

By: Schofield

H.B. No. 4030

A BILL TO BE ENTITLED

AN ACT

relating to the appointment of election judges.

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

SECTION 1. Section 32.002, Election Code, is amended by amending Subsections (b), (c), (c-1), and (e) and adding Subsection (c-2) to read as follows:

(b) Election judges [~~Judges~~] appointed under Subsection (c) [~~(a)~~] serve for a term of one year, except that a [~~the~~] commissioners court by order recorded in its minutes may provide for judges appointed in the county to serve a term of two years. A judge's term begins:

(1) August 1 following appointment in a county with a population of over 500,000 [~~to which Subsection (a)(1) applies~~]; or

(2) September 1 following appointment in a county with a population of 500,000 or less [~~to which Subsection (a)(2) applies~~].

(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 (b)(1) [~~(a)(1)~~] applies or before August of each year in a county to which Subsection (b)(2) [~~(a)(2)~~] applies, the county chair of a political party shall appoint a person who meets the applicable eligibility requirements to serve as presiding judge in each precinct of the county in which the political party's [~~whose~~]

1 candidate for governor received the highest [~~or second highest~~]  
2 number of votes in the county in the most recent gubernatorial  
3 general election and as an alternate presiding judge in each  
4 precinct of the county in which the political party's candidate for  
5 governor received the second highest number of votes in the county  
6 in the most recent gubernatorial general election. On July 1 of each  
7 year in a county to which Subsection (b)(1) applies, or on August 1  
8 of each year in a county to which Subsection (b)(2) applies, the  
9 county chair shall submit in writing to the commissioners court a  
10 list of names of persons appointed under this subsection [~~in order~~  
11 ~~of preference for each precinct who are eligible for appointment as~~  
12 ~~an election judge~~]. The county chair may amend or supplement the  
13 chair's appointments under this subsection and the list of names of  
14 persons submitted to the commissioners court [~~until the 20th day~~  
15 ~~before a general election or the 15th day before a special election]~~  
16 in case an appointed election judge becomes unable to serve. [~~The~~  
17 ~~commissioners court shall appoint the first person meeting the~~  
18 ~~applicable eligibility requirements from the list submitted in~~  
19 ~~compliance with this subsection by the party with the highest~~  
20 ~~number of votes in the precinct as the presiding judge and the first~~  
21 ~~person meeting the applicable eligibility requirements from the~~  
22 ~~list submitted in compliance with this subsection by the party with~~  
23 ~~the second highest number of votes in the precinct as the alternate~~  
24 ~~presiding judge.~~]

25 (c-1) If the candidates for governor of two political  
26 parties received the same number of votes in the precinct, [~~the~~  
27 ~~first person meeting the applicable eligibility requirements from~~

1 ~~the list submitted by]~~ the county chair of the party whose candidate  
2 for governor received the highest number of votes in the county  
3 shall appoint ~~[be appointed as]~~ the presiding judge and ~~[the first~~  
4 ~~person meeting the applicable eligibility requirements from the~~  
5 ~~list submitted by]~~ the county chair of the party whose candidate for  
6 governor received the second highest number of votes in the county  
7 shall appoint ~~[be appointed as]~~ the alternate presiding judge.  
8 ~~[The commissioners court may reject the list if the persons whose~~  
9 ~~names are submitted on the list are determined not to meet the~~  
10 ~~applicable eligibility requirements.]~~

11 (c-2) Presiding judges ~~[(c-1) For purposes of this~~  
12 ~~subsection, the county chair shall provide a list of names of~~  
13 ~~persons eligible for appointment as election judges. Judges]~~ of  
14 countywide polling places established under Section 43.007 must be  
15 appointed ~~[from the list of names of persons submitted by the county~~  
16 ~~chair in compliance with Subsection (c) except that in appointing a~~  
17 ~~person from the list the commissioners court shall apportion the~~  
18 ~~number of judges]~~ in direct proportion to the percentage of  
19 precincts located in the county ~~[each county commissioners~~  
20 ~~precinct]~~ won by each party in the last gubernatorial election.  
21 Alternate presiding judges of countywide polling places  
22 established under Section 43.007 must be appointed in direct  
23 proportion to the percentage of precincts located in the county for  
24 which each party had the second highest number of votes in the last  
25 gubernatorial election. The county chair of the political party  
26 that won the most votes in the county in the last gubernatorial  
27 election shall select the polling places within the county at which

