

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 1750
By: Bettencourt
State Affairs
4/6/2023
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Under the Texas Election Code, elections can be managed mainly by either the county clerk or an election administrator. The county clerk is an elected position and the election administrator is an appointed position.

The only means to remove an election administrator is by four out of five votes of the election commission, which is comprised of the county judge, county clerk, tax assessor-collector, and the party chairs for the parties that nominated their candidates by primary election. There is little oversight of the election administrator ("EA") under Texas law. While the secretary of state is the election administration official for Texas, the secretary of state's enforcement authority is limited. Currently, Bexar, Collin, Dallas, Harris, and Tarrant counties have an EA.

Bexar, Collin, Dallas, Harris, Tarrant, and Travis counties each have over 1,000,000 in population and their voters make up close to 40 percent (40%) of the registered voters in Texas. Yet, if all of these counties had an EA, only 25 people would have control over who is running the election for 40 percent of the Texas electorate. Currently, Travis County is the only one of those six counties with a county clerk administering elections.

S.B. 1750 would require all counties with a population over 1,000,000 to have their elections administered by an elected official, the county clerk. This requirement would allow for more accountability and transparency to the voting public. Elected officials are in the public making public appearances and are much more available to the voters than an election administrator.

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

C.S.S.B. 1750 amends current law relating to abolishing the county elections administrator position in certain counties.

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 the heading to Subchapter B, Chapter 31, Election Code, to read as follows:

SUBCHAPTER B. COUNTY ELECTIONS ADMINISTRATOR IN CERTAIN COUNTIES

SECTION 2. Amends Section 31.031(a), Election Code, to authorize the commissioners court of a county with a population of 3.5 million or less by written order to create the position of county elections administrator for the county.

SECTION 3. Amends Subchapter B, Chapter 31, Election Code, by adding Section 31.050, as follows:

Sec. 31.050. ABOLISHMENT OF POSITION AND TRANSFER OF DUTIES IN CERTAIN COUNTIES. Provides that all powers and duties of the county elections administrator of a county with a population of more than 3.5 million under this subchapter, on September 1, 2023, are transferred to the county tax assessor-collector and county clerk. Requires the county tax assessor-collector to serve as the voter registrar, and the duties and functions of the county clerk that were performed by the administrator revert to the county clerk, unless a transfer of duties and functions occurs under certain sections.

SECTION 4. Requires a county that has a county elections administrator and a population of more than 3.5 million, on the effective date of this Act, to transfer employees, property, and records as necessary to accomplish the abolishment of the position of county elections administrator under this Act.

SECTION 5. Effective date: September 1, 2023.