

AN ACT

relating to certain oversight procedures of the state over county elections.

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

SECTION 1. This Act may be cited as the Alan Vera Election Accountability Act of 2023.

SECTION 2. Subchapter A, Chapter 31, Election Code, is amended by adding Sections 31.017, 31.018, 31.019, 31.020, 31.021, and 31.022 to read as follows:

Sec. 31.017. IMPLEMENTATION OF ADMINISTRATIVE OVERSIGHT OF COUNTY ELECTION. (a) In a county with a population of more than 4 million, the secretary of state's office may order administrative oversight of a county office administering elections or voter registration in the county if:

(1) an administrative election complaint is filed with the secretary of state by a person who participated in the relevant election as:

(A) a candidate;

(B) a county chair or state chair of a political party;

(C) a presiding judge;

(D) an alternate presiding judge; or

(E) the head of a specific-purpose political committee that supports or opposes a measure;

1           (2) the secretary of state has provided notice to the  
2 county election official with authority over election  
3 administration or voter registration under Section 31.018; and

4           (3) the secretary of state, after conducting an  
5 investigation under Section 31.019, has good cause to believe that  
6 a recurring pattern of problems with election administration or  
7 voter registration exists in the county, including any recurring:

8                   (A) malfunction of voting system equipment that  
9 prevents a voter from casting a vote;

10                   (B) carelessness or official misconduct in the  
11 distribution of election supplies;

12                   (C) errors in the tabulation of results that  
13 would have affected the outcome of an election;

14                   (D) violations of Section 66.053;

15                   (E) discovery of properly executed voted ballots  
16 after the canvass of an election that were not counted; or

17                   (F) failure to conduct maintenance activities on  
18 the lists of registered voters as required under this code.

19           (b) The secretary of state shall make a determination on  
20 whether to implement administrative oversight under Subsection (a)  
21 not later than the 30th day after the earliest of:

22                   (1) the day a response by the county election official  
23 with authority over election administration or voter registration  
24 is received by the secretary of state under Section 31.018;

25                   (2) the last day the county election official with  
26 authority over election administration or voter registration could  
27 provide a response to the secretary of state under Section 31.018;

1 or

2 (3) the day the report on the findings of an  
3 investigation is provided to the county election official with  
4 authority over election administration or voter registration under  
5 Section 31.019.

6 Sec. 31.018. NOTICE OF COMPLAINT. (a) In a county with a  
7 population of more than 4 million and not later than the 30th day  
8 after receiving an administrative election complaint under Section  
9 31.017(a)(1), the secretary of state shall provide notice of the  
10 complaint to the applicable county election official with authority  
11 over election administration or voter registration, including the  
12 specific allegations against the election official in the  
13 complaint.

14 (b) Subject to Subsection (c), not later than the 30th day  
15 after receiving notice of the administrative election complaint  
16 under Subsection (a), the county election official with authority  
17 over election administration or voter registration may provide a  
18 response with any supporting documentation relating to the  
19 complaint or the allegations in the complaint to the secretary of  
20 state.

21 (c) If the administrative election complaint filed under  
22 Section 31.017(a)(1) concerns an election for which voting by  
23 personal appearance has begun and the final canvass has not been  
24 completed, the county election official with authority over  
25 election administration or voter registration must provide a  
26 response under Subsection (b) not later than 72 hours after  
27 receiving notice of the complaint under Subsection (a).

1       Sec. 31.019. INVESTIGATION OF COMPLAINT. (a) In a county  
2 with a population of more than 4 million, the secretary of state may  
3 direct personnel in the secretary of state's office to conduct an  
4 investigation on an administrative election complaint received  
5 under Section 31.017(a)(1) and must consider any response or  
6 supporting documentation provided by the county election official  
7 with authority over election administration or voter registration  
8 under Section 31.018, if applicable.

9       (b) If the secretary of state decides to conduct an  
10 investigation under Subsection (a), the secretary must provide the  
11 county election official with authority over election  
12 administration or voter registration notice of the determination to  
13 conduct the investigation.

14       (c) After completing an investigation under this section,  
15 the secretary of state must provide a report on the findings of the  
16 investigation to:

17               (1) the county election official with authority over  
18 election administration or voter registration; and

19               (2) the individual who filed the administrative  
20 election complaint under Section 31.017(a)(1).

21       Sec. 31.020. COUNTY ELECTION OFFICE OVERSIGHT BY SECRETARY.

22       (a) If the secretary of state implements administrative oversight  
23 under Section 31.017, the secretary shall provide written notice to  
24 the county election official with authority over election  
25 administration or voter registration and the county judge of the  
26 determination by the secretary to implement administrative  
27 oversight in the county. The notice must include the specific

1 recurring pattern of problems with election administration or voter  
2 registration identified by the secretary under Section  
3 31.017(a)(3).

4 (b) The authority of administrative oversight over a county  
5 granted to the secretary of state under this subchapter must  
6 include:

7 (1) requiring the approval and review by the secretary  
8 of state of any policies or procedures regarding the administration  
9 of elections issued by the county; and

10 (2) authorizing all appropriate personnel in the  
11 secretary of state's office to conduct in-person observations of  
12 the county election office's activities, including any activities  
13 related to election preparation, early voting, election day, and  
14 post-election day procedures.

