

1-1 By: Bettencourt S.B. No. 823
 1-2 (In the Senate - Filed February 10, 2023; March 1, 2023,
 1-3 read first time and referred to Committee on State Affairs;
 1-4 April 6, 2023, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 8, Nays 2; April 6, 2023,
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

| | Yea | Nay | Absent | PNV |
|------|-----|-----|--------|-----|
| 1-8 | | | | |
| 1-9 | X | | | |
| 1-10 | X | | | |
| 1-11 | X | | | |
| 1-12 | X | | | |
| 1-13 | | X | | |
| 1-14 | | X | | |
| 1-15 | X | | | |
| 1-16 | X | | | |
| 1-17 | X | | | |
| 1-18 | X | | | |
| 1-19 | | | X | |

1-20 COMMITTEE SUBSTITUTE FOR S.B. No. 823 By: Hughes

1-21 A BILL TO BE ENTITLED
 1-22 AN ACT

1-23 relating to the suspension of a county elections administrator.

1-24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-25 SECTION 1. Section 31.037, Election Code, is amended to
 1-26 read as follows:

1-27 Sec. 31.037. SUSPENSION OR TERMINATION OF EMPLOYMENT.

1-28 (a) The employment of the county elections administrator may be
 1-29 suspended, with or without pay, or terminated at any time for good
 1-30 and sufficient cause on the four-fifths vote of the county election
 1-31 commission and approval of that action by a majority vote of the
 1-32 commissioners court.

1-33 (b) The secretary of state may enter a written order to
 1-34 suspend the employment of a county elections administrator at any
 1-35 time if:

1-36 (1) an administrative election complaint is filed with
 1-37 the secretary of state; and

1-38 (2) the secretary of state has good cause to believe
 1-39 that a recurring pattern of problems with election administration
 1-40 exists in the county served by the administrator, including any:

1-41 (A) malfunction of voting system equipment;

1-42 (B) unfair distribution of election supplies;

1-43 (C) errors in tabulation of results;

1-44 (D) delays in reporting election returns; and

1-45 (E) discovery of voted ballots after the polls
 1-46 close.

1-47 SECTION 2. Section 31.038, Election Code, is amended by
 1-48 amending Subsection (a) and adding Subsection (c) to read as
 1-49 follows:

1-50 (a) Except as provided by Subsection (c), a [A] vacancy in
 1-51 the position of county elections administrator is filled by
 1-52 appointment of the county election commission.

1-53 (c) A vacancy created by the suspension of a county
 1-54 elections administrator under Section 31.037(b) is filled by
 1-55 appointment of the secretary of state. An elections administrator
 1-56 appointed by the secretary of state under this subsection serves
 1-57 until the first uniform election date after the secretary
 1-58 determines that the recurring pattern of problems with election
 1-59 administration is rectified.

1-60 SECTION 3. This Act takes effect September 1, 2023.

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