

By: Jetton

H.B. No. 1862

A BILL TO BE ENTITLED

AN ACT

relating to the appointment of election clerks.

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

SECTION 1. Section 32.001, Election Code, is amended by amending Subsection (b) and adding Subsection (c) to read as follows:

(b) The alternate presiding judge shall serve as presiding judge for an election if the regularly appointed presiding judge is not present at a polling location or otherwise cannot serve.

(c) A person may not prevent an alternate presiding judge from freely occupying or observing the area in which voters are being accepted for voting.

SECTION 2. The heading to Section 32.031, Election Code, is amended to read as follows:

Sec. 32.031. JUDGES [~~PRESIDING JUDGE~~] TO APPOINT CLERKS.

SECTION 3. Section 32.031(a), Election Code, is amended to read as follows:

(a) The presiding judge and alternate presiding judge for each election precinct shall each appoint [~~the~~] election clerks to assist the judges [~~judge~~] in the conduct of an election at the polling place served by the judges [~~judge~~].

SECTION 4. Section 32.033, Election Code, is amended to read as follows:

Sec. 32.033. NUMBER OF CLERKS. (a) The authority that

1 appoints the election judges shall prescribe the maximum number of
2 clerks that each presiding judge and alternate presiding judge may
3 appoint for each election. The authority may prescribe different
4 maximums for different types of elections.

5 (b) Except as provided by Subsection (c), the presiding
6 judge shall appoint at least one clerk and the alternate presiding
7 judge shall appoint at least one clerk [~~two clerks~~] for each
8 precinct in each election. The presiding judge and alternate
9 presiding judge may each appoint as many additional clerks, within
10 the prescribed limit, as are necessary for the proper conduct of the
11 election.

12 (c) In each election ordered by the governor or a county
13 authority in which the regular county election precincts are
14 required to be used, the presiding judge and alternate presiding
15 judge shall each appoint clerks for each precinct in the number,
16 within the prescribed limit, the judges consider [~~judge considers~~]
17 necessary for the proper conduct of the election.

18 SECTION 5. Section 32.034, Election Code, is amended by
19 amending Subsections (b), (c), (d), and (e) and adding Subsection
20 (c-1) to read as follows:

21 (b) The county chair of a political party whose candidate
22 for governor received the highest or second highest number of votes
23 in the county in the most recent gubernatorial general election
24 may, not later than the 30th [~~25th~~] day before a general election or
25 the 10th day before a special election to which Subsection (a)
26 applies, submit to a presiding judge and alternate presiding judge
27 a list containing the names of at least two persons who are eligible

1 for appointment as a clerk. If a timely list is submitted, the
2 presiding judge shall appoint at least one clerk from the list and
3 the alternate presiding judge shall appoint at least one clerk from
4 the list [~~, except as provided by Subsection (c)~~].

5 (c) If only one additional clerk is to be appointed, the
6 presiding judge shall make the appointment from the list submitted
7 by the county chair of the party whose candidate for governor
8 received the highest number of votes in the county in the most
9 recent gubernatorial election [~~for an election in which the~~
10 ~~alternate presiding judge will serve as a clerk, the clerk shall be~~
11 ~~appointed from the list of a political party with which neither the~~
12 ~~presiding judge nor the alternate judge is affiliated or aligned,~~
13 ~~if such a list is submitted. If two such lists are submitted, the~~
14 ~~presiding judge shall decide from which list the appointment will~~
15 ~~be made~~]. If such a list is not submitted, the presiding judge is
16 not required to make an appointment from any list.

17 (c-1) The presiding judge and alternate presiding judge
18 shall each appoint the same number of clerks to the extent possible
19 given the total number of clerks to be appointed.

20 (d) The presiding judge and the alternate presiding judge
21 shall make an appointment under this section not later than the
22 fifth day after the date the judges receive [~~judge receives~~] the
23 list and shall deliver written notification of the appointment to
24 the appropriate county chair.

25 (e) If a presiding judge and an alternate presiding judge
26 have [~~has~~] not been appointed at the time the county chair of a
27 political party is required to submit a list of names for the

1 appointment of a clerk under this section, a [~~the~~] list of names
2 shall be submitted by the county clerk to the county chair of the
3 political party that failed to timely submit a list of names [~~whose~~
4 ~~candidate for governor received the most votes in the precinct in~~
5 ~~the most recent gubernatorial election and to the commissioners~~
6 ~~court~~]. The county chair, or the commissioners court in a county
7 without a county chair, shall appoint clerks from the list in the
8 same manner provided for a presiding judge and an alternate
9 presiding judge to appoint clerks by this section.

10 SECTION 6. Section [32.032](#), Election Code, is repealed.

11 SECTION 7. This Act takes effect September 1, 2023.