversight of and reporting requirements for the county elections administrator.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 31.037, Election Code, is amended to read as follows:

Sec. 31.037. SUSPENSION OR TERMINATION OF EMPLOYMENT. The employment of the county elections administrator may be suspended, with or without pay, or terminated at any time for good and sufficient cause on the three-fifths [~~four-fifths~~] vote of the county election commission and approval of that action by a majority vote of the commissioners court.

SECTION 2. Section 31.043, Election Code, is amended to read as follows:

Sec. 31.043. DUTIES OF ADMINISTRATOR GENERALLY. (a) The county elections administrator shall perform:

- (1) the duties and functions of the voter registrar;
- (2) the duties and functions placed on the county clerk by this code;
- (3) the duties and functions relating to elections that are placed on the county clerk by statutes outside this code, subject to Section 31.044; and
- (4) the duties and functions placed on the administrator under Sections 31.044 and 31.045.

1 (b) The county elections administrator is not a member of
2 the county election commission or the county election board.

3 SECTION 3. Subchapter B, Chapter 31, Election Code, is
4 amended by adding Sections 31.0431, 31.0432, 31.0433, 31.0434, and
5 31.0435 to read as follows:

6 Sec. 31.0431. REPORT TO COUNTY ELECTION COMMISSION: VOTE BY
7 MAIL. Not later than the 30th day after the final canvass of an
8 election is completed, the county elections administrator shall
9 provide a report to the county election commission that includes
10 the following information pertaining to voting by mail:

11 (1) the number of applications for a ballot to be voted
12 by mail submitted and the number of applications rejected;

13 (2) the number of official ballots to be voted by mail:

14 (A) provided to an applicant;

15 (B) returned by an applicant;

16 (C) returned undelivered by the United States
17 Postal Service;

18 (D) delivered to the early voting ballot board or
19 signature verification committee;

20 (E) for which the voters were accepted by the
21 early voting ballot board, including accepted voters whose jacket
22 envelopes were empty, contained the wrong ballot, or contained
23 multiple ballots; and

24 (F) for which the voters were rejected by the
25 early voting ballot board;

26 (3) the number of limited ballots to be voted by mail
27 submitted by an applicant; and

1 (4) the number of ballots voted by mail:

2 (A) delivered to the central counting station;

3 (B) duplicated at the central counting station;

4 and

5 (C) tabulated by the central counting station.

6 Sec. 31.0432. REPORT TO COUNTY ELECTION COMMISSION: EARLY
7 VOTING BY PERSONAL APPEARANCE. Not later than the 30th day after the
8 final canvass of an election is completed, the county elections
9 administrator shall provide a report to the county election
10 commission that includes the following information pertaining to
11 each day of early voting by personal appearance:

12 (1) the number of persons accepted to vote using a
13 limited ballot and the number of limited ballots cast;

14 (2) the number of:

15 (A) voters accepted to vote at each polling
16 place, including accepted voters who did not cast a vote;

17 (B) votes cast at each polling place and in each
18 election precinct;

19 (C) voters accepted to vote a provisional ballot;

20 (D) provisional ballot affidavits accepted at
21 each polling place;

22 (E) requests for cancellation of an application
23 for a ballot to be voted by mail received by each polling place;

24 (F) spoiled ballots at each polling place;

25 (G) marked ballots deposited in a location other
26 than a ballot box;

27 (H) polling places where 25 percent or more of

1 the election officers were not available to work at the polling
2 place for more than one hour at a time;

3 (I) polling places where a seal on a ballot box or
4 voting equipment did not match the documentation or was broken; and

5 (J) polling places that were not able to
6 reconcile every voter against the record of votes cast, including
7 the number of polling places where the discrepancy exceeded two
8 votes cast;

9 (3) the allocation of voting equipment and election
10 officials for each polling place; and

11 (4) the number of ballots cast during early voting by
12 personal appearance that were duplicated by the central counting
13 station.

14 Sec. 31.0433. REPORT TO COUNTY ELECTION COMMISSION:
15 ELECTION DAY. Not later than the 30th day after the final canvass of
16 an election is completed, the county elections administrator shall
17 provide a report to the county election commission that includes
18 the following information pertaining to election day:

19 (1) the number of:

20 (A) voters accepted to vote at each polling
21 place, including accepted voters who did not cast a vote;

22 (B) votes cast at each polling place and in each
23 election precinct;

24 (C) voters accepted to vote a provisional ballot;

25 (D) provisional ballot affidavits accepted at
26 each polling place;

27 (E) requests for cancellation of an application

1 for a ballot to be voted by mail received by each polling place;
2 (F) spoiled ballots at each polling place; and
3 (G) marked ballots deposited in a location other
4 than a ballot box;
5 (2) the allocation of voting equipment and election
6 officials for each polling place;
7 (3) the number of polling places on election day that:
8 (A) opened at least 10 minutes late due to the
9 malfunction of voting system equipment or a lack of election
10 supplies;
11 (B) closed for more than 30 minutes during voting
12 hours;
13 (C) had 25 percent or more of the voting machines
14 not functioning for at least 30 minutes during voting hours;
15 (D) had 50 percent or more of the scanning
16 equipment not functioning for at least 30 minutes during voting
17 hours;
18 (E) did not have a sufficient supply of ballots,
19 including from a shortage, having the wrong size paper for the
20 voting system, or any other malfunction limiting a person's ability
21 to vote as authorized under this code;
22 (F) did not print the tape showing each voting
23 machine counter was set to zero prior to opening the polls for
24 voting;
25 (G) failed to properly prepare the precinct
26 returns under Section [65.014](#);
27 (H) had 25 percent or more of the election

1 officers not available to work at the polling place for more than
2 one hour at a time;

3 (I) had a seal on a ballot box or voting equipment
4 that did not match the documentation or was broken; and

5 (J) were not able to reconcile every voter
6 against the record of votes cast, including the number of polling
7 places where the discrepancy exceeded two votes cast;

8 (4) the number of ballots cast on election day that
9 were duplicated by the central counting station; and

10 (5) the number of times a presiding judge delivered
11 the election returns but did not receive a chain of custody
12 document.

13 Sec. 31.0434. REPORT TO COUNTY ELECTION COMMISSION:
14 ADDITIONAL ELECTION INFORMATION. Not later than the 30th day after
15 the final canvass of an election is completed, the county elections
16 administrator shall provide a report to the county election
17 commission that includes the following information pertaining to an
18 election conducted in the county:

19 (1) the number of suspense voters in the county;

20 (2) the number of statements of residence completed at
21 each polling place;

22 (3) a reconciliation of:

23 (A) every election precinct in the county on the
24 number of registered voters and the number of votes cast;

25 (B) every data storage device assigned to a
26 polling place or to ballots to be voted by mail and its inclusion on
27 audit documentation; and

1 (C) the number of votes on each results tape and
2 the total number of votes cast; and

3 (4) an inventory of election records with container
4 labels, including a list of the contents in each container.

5 Sec. 31.0435. COUNTY ELECTION COMMISSION REVIEW OF REPORTS.

6 (a) The county election commission shall review reports provided by
7 the county elections administrator under Section 31.0431.

8 (b) Not later than the 30th day after receiving the reports,
9 the county election commission shall provide recommendations to the
10 county elections administrator based on the provided reports.

11 (c) During the next countywide election, the county
12 election commission shall monitor the county elections
13 administrator to determine whether the administrator is following
14 the recommendations provided by the commission under Subsection
15 (b).

16 SECTION 4. This Act takes effect September 1, 2023.