

By: Bettencourt

S.B. No. 823

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

1 close.

2 SECTION 2. Section 31.038, Election Code, is amended by
3 amending Subsection (a) and adding Subsection (c) to read as
4 follows:

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

8 (c) A vacancy created by the suspension of a county
9 elections administrator under Section 31.037(b) is filled by
10 appointment of the secretary of state. An elections administrator
11 appointed by the secretary of state under this subsection serves
12 until the secretary determines that the recurring pattern of
13 problems with election administration are rectified.

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