

By: Reynolds

H.B. No. 2381

A BILL TO BE ENTITLED

AN ACT

relating to the appointment and duties of election officers.

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

SECTION 1. Section 32.002, Election Code, is amended by amending Subsection (c) and adding Subsection (c-1) to read as follows:

(c) The presiding judge and alternate presiding judge must be affiliated or aligned with different political parties, subject to this subsection. Before July of each year in a county to which Subsection (a)(1) applies or before August of each year in a county to which Subsection (a)(2) applies, the county chair of a political party whose candidate for governor received the highest or second highest number of votes in the county in the most recent gubernatorial general election shall submit in writing to the county clerk [~~commissioners court~~] a list of names of persons in order of preference for each precinct who are eligible for appointment as an election judge. The county chair may supplement the list of names of persons until the 20th day before a general election or the 15th day before a special election in case an appointed election judge becomes unable to serve. The county clerk shall prepare for the commissioners court a list of persons whose names were submitted by the county chairs and who are eligible to serve as election judges. The commissioners court shall appoint the first person who meets [~~meeting~~] the applicable eligibility

1 requirements from the list prepared by the county clerk and whose
2 name was 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 who meets [~~meeting~~] the applicable
5 eligibility requirements from the list prepared by the county clerk
6 and whose name was 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 who meets [~~meeting~~] the applicable
11 eligibility requirements from the list prepared by the county clerk
12 and whose name was 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 who meets
15 [~~meeting~~] the applicable eligibility requirements from the list
16 prepared by the county clerk and whose name was 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 county clerk [~~commissioners court~~] may
20 reject any person from the list if the person is [~~persons whose~~
21 ~~names are submitted on the list are~~] determined not to meet the
22 applicable eligibility requirements.

23 (c-1) Judges of countywide polling places established under
24 Section 43.007 must be appointed in compliance with Subsection (c)
25 from the persons whose names were submitted for appointment as
26 election judges for the precincts in the geographic vicinity of the
27 countywide polling place.

1 SECTION 2. Section 32.006(a), Election Code, is amended to
2 read as follows:

3 (a) The county chair of a political party holding a primary
4 election shall appoint for each primary~~[, with the approval of the~~
5 ~~county executive committee,~~] the judges for each precinct in which
6 the election will be held in the county and fill any vacancy that
7 occurs in the position of presiding judge or alternate presiding
8 judge.

9 SECTION 3. Section 32.009(d), Election Code, is amended to
10 read as follows:

11 (d) A notice to a presiding judge must state the name, ~~and~~
12 address, and any available telephone number and e-mail address of
13 the alternate, and a notice to an alternate must state the name,
14 ~~and~~ address, and any available telephone number and e-mail
15 address of the presiding judge.

16 SECTION 4. Subchapter A, Chapter 32, Election Code, is
17 amended by adding Section 32.012 to read as follows:

18 Sec. 32.012. PROVISION OF INFORMATION RELATING TO ELECTION
19 JUDGE APPOINTED BY COMMISSIONERS COURT. (a) After the
20 commissioners court appoints an election judge, the county clerk
21 shall provide to the county chair of each political party that
22 submitted names for appointment the appointment list that includes
23 each appointed judge's name, precinct, address, and any available
24 telephone number and e-mail address.

25 (b) The appointment list must be provided in writing or by
26 posting the list on the county's website.

27 SECTION 5. Section 32.034, Election Code, is amended by

1 adding Subsection (f) to read as follows:

2 (f) The person who appoints an election clerk under this
3 section shall provide to the county chair of each political party
4 that submitted names for appointment under Subsection (b) the
5 appointment list that includes each appointed clerk's name,
6 precinct, address, and any available telephone number and e-mail
7 address. If the commissioners court appoints a clerk as provided by
8 Subsection (e), the county clerk must provide the appointment list
9 under this section.

10 SECTION 6. Section 32.051(c), Election Code, is amended to
11 read as follows:

12 (c) Except as provided by Section 32.0511, to be eligible to
13 serve as a clerk of an election precinct, a person must be a
14 qualified voter and, to the extent practicable, the person should
15 be a qualified voter:

16 (1) of the county, in a countywide election ordered by
17 the governor or a county authority or in a primary election;

18 (2) of the part of the county in which the election is
19 held, for an election ordered by the governor or a county authority
20 that does not cover the entire county of the person's residence; or

21 (3) of the political subdivision, in an election
22 ordered by an authority of a political subdivision other than a
23 county.

