

By: Reynolds

H.B. No. 2734

A BILL TO BE ENTITLED

AN ACT

relating to certain election practices and procedures.

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 without changing the list's original order as submitted by the county chairs. The commissioners court shall

1 appoint the first person who meets ~~[meeting]~~ the applicable
2 eligibility requirements from the list prepared by the county clerk
3 and whose name was submitted in compliance with this subsection by
4 the party with the highest number of votes in the precinct as the
5 presiding judge and the first person who meets ~~[meeting]~~ the
6 applicable eligibility requirements from the list prepared by the
7 county clerk and whose name was submitted in compliance with this
8 subsection by the party with the second highest number of votes in
9 the precinct as the alternate presiding judge. If the candidates
10 for governor of two political parties received the same number of
11 votes in the precinct, the first person who meets ~~[meeting]~~ the
12 applicable eligibility requirements from the list prepared by the
13 county clerk and whose name was submitted by the party whose
14 candidate for governor received the highest number of votes in the
15 county shall be appointed as the presiding judge and the first
16 person who meets ~~[meeting]~~ the applicable eligibility requirements
17 from the list prepared by the county clerk and whose name was
18 submitted by the party whose candidate for governor received the
19 second highest number of votes in the county shall be appointed as
20 the alternate presiding judge. The county clerk ~~[commissioners~~
21 ~~court]~~ may reject any person from the list if the person is ~~[persons~~
22 ~~whose names are submitted on the list are]~~ determined not to meet
23 the applicable eligibility requirements. Before sending the list
24 to the commissioners court, the county clerk shall notify the
25 appropriate county chair of the proposed rejection and reason for
26 rejection of a person from the list.

27 (c-1) Judges of countywide polling places established under

1 Section 43.007 must be appointed in compliance with Subsection (c)
 2 from the persons whose names were submitted for appointment by the
 3 county chairs in a manner that reflects the results of the last
 4 gubernatorial election, except that the commissioners court and
 5 county clerk are not required to make the appointments based on
 6 specific polling locations or precincts, a presiding judge or
 7 alternate presiding judge is not required to serve in a polling
 8 place located in the precinct in which the judge resides, and more
 9 than one presiding judge or alternate presiding judge may be
 10 selected from the same precinct to serve in polling places not
 11 located in the precinct in which the judges reside. The county
 12 clerk may submit, and the commissioners court may preapprove, the
 13 appointment of more presiding judges or alternate presiding judges
 14 than necessary to fill available positions. The county clerk may
 15 select an individual whose appointment was preapproved by the
 16 commissioners court to fill a vacancy in a position that was held by
 17 an individual from the same political party. Other than a judge's
 18 party affiliation, nothing in this subsection precludes a county
 19 clerk from placing an election officer at a countywide polling
 20 place based on the need for services at that location.

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

23 (a) The county chair of a political party holding a primary
 24 election shall appoint for each primary~~[, with the approval of the~~
 25 ~~county executive committee,~~] the judges for each precinct in which
 26 the election will be held in the county and fill any vacancy that
 27 occurs in the position of presiding judge or alternate presiding

1 judge.

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

4 (d) A notice to a presiding judge must state the name, ~~[and]~~
5 address, and any available telephone number and e-mail address of
6 the alternate, and a notice to an alternate must state the name,
7 ~~[and]~~ address, and any available telephone number and e-mail
8 address of the presiding judge.

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

11 Sec. 32.012. PROVISION OF INFORMATION RELATING TO ELECTION
12 JUDGES APPOINTED BY COMMISSIONERS COURT. (a) After the
13 commissioners court appoints a presiding election judge and an
14 alternate presiding judge, the county clerk shall provide to the
15 county chair of each political party a list of the individuals
16 appointed by the commissioners court.

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

18 SECTION 5. Section 32.114(e), Election Code, is amended to
19 read as follows:

20 (e) An election judge, early voting clerk, or deputy early
21 voting clerk in charge of an early voting polling place is entitled
22 to compensation for attending the training program at an hourly
23 rate fixed by the appropriate authority ~~[not to exceed \$7]~~.

24 SECTION 6. Section 43.007(a), Election Code, is amended to
25 read as follows:

26 (a) The secretary of state shall implement a program to
27 allow each commissioners court participating in the program to

eliminate county election precinct polling places and establish
countywide polling places for:

(1) each general election for state and county
officers;

(2) each election held on the uniform election date in
May and any resulting runoff;

(3) each election on a proposed constitutional
amendment;

(4) each primary election and runoff primary election
if:

(A) the county chair or county executive
committee of each political party participating in a joint primary
election under Section 172.126 agrees to the use of countywide
polling places; or

(B) the county chair or county executive
committee of each political party required to nominate candidates
by primary election agrees to use the same countywide polling
places; and

(5) each election of a political subdivision located
in the county that is held jointly with an election described by
Subdivision (1), (2), (3), or (4).

SECTION 7. Section 85.009(b), Election Code, is amended to
read as follows:

(b) Before July of each year, the county chair of each
political party holding a primary election in the county shall
submit in writing to the county clerk a list of names of persons in
order of preference for each early voting polling place who are

1 eligible for selection as an election officer. The county chair
2 may supplement the list of names of persons until the 30th day
3 before early voting begins in case an appointed election officer
4 becomes unable to serve. The county clerk shall appoint the first
5 person meeting the applicable eligibility requirements from the
6 list submitted in compliance with this subsection by the party with
7 the highest number of votes in the county as the presiding judge
8 ~~[election officer]~~ of that polling place and the first person
9 meeting the applicable eligibility requirements from the list
10 submitted in compliance with this subsection by the party with the
11 second highest number of votes in the county as the alternate
12 presiding judge ~~[election officer]~~ of that polling place. The
13 county clerk shall appoint additional election officers for each
14 polling place in the manner described by Subsection (a). The
15 county clerk may reject the list if the persons whose names are
16 submitted on the list are determined not to meet the applicable
17 eligibility requirements.

18 SECTION 8. Subchapter A, Chapter 85, Election Code, is
19 amended by adding Section 85.0091 to read as follows:

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

27 (b) This section does not apply to a joint primary governed

1 by Section 172.126.

2 SECTION 9. Sections 32.006(b), 32.010, and 32.0511(d),
3 Election Code, are repealed.

4 SECTION 10. This Act takes effect September 1, 2017.