By:  Bettencourt S.B. No. 823

(In the Senate - Filed February 10, 2023; March 1, 2023, read first time and referred to Committee on State Affairs; April 6, 2023, reported adversely, with favorable Committee Substitute by the following vote: Yeas 8, Nays 2; April 6, 2023, sent to printer.)

COMMITTEE VOTE

               Yea Nay Absent  PNV

Hughes          X

Paxton          X

Bettencourt     X

Birdwell        X

LaMantia            X

Menéndez            X

Middleton       X

Parker          X

Perry           X

Schwertner      X

Zaffirini                 X

COMMITTEE SUBSTITUTE FOR S.B. No. 823 By:  Hughes

A BILL TO BE ENTITLED

AN ACT

relating to the suspension of a 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. (a)  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 four-fifths vote of the county election commission and approval of that action by a majority vote of the commissioners court.

(b)  The secretary of state may 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 the secretary of state; and

(2)  the secretary of state 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.  Section 31.038, Election Code, is amended by amending Subsection (a) and adding Subsection (c) to read as follows:

(a)  Except as provided by Subsection (c), a [~~A~~] vacancy in the position of county elections administrator is filled by appointment of the county election commission.

(c)  A vacancy created by the suspension of a county elections administrator under Section 31.037(b) is filled by appointment of the secretary of state. An elections administrator appointed by the secretary of state under this subsection serves until the first uniform election date after the secretary determines that the recurring pattern of problems with election administration is rectified.

SECTION 3.  This Act takes effect September 1, 2023.

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