1   AN ACT

2 relating to the appointment and duties of election officers.

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

4   SECTION 1. Section 32.002, Election Code, is amended by

5 amending Subsection (c) and adding Subsection (c-1) to read as

6 follows:

7   (c) The presiding judge and alternate presiding judge must

8 be affiliated or aligned with different political parties, subject

9 to this subsection. Before July of each year in a county to which

10 Subsection (a)(1) applies or before August of each year in a county

11 to which Subsection (a)(2) applies, the county chair of a political

12 party whose candidate for governor received the highest or second

13 highest number of votes in the county in the most recent

14 gubernatorial general election shall submit in writing to the

15 county clerk [commissioners court] a list of names of persons in

16 order of preference for each precinct who are eligible for

17 appointment as an election judge. The county chair may supplement

18 the list of names of persons until the 20th day before a general

19 election or the 15th day before a special election in case an

20 appointed election judge becomes unable to serve. The county clerk

21 shall prepare for the commissioners court a list of persons whose

22 names were submitted by the county chairs and who are eligible to

23 serve as election judges. The commissioners court shall appoint the

24 first person who meets [meeting] the applicable eligibility

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1 requirements from the list <u>prepared by the county clerk and whose</u>

2 <u>name was</u> submitted in compliance with this subsection by the party

3 with the highest number of votes in the precinct as the presiding

4 judge and the first person <u>who meets</u> [~~meeting~~] the applicable

5 eligibility requirements from the list <u>prepared by the county clerk</u>

6 <u>and whose name was</u> submitted in compliance with this subsection by

7 the party with the second highest number of votes in the precinct as

8 the alternate presiding judge. If the candidates for governor of

9 two political parties received the same number of votes in the

10 precinct, the first person <u>who meets</u> [~~meeting~~] the applicable

11 eligibility requirements from the list <u>prepared by the county clerk</u>

12 <u>and whose name was</u> submitted by the party whose candidate for

13 governor received the highest number of votes in the county shall be

14 appointed as the presiding judge and the first person <u>who meets</u>

15 [~~meeting~~] the applicable eligibility requirements from the list

16 <u>prepared by the county clerk and whose name was</u> submitted by the

17 party whose candidate for governor received the second highest

18 number of votes in the county shall be appointed as the alternate

19 presiding judge. The <u>county clerk</u> [~~commissioners court~~] may

20 reject <u>any person from</u> the list if the <u>person is</u> [~~persons whose~~

21 ~~names are submitted on the list are~~] determined not to meet the

22 applicable eligibility requirements.

23   <u>(c-1) Judges of countywide polling places established under</u>

24 <u>Section 43.007 must be appointed in compliance with Subsection (c)</u>

25 <u>from the persons whose names were submitted for appointment by the</u>

26 <u>county chairs in a manner that provides equitable representation,</u>

27 <u>except that the commissioners court and county clerk are not</u>

1 required to make the appointments based on specific polling
2 locations, a judge is not required to serve in a polling place
3 located in the precinct in which the judge resides, and more than
4 one presiding judge or alternate presiding judge may be selected
5 from the same precinct to serve in polling places not located in the
6 precinct in which the judges reside. The county clerk may submit,
7 and the commissioners court may preapprove, the appointment of more
8 presiding judges or alternate presiding judges than necessary to
9 fill available positions. The county clerk may select an
10 individual whose appointment was preapproved to fill a vacancy in a
11 position that was held by an individual from the same political
12 party. Nothing in this subsection precludes a county clerk from
13 placing an election officer at a countywide polling place based on
14 the need for services at that location.
15   SECTION 2. Section 32.006(a), Election Code, is amended to
16 read as follows:
17   (a) The county chair of a political party holding a primary
18 election shall appoint for each primary[, with the approval of the
19 county executive committee,] the judges for each precinct in which
20 the election will be held in the county and fill any vacancy that
21 occurs in the position of presiding judge or alternate presiding
22 judge.
23   SECTION 3. Section 32.009(d), Election Code, is amended to
24 read as follows:
25   (d) A notice to a presiding judge must state the name, [and]
26 address, and any available telephone number and e-mail address of
27 the alternate, and a notice to an alternate must state the name,

1 [and] address, and any available telephone number and e-mail

2 address of the presiding judge.