15 (c) The county election office being overseen by the  
16 secretary of state shall provide sufficient access to the  
17 appropriate personnel in the secretary of state's office to perform  
18 their duties under Subsection (b).

19 (d) Once each quarter during the period when the secretary  
20 of state is overseeing elections in a county under Subsection (a),  
21 the secretary shall submit a report regarding the activities of the  
22 oversight personnel to the members of the county election  
23 commission and the county attorney.

24 (e) The secretary of state shall deliver the report required  
25 by Subsection (d) in person to the county commissioners court if  
26 requested by the commissioners court.

27 (f) The secretary of state shall conduct the administrative

1 oversight of a county until the earlier of:

2 (1) December 31 of the even-numbered year following  
3 the first anniversary of the date the complaint was received under  
4 Section 31.017(a)(1); or

5 (2) the date on which the secretary of state  
6 determines that the recurring pattern of problems with election  
7 administration or voter registration is rectified.

8 Sec. 31.021. REMOVAL OR TERMINATION OF COUNTY ELECTION  
9 OFFICIAL AFTER ADMINISTRATIVE OVERSIGHT. (a) At the conclusion of  
10 administrative oversight under this subchapter, if the recurring  
11 pattern of problems with election administration or voter  
12 registration is not rectified or continues to impede the free  
13 exercise of a citizen's voting rights in the county, the secretary  
14 of state may file a petition for the removal under Section 87.015,  
15 Local Government Code, of the applicable county officer with  
16 authority over election administration or voter registration.

17 (b) At the conclusion of administrative oversight under  
18 this subchapter, the secretary of state may enter a written order to  
19 terminate the employment of a county elections administrator, in a  
20 county that has the position, under Section 31.037(b).

21 Sec. 31.022. RULES. The secretary of state may adopt rules  
22 necessary to implement the administrative oversight of a county as  
23 provided under this subchapter.

24 SECTION 3. Section 31.037, Election Code, is amended to  
25 read as follows:

26 Sec. 31.037. SUSPENSION OR TERMINATION OF EMPLOYMENT. (a)  
27 The employment of the county elections administrator may be

1 suspended, with or without pay, or terminated at any time for good  
2 and sufficient cause on the four-fifths vote of the county election  
3 commission and approval of that action by a majority vote of the  
4 commissioners court.

5 (b) In a county with a population of more than 4 million, the  
6 secretary of state may enter a written order to terminate the  
7 employment of a county elections administrator at the conclusion of  
8 administrative oversight of the county elections administrator's  
9 office under Subchapter A if the recurring pattern of problems with  
10 election administration or voter registration is not rectified or  
11 continues to impede the free exercise of a citizen's voting rights  
12 in the county.

13 SECTION 4. Section [127.351](#), Election Code, is amended by  
14 amending Subsections (a) and (d) and adding Subsections (e) and (f)  
15 to read as follows:

16 (a) Immediately after the uniform election date in November  
17 of an even-numbered year, the secretary of state shall conduct an  
18 audit of the elections held on the uniform election date in four  
19 counties during the previous two years.

20 (d) If the secretary of state completes the audit of a  
21 county under Subsection (b)(1) before the end of a two-year period,  
22 the secretary may randomly select another county with a total  
23 population of less than 300,000 to be audited.

24 (e) If not later than July 31 of the first odd-numbered year  
25 following the commencement of an audit under this section, the  
26 audit findings demonstrate to the secretary of state that a  
27 recurring pattern of problems with election administration or voter

1 registration, as described under Section 31.017(a)(3), exists in an  
2 audited county and the problems impede the free exercise of a  
3 citizen's voting rights, the secretary:

4 (1) shall:

5 (A) publicly release the preliminary findings of  
6 the audit; and

7 (B) recommend the county for administrative  
8 oversight under Subchapter A, Chapter 31; and

9 (2) may conduct an audit of other elections held in the  
10 county in the previous two years, as determined necessary by the  
11 secretary.

12 (f) The secretary of state shall adopt rules as necessary to  
13 implement this section.

14 SECTION 5. This Act takes effect September 1, 2023.

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Speaker of the House

I hereby certify that S.B. No. 1933 passed the Senate on April 13, 2023, by the following vote: Yeas 19, Nays 11; May 25, 2023, Senate refused to concur in House amendments and requested appointment of Conference Committee; May 26, 2023, House granted request of the Senate; May 28, 2023, Senate adopted Conference Committee Report by the following vote: Yeas 19, Nays 12.

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Secretary of the Senate

I hereby certify that S.B. No. 1933 passed the House, with amendments, on May 23, 2023, by the following vote: Yeas 81, Nays 59, one present not voting; May 26, 2023, House granted request of the Senate for appointment of Conference Committee; May 28, 2023, House adopted Conference Committee Report by the following vote: Yeas 84, Nays 58, two present not voting.

\_\_\_\_\_  
Chief Clerk of the House

Approved:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Governor