

BILL ANALYSIS

Senate Research Center

S.B. 896
By: Carona
State Affairs
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Enrolled

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Current law only provides for the appointment of an election judge. S.B. 896 provides that a commissioners court shall appoint a presiding and alternate presiding judge. In addition, this bill specifies timeframes regarding the last-minute appointment of an election judge.

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 Sections 32.002(c), (d), and (e), Election Code, as follows:

(c) Includes that the county chair of a political party is authorized to supplement the list of names of persons 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.

(d) Requires the county clerk, after making a reasonable effort to consult with the party chair of the appropriate political party or parties, to submit to the commissioners court a list of names of eligible names for appointment as presiding judge and alternate presiding judge for each precinct in which an appointment is not made under Subsection (c).

(e) Requires the commissioners court to fill a vacancy in the position of presiding judge or alternate presiding judge, rather than election judge, for the remainder of the unexpired term.

SECTION 2. Amends Sections 32.007(a) and (f), Election Code, as follows:

(a) Requires, 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 presiding officer of the appointing authority or the authority if a single officer to appoint a replacement judge to preside at the election, subject to Subsection (f).

(f) Includes that the appointing authority is required to make a reasonable effort to consult with the party chair of the appropriate political party before making an appointment under this section.

SECTION 3. Amends Section 32.034, Election Code, by adding Subsection (e) to require, if a presiding judge has not been appointed at the time the county chair of a political party is required to submit a list of names for the appointment of a clerk under this section, the list of names 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. Requires the county chair, or the commissioners court in a county without a county chair, to appoint clerks from the list in the same manner provided for a presiding judge to appoint clerks in this section.

SECTION 4. Amends Section 32.072, Election Code, by adding Subsection (c), to require the presiding judge, with respect to designating the working hours of and assigning the duties to be performed by the election clerks, to facilitate and protect the integrity of the voting process, to treat all election clerks serving at the polling place uniformly.

SECTION