

BILL ANALYSIS

Senate Research Center
84R28356 ATP-F

H.B. 2381
By: Reynolds (Rodríguez)
State Affairs
5/20/2015
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

H.B. 2381 modifies the appointment and duties of election officers by requiring a county clerk of a county to prepare a list of persons whose names were submitted by county chairs and who are eligible to serve as election judges. The commissioners court would be required to appoint the first person who meets the eligibility requirements from the list. Under the provisions of the bill, a county chair of a political party would be required to appoint judges for each precinct and fill any vacancy that occurs in the position of presiding judge or alternate presiding judge. The county clerk would be required to provide the county chair of each political party an appointment list that includes certain information. The bill would require an early voting clerk to select an election officer in the same manner as a county clerk selects officers from the appropriate political party except the early voting clerk would be required to prescribe a deadline by which the county chair must submit the names of eligible persons.

H.B. 2381 amends current law relating to the appointment and duties of election officers.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

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

(c) Requires the presiding judge and alternate presiding judge to be affiliated or aligned with different political parties, subject to this subsection. Requires 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, 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, to submit in writing to the county clerk, rather than the commissioners court, a list of names of persons in order of preference for each precinct who are eligible for appointment as an election judge. Authorizes the county chair to 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. Requires the county clerk to 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. Requires the commissioners court to appoint the first person who meets the applicable eligibility requirements from the list prepared by the county clerk and whose name was submitted in compliance with this subsection by the party with the highest number of votes in the precinct as the presiding judge and the first person who meets the applicable eligibility requirements from the list prepared by the county clerk and whose name was submitted in compliance with this subsection by the party with the second highest number of votes in the precinct as the alternate presiding judge. Requires the first person who meets the applicable eligibility requirements from the list prepared by the county clerk and whose name was submitted by the party whose candidate for governor received the highest number of votes in the county, if the candidates for governor of two political parties received the same number

of votes in the precinct, to be appointed as the presiding judge and the first person who meets the applicable eligibility requirements from the list prepared by the county clerk and whose name was submitted by the party whose candidate for governor received the second highest number of votes in the county to be appointed as the alternate presiding judge. Authorizes the county clerk to reject any person from the list if the person is determined not to meet the applicable eligibility requirements. Deletes existing text authorizing the commissioners court to reject the list if the persons whose names are submitted on the list are determined not to meet the applicable eligibility requirements. Makes nonsubstantive changes.

(c-1) Requires judges of countywide polling places established under Section 43.007 (Countywide Polling Place Program) to be appointed in compliance with Subsection (c) from the persons whose names were submitted for appointment by the county chairs in a manner that provides equitable representation, except that the commissioners court and county clerk are not required to make the appointments based on specific polling locations, a judge is not required to serve in a polling place located in the precinct in which the judge resides, and more than one presiding judge or alternate presiding judge may be selected from the same precinct to serve in polling places not located in the precinct in which the judges reside. Authorizes the county clerk to submit, and the commissioners court to preapprove, the appointment of more presiding judges or alternate presiding judges than necessary to fill available positions. Authorizes the county clerk to select an individual whose appointment was preapproved to fill a vacancy in a position that was held by an individual from the same political party. Provides that nothing in this subsection precludes a county clerk from placing an election officer at a countywide polling place based on the need for services at that location.

SECTION 2. Amends Section 32.006(a), Election Code, to require the county chair of a political party holding a primary election to appoint for each primary, rather than appoint a chair with the approval of the county executive committee, the judges for each precinct in which the election will be held in the county and fill any vacancy that occurs in the position of presiding judge or alternate presiding judge.

SECTION 3. Amends Section 32.009(d), Election Code, to require that a notice to a presiding judge state the name, address, and any available telephone number and e-mail address of the alternate, and a notice to an alternate must state the name, address, and any available telephone number and e-mail address of the presiding judge. Makes nonsubstantive changes.

SECTION 4. Amends Subchapter A, Chapter 32, Election Code, by adding Section 32.012, as follows:

Sec. 32.012. PROVISION OF INFORMATION RELATING TO ELECTION JUDGES APPOINTED BY COMMISSIONERS COURT. (a) Requires the county clerk, after the commissioners court appoints a presiding election judge and an alternate presiding judge, to provide to the county chair of each political party that submitted names for appointment the appointment list that includes each appointed judge's name, residence precinct, appointment location, address, and any available telephone number and e-mail address.

(b) Requires that the appointment list be provided in writing.

SECTION 5. Amends Section 85.009(b), Election Code, to change references to presiding election officer to presiding judge.

SECTION 6. Amends Subchapter A, Chapter 85, Election Code, by adding Section 85.0091, as follows:

Sec. 85.0091. EARLY VOTING ELECTION OFFICERS FOR PRIMARY ELECTIONS. (a) Requires the early voting clerk to select election officers for a primary election for the main early voting polling place and any branch polling place in the manner that Section 85.009 (Election Officers for General Election for State and County

Officers) provides for the county clerk to select officers from the appropriate political party, except that the early voting clerk shall prescribe the deadline by which county chairs must submit names of persons eligible to serve as election officers.

(b) Provides that this section does not apply to a joint primary governed by Section 172.126 (Joint Primaries Authorized).

SECTION 7. Repealer: Section 32.006(b) (authorizing the county chair, if a vacancy in the positions of both the presiding judge and the alternate judge arises after the appointments are approved and the county executive committee is not scheduled to meet before the election for which the appointments are made, to fill the vacancies without the approval of the committee), Election Code.

Repealer: Section 32.010 (Furnishing Precinct Boundary Information to Judges), Election Code.

Repealer: Section 32.0511(d) (providing that not more than two student election clerks may serve at a polling place, except that not more than four student election clerks may serve at any countywide polling place), Election Code.

SECTION 8. Effective date: September 1, 2015.