

BILL ANALYSIS

H.B. 1972
By: Hartnett
Elections
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The Election Code sets forth procedures and deadlines regarding the appointment of election judges and clerks, as well as provisions relating to their duties. As currently written, however, these provisions leave some gaps in the process or do not adequately address the real-life situations involving election workers. For instance, while party chairs submit candidates for presiding and alternate presiding judge, if there is a vacancy and an emergency judge needs to be appointed, the parties are not involved in the selection process. Additionally, parties are required to submit candidates for judge by July of each year. This deadline does not provide for an alternative if, closer to the election, it is determined that more candidates names are needed. In addition to the problems with appointment, some presiding judges do not respect the check-and-balance function that having judges and clerks from different parties is designed to provide. House Bill 1972 modifies provisions relating to the powers, duties, and appointment of certain election officers.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

House Bill 1972 amends the Election Code by authorizing the county chair to supplement the list of names of persons who are eligible for appointment as an election judge 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. If an appointment for a judge is not made by the commissioners court from the list submitted by the county chair, the bill requires the county clerk to make a reasonable effort to consult with the party chair of the appropriate political party or parties, before submitting a list of eligible names to the commissioners court.

The bill clarifies that replacement judges are required to be appointed if neither the presiding judge nor the alternate presiding judge can serve in an election and their inability to serve is discovered after the 20th day before a general election or the 15th day before a special election, rather than so late that it is impracticable to fill the vacancy in the normal manner. The bill requires the appointing authority to make a reasonable effort to consult with the party chair of the appropriate political party before making such an appointment.

The bill requires the list of names for the appointment of election clerks to be submitted to the county chair of the political party whose candidate for governor received the most votes in the precinct in the most recent gubernatorial election and to the commissioners court, if a presiding judge has not been appointed at the time the county chair is required to submit the list. The bill requires the county chair to appoint clerks from the list in the same manner as a presiding judge would appoint clerks. If a county does not have a county chair, the bill requires the commissioners court to appoint the clerks.

The bill requires the presiding judge to treat all election clerks serving at the polling place uniformly, with respect to designating the working hours of and assigning the duties to be performed by the election clerks.

EFFECTIVE DATE

September 1, 2005.