

By: Kolkhorst

S.B. No. 2125

A BILL TO BE ENTITLED

AN ACT

relating to the suspension of the authority of a county election officer.

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

SECTION 1. Subchapter E, Chapter 31, Election Code, is amended by adding Section 31.131 to read as follows:

Sec. 31.131. SUSPENSION OF COUNTY ELECTION OFFICER BY SECRETARY OF STATE. (a) In this section, "county election officer" means the county elections administrator in counties having that position, the county tax assessor-collector in counties in which the county clerk's position duties and functions have been transferred to the tax assessor-collector, and the county clerk in other counties.

(b) The secretary of state may enter a written order to suspend the authority of a county election officer to carry out the officer's powers and duties under this code at any time if the secretary of state has good cause to determine that the county election officer has not substantially cooperated with an audit conducted by the secretary of state under Section 127.351.

(c) The secretary of state shall establish by rule the standards for substantial cooperation with an audit conducted under Section 127.351.

(d) After the secretary of state determines that a county election officer did not substantially cooperate with an audit, the

1 county may not reduce the county election officer's budget from the
2 previous year until the period of conservatorship under Subsection
3 (e) has ended.

4 (e) The authority of a county election officer suspended as
5 provided by Subsection (b) must be fulfilled by a conservator
6 appointed by the secretary of state. A conservator appointed by the
7 secretary of state under this subsection serves until a lack of
8 substantial cooperation under secretary rule does not occur in a
9 general election held in the county within two federal election
10 cycles.

11 (f) The suspension of the authority of a county election
12 officer under this section remains in effect as provided by
13 Subsection (e) regardless of whether the individual who holds the
14 office or position described by Subsection (a) is the same
15 individual who held the office or position on the date the secretary
16 of state determined that a lack of substantial cooperation
17 occurred.

18 SECTION 2. This Act takes effect September 1, 2023.