1 the chair will appoint the presiding judge or alternate presiding  
2 judge in accordance with this subsection, and shall notify the  
3 chair of the political party that won the second highest number of  
4 votes in the county in the last gubernatorial election of the  
5 polling locations chosen before April of each year in a county to  
6 which Subsection (b)(1) applies or before May of each year in a  
7 county to which Subsection (b)(2) applies. The list of names of  
8 persons submitted to the commissioners court under Subsection (c)  
9 shall include the polling places at which each person will serve [~~7~~  
10 ~~the commissioners court is not required to make the appointments~~  
11 ~~based on specific polling locations or precincts, a presiding judge~~  
12 ~~or alternate presiding judge is not required to serve in a polling~~  
13 ~~place located in the precinct in which the judge resides, and more~~  
14 ~~than one presiding judge or alternate presiding judge may be~~  
15 ~~selected from the same precinct to serve in polling places not~~  
16 ~~located in the precinct in which the judges reside. The county~~  
17 ~~chairs may submit, and the commissioners court may preapprove, the~~  
18 ~~appointment of more presiding judges or alternate presiding judges~~  
19 ~~than necessary to fill available positions. The county clerk may~~  
20 ~~select an individual whose appointment was preapproved by the~~  
21 ~~commissioners court to fill a vacancy in a position that was held by~~  
22 ~~an individual from the same political party. Other than a judge's~~  
23 ~~party affiliation, nothing in this subsection precludes a county~~  
24 ~~clerk from placing an election officer at a countywide polling~~  
25 ~~place based on the need for services at that location].~~

26 (e) The county chair of a political party [~~The commissioners~~  
27 ~~court~~] shall fill a vacancy in the position of presiding judge or

1 alternate presiding judge for the remainder of the unexpired term.  
2 ~~[An appointment to fill a vacancy may be made at any regular or~~  
3 ~~special term of court.]~~ Not later than 48 hours after the county  
4 clerk becomes aware of a vacancy, the county clerk shall notify the  
5 county chair of the same political party with which the original  
6 judge was affiliated or aligned of the vacancy. Not later than the  
7 fifth day after the date of notification of the vacancy, the county  
8 chair of the same political party with which the original judge was  
9 affiliated or aligned shall appoint a qualified person to fill the  
10 vacancy and submit to the commissioners court in writing the name of  
11 the [a] person appointed ~~[who is eligible for the appointment]~~. ~~[If~~  
12 ~~a name is submitted in compliance with this subsection, the~~  
13 ~~commissioners court shall appoint that person to the unexpired~~  
14 ~~term.]~~ If a name is not submitted in compliance with this  
15 subsection, the county clerk shall submit to the commissioners  
16 court a list of names of persons eligible as an appointee for the  
17 unexpired term. The commissioners court shall appoint an eligible  
18 person from the list who is affiliated or aligned with the same  
19 party, if available.

20 SECTION 2. Section 32.007(f), Election Code, is amended to  
21 read as follows:

22 (f) A person who is appointed as a replacement for a judge  
23 originally appointed under Section 32.002 must be appointed by the  
24 county chair of ~~[affiliated or aligned with]~~ the same political  
25 party as was the original judge~~[, if possible, and the appointing~~  
26 ~~authority shall make a reasonable effort to consult with the party~~  
27 ~~chair of the appropriate political party before making an~~

1 ~~appointment under this section].~~

2 SECTION 3. Sections 32.002(a) and 32.012, Election Code,  
3 are repealed.

4 SECTION 4. The changes in law made by this Act apply only to  
5 an election judge appointed on or after the effective date of this  
6 Act. The term of an election judge serving on the effective date of  
7 this Act expires on the date specified by Section 32.002(b),  
8 Election Code, as that section existed immediately before the  
9 effective date of this Act.

10 SECTION 5. This Act takes effect September 1, 2023.