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Texas Administrative Code

TITLE 1**ADMINISTRATION****PART 4****OFFICE OF THE SECRETARY OF STATE****CHAPTER 81****ELECTIONS****SUBCHAPTER H****SURPLUS ELECTION CONTRACT FUNDS****RULE §81.161****Disbursement of Surplus Funds from Election Service Contracts under the Texas Election Code, §31.003**

(a) The Election Code, §31.100(g), states that the commissioners court may not consider the availability of the election services contract fund in adopting the budget for the office of the county election officer. Pursuant to the above section, surplus election contract funds may not be used to fund the day to day operation of the office of the county election officer. Examples of day to day expenses include, but are not limited to, duties required by statute, such as the necessary administrative personnel, office space and equipment, ballots, election kits, poll lists, and early voting and election day workers.

(b) The Election Code, §31.100(f), requires that a surplus in the county election services contract fund may be used only to defray expenses of the county election officer's office in connection with election-related duties or functions. Examples of expense that may be paid with surplus contract funds include, but are not limited to, any duty which is election-related but not specifically required by statute, such as polling location mailouts, travel to election seminars, purchase of voting equipment changes or upgrades, and technology upgrades for the election office (computers).

(c) If the county election officer determines that a funding request qualifies under subsection (b) of this section and should be paid from surplus election service contract funds, said request shall be made in writing to the county commissioners court. The commissioners court shall handle the county election officer's request following normal county purchasing policies and guidelines and may either approve or deny the request. In no instance may the commissioners court approve the use of surplus election contract funds without the written approval of the county election officer.

Source Note: The provisions of this §81.161 adopted to be effective July 29, 1993, 18 TexReg 4639.

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