

BILL ANALYSIS

Senate Research Center
88R6619 MPF-D

S.B. 823
By: Bettencourt
State Affairs
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

S.B. 823 would allow the secretary of state's office to suspend the employment of a county election administrator if any of the following problems become a recurring pattern:

1. A malfunction of voting system equipment
2. Unfair distribution of election supplies
3. Errors in the tabulation of results
4. Delays in reporting election returns
5. Discovery of voted ballots after the polls close

A vacancy created by the suspension of a county elections administrator would be filled by an appointment by the secretary of state. An election administrator appointed by the secretary of state under S.B. 823 serves until the secretary determines that the recurring pattern of problems with the election administration is rectified.

As proposed, S.B. 823 amends current law relating to the suspension of a county elections administrator.

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 Section 31.037, Election Code, as follows:

Sec. 31.037. SUSPENSION OR TERMINATION OF EMPLOYMENT. (a) Creates this subsection from existing text.

(b) Authorizes the secretary of state (SOS) to enter a written order to suspend the employment of a county elections administrator at any time if:

- (1) an administrative election complaint is filed with SOS; and
- (2) SOS has good cause to believe that a recurring pattern of problems with election administration exists in the county served by the administrator, including any:
 - (A) malfunction of voting system equipment;
 - (B) unfair distribution of election supplies;
 - (C) errors in tabulation of results;

(D) delays in reporting election returns; and

(E) discovery of voted ballots after the polls close.

SECTION 2. Amends Section 31.038, Election Code, by amending Subsection (a) and adding Subsection (c), as follows:

(a) Creates an exception under Subsection (c).

(c) Provides that a vacancy created by the suspension of a county elections administrator under Section 31.037(b) is filled by appointment of SOS. Provides that an elections administrator appointed by SOS under this subsection serves until SOS determines that the recurring pattern of problems with election administration are rectified.

SECTION 3. Effective date: September 1, 2023.