3   SECTION 4. Subchapter A, Chapter 32, Election Code, is

4 amended by adding Section 32.012 to read as follows:

5   Sec. 32.012. PROVISION OF INFORMATION RELATING TO ELECTION

6 JUDGES   APPOINTED   BY   COMMISSIONERS   COURT. (a) After   the

7 commissioners court appoints a presiding election judge and an

8 alternate presiding judge, the county clerk shall provide to the

9 county chair of each political party that submitted names for

10 appointment the appointment list that includes each appointed

11 judge's name, residence precinct, appointment location, address,

12 and any available telephone number and e-mail address.

13   (b) The appointment list must be provided in writing.

14   SECTION 5. Section 32.114(e), Election Code, is amended to

15 read as follows:

16   (e) An election judge, early voting clerk, or deputy early

17 voting clerk in charge of an early voting polling place is entitled

18 to compensation for attending the training program at an hourly

19 rate fixed by the appropriate authority [not to exceed $7].

20   SECTION 6. Section 85.009(b), Election Code, is amended to

21 read as follows:

22   (b) Before July of each year, the county chair of each

23 political party holding a primary election in the county shall

24 submit in writing to the county clerk a list of names of persons in

25 order of preference for each early voting polling place who are

26 eligible for selection as an election officer. The county chair

27 may supplement the list of names of persons until the 30th day

1 before early voting begins in case an appointed election officer
2 becomes unable to serve. The county clerk shall appoint the first
3 person meeting the applicable eligibility requirements from the
4 list submitted in compliance with this subsection by the party with
5 the highest number of votes in the county as the presiding judge
6 [election officer] of that polling place and the first person
7 meeting the applicable eligibility requirements from the list
8 submitted in compliance with this subsection by the party with the
9 second highest number of votes in the county as the alternate
10 presiding judge [election officer] of that polling place. The
11 county clerk shall appoint additional election officers for each
12 polling place in the manner described by Subsection (a). The
13 county clerk may reject the list if the persons whose names are
14 submitted on the list are determined not to meet the applicable
15 eligibility requirements.

16 SECTION 7. Subchapter A, Chapter 85, Election Code, is
17 amended by adding Section 85.0091 to read as follows:

18 Sec. 85.0091. EARLY VOTING ELECTION OFFICERS FOR PRIMARY
19 ELECTIONS. (a) The early voting clerk shall select election
20 officers for a primary election for the main early voting polling
21 place and any branch polling place in the manner that Section 85.009
22 provides for the county clerk to select officers from the
23 appropriate political party, except that the early voting clerk
24 shall prescribe the deadline by which county chairs must submit
25 names of persons eligible to serve as election officers.

26 (b) This section does not apply to a joint primary governed
27 by Section 172.126.

1   SECTION 8.   Sections 32.006(b), 32.010, and 32.0511(d),

2 Election Code, are repealed.

3   SECTION 9.   This Act takes effect September 1, 2015.

_____   _____
     President of the Senate   Speaker of the House

     I certify that H.B. No. 2381 was passed by the House on May 15, 2015, by the following vote: Yeas 122, Nays 17, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 2381 on May 29, 2015, by the following vote: Yeas 122, Nays 21, 2 present, not voting.

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                                      Chief Clerk of the House

     I certify that H.B. No. 2381 was passed by the Senate, with amendments, on May 27, 2015, by the following vote: Yeas 30, Nays 1.

                                                _____

                                      Secretary of the Senate

APPROVED: _____
                Date

      _____
              Governor