

1-1 By: Hall S.B. No. 108
1-2 (In the Senate - Filed November 12, 2024; February 3, 2025,
1-3 read first time and referred to Committee on State Affairs;
1-4 March 24, 2025, reported favorably by the following vote: Yeas 10,
1-5 Nays 0; March 24, 2025, sent to printer.)

1-6 COMMITTEE VOTE

1-7	Yea	Nay	Absent	PNV
1-8	Hughes	X		
1-9	Paxton	X		
1-10	Bettencourt	X		
1-11	Birdwell	X		
1-12	Hall	X		
1-13	Hinojosa of Nueces	X		
1-14	Middleton	X		
1-15	Parker	X		
1-16	Perry		X	
1-17	Schwertner	X		
1-18	Zaffirini	X		

1-19 A BILL TO BE ENTITLED
1-20 AN ACT

1-21 relating to the appointment of election clerks.
1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
1-23 SECTION 1. Section 32.001, Election Code, is amended by
1-24 amending Subsection (b) and adding Subsection (c) to read as
1-25 follows:
1-26 (b) The alternate presiding judge shall serve as presiding
1-27 judge for an election if the regularly appointed presiding judge is
1-28 not present at a polling location or otherwise cannot serve.
1-29 (c) A person may not prevent an alternate presiding judge
1-30 from freely occupying or observing the area in which voters are
1-31 being accepted for voting.
1-32 SECTION 2. The heading to Section 32.031, Election Code, is
1-33 amended to read as follows:
1-34 Sec. 32.031. JUDGES ~~[PRESIDING JUDGE]~~ TO APPOINT CLERKS.
1-35 SECTION 3. Section 32.031(a), Election Code, is amended to
1-36 read as follows:
1-37 (a) The presiding judge and alternate presiding judge for
1-38 each election precinct shall each appoint [the] election clerks to
1-39 assist the judges [judge] in the conduct of an election at the
1-40 polling place served by the judges [judge].
1-41 SECTION 4. Section 32.033, Election Code, is amended to
1-42 read as follows:
1-43 Sec. 32.033. NUMBER OF CLERKS. (a) The authority that
1-44 appoints the election judges shall prescribe the maximum number of
1-45 clerks that each presiding judge and alternate presiding judge may
1-46 appoint for each election. The authority may prescribe different
1-47 maximums for different types of elections.
1-48 (b) Except as provided by Subsection (c), the presiding
1-49 judge shall appoint at least one clerk and the alternate presiding
1-50 judge shall appoint at least one clerk [two clerks] for each
1-51 precinct in each election. The presiding judge and alternate
1-52 presiding judge may each appoint as many additional clerks, within
1-53 the prescribed limit, as are necessary for the proper conduct of the
1-54 election.
1-55 (c) In each election ordered by the governor or a county
1-56 authority in which the regular county election precincts are
1-57 required to be used, the presiding judge and alternate presiding
1-58 judge shall each appoint clerks for each precinct in the number,
1-59 within the prescribed limit, the judges consider [judge considers]
1-60 necessary for the proper conduct of the election.
1-61 SECTION 5. Section 32.034, Election Code, is amended by

2-1 amending Subsections (b), (c), (d), and (e) and adding Subsection
 2-2 (c-1) to read as follows:

2-3 (b) The county chair of a political party whose candidate
 2-4 for governor received the highest or second highest number of votes
 2-5 in the county in the most recent gubernatorial general election
 2-6 may, not later than the 30th ~~[25th]~~ day before a general election or
 2-7 the 10th day before a special election to which Subsection (a)
 2-8 applies, submit to a presiding judge and alternate presiding judge
 2-9 a list containing the names of at least two persons who are eligible
 2-10 for appointment as a clerk. If a timely list is submitted, the
 2-11 presiding judge shall appoint at least one clerk from the list and
 2-12 the alternate presiding judge shall appoint at least one clerk from
 2-13 the list~~[, except as provided by Subsection (c)]~~.

2-14 (c) If only one additional clerk is to be appointed, the
 2-15 presiding judge shall make the appointment from the list submitted
 2-16 by the county chair of the party whose candidate for governor
 2-17 received the second highest number of votes in the county in the
 2-18 most recent gubernatorial election ~~[for an election in which the~~
 2-19 ~~alternate presiding judge will serve as a clerk, the clerk shall be~~
 2-20 ~~appointed from the list of a political party with which neither the~~
 2-21 ~~presiding judge nor the alternate judge is affiliated or aligned,~~
 2-22 ~~if such a list is submitted. If two such lists are submitted, the~~
 2-23 ~~presiding judge shall decide from which list the appointment will~~
 2-24 ~~be made]~~. If such a list is not submitted, the presiding judge is
 2-25 not required to make an appointment from any list.

2-26 (c-1) The presiding judge and alternate presiding judge
 2-27 shall each appoint the same number of clerks to the extent possible
 2-28 given the total number of clerks to be appointed.

2-29 (d) The presiding judge and the alternate presiding judge
 2-30 shall make an appointment under this section not later than the
 2-31 fifth day after the date the judges receive ~~[judge receives]~~ the
 2-32 list and shall deliver written notification of the appointment to
 2-33 the appropriate county chair.

2-34 (e) If a presiding judge and an alternate presiding judge
 2-35 have ~~[has]~~ not been appointed at the time the county chair of a
 2-36 political party is required to submit a list of names for the
 2-37 appointment of a clerk under this section, a ~~[the]~~ list of names
 2-38 shall be submitted by the county clerk to the county chair of the
 2-39 political party that failed to timely submit a list of names ~~[whose~~
 2-40 ~~candidate for governor received the most votes in the precinct in~~
 2-41 ~~the most recent gubernatorial election and to the commissioners~~
 2-42 ~~court]~~. The county chair, or the commissioners court in a county
 2-43 without a county chair, shall appoint clerks from the list in the
 2-44 same manner provided for a presiding judge and an alternate
 2-45 presiding judge to appoint clerks by this section.

2-46 SECTION 6. Section 32.032, Election Code, is repealed.

2-47 SECTION 7. This Act takes effect September 1, 2025.

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