24 SECTION 7. Subchapter D, Chapter 32, Election Code, is
25 amended by adding Section 32.076 to read as follows:

26 Sec. 32.076. PRESENCE OF OFFICER FROM DIFFERENT POLITICAL
27 PARTY REQUIRED. When the presiding judge is performing any

1 activity within the polling location related to handling ballots or
2 voting machines, counting ballots or recording results, or any
3 similar activity, an alternate presiding judge or clerk whose name
4 was submitted for appointment by a political party other than the
5 party that submitted the presiding judge's name for appointment
6 must be present to allow the alternate presiding judge or clerk to
7 observe the activity or hear any discussion between election
8 workers.

9 SECTION 8. Section 85.009(b), Election Code, is amended to
10 read as follows:

11 (b) Before July of each year, the county chair of each
12 political party holding a primary election in the county shall
13 submit in writing to the county clerk a list of names of persons in
14 order of preference for each early voting polling place who are
15 eligible for selection as an election officer. The county chair
16 may supplement the list of names of persons until the 30th day
17 before early voting begins in case an appointed election officer
18 becomes unable to serve. The county clerk shall appoint the first
19 person meeting the applicable eligibility requirements from the
20 list submitted in compliance with this subsection by the party with
21 the highest number of votes in the county as the presiding judge
22 [~~election officer~~] of that polling place and the first person
23 meeting the applicable eligibility requirements from the list
24 submitted in compliance with this subsection by the party with the
25 second highest number of votes in the county as the alternate
26 presiding judge [~~election officer~~] of that polling place. The
27 county clerk shall appoint additional election officers for each

1 polling place in the manner described by Subsection (a). The
2 county clerk may reject the list if the persons whose names are
3 submitted on the list are determined not to meet the applicable
4 eligibility requirements.

5 SECTION 9. Subchapter A, Chapter 85, Election Code, is
6 amended by adding Section 85.0091 to read as follows:

7 Sec. 85.0091. EARLY VOTING ELECTION OFFICERS FOR CERTAIN
8 PARTISAN ELECTIONS. (a) This section applies only to an election
9 that is not held jointly with the general election for state and
10 county officers and is a special election or election for city
11 officers in which a candidate's political party alignment is
12 indicated on the ballot.

13 (b) The early voting clerk shall select election officers
14 for the main early voting polling place and any branch polling place
15 in the manner that Section 85.009 provides for the county clerk to
16 select officers, except that the early voting clerk shall prescribe
17 the deadline by which county chairs must submit names of persons
18 eligible to serve as election officers.

19 SECTION 10. Section 172.126(c), Election Code, is amended
20 to read as follows:

21 (c) One set of election officers shall conduct the primary
22 elections at each polling place. Not later than the second Monday in
23 December preceding the primary elections, each county chair shall
24 deliver to the county clerk a list of the names of the election
25 judges and clerks for that party. The presiding judge of each party,
26 or alternate judge if applicable, serves as a co-judge for the
27 precinct. If an eligible presiding co-judge and alternate co-judge

1 cannot be found to serve for a particular party in a precinct, the
2 county clerk may appoint any voter meeting the qualifications of
3 election judge to serve as the presiding judge in the precinct [~~a~~
4 ~~joint primary may not be conducted in that precinct, and that~~
5 ~~precinct must be consolidated with another precinct that has an~~
6 ~~eligible presiding co-judge and alternate co-judge to serve for~~
7 ~~each party~~]. The county clerk shall appoint the election clerks in
8 accordance with rules prescribed by the secretary of state. The
9 secretary of state shall prescribe the maximum number of clerks
10 that may be appointed for each precinct. The early voting ballot
11 board and any central counting station shall also be composed of and
12 administered by one set of election officers that provides
13 representation for each party, and the secretary of state by rule
14 shall prescribe procedures consistent with this subsection for the
15 appointment of those officers.

16 SECTION 11. Sections [32.006\(b\)](#), [32.010](#), and [32.0511\(d\)](#),
17 Election Code, are repealed.

18 SECTION 12. This Act takes effect September 1, 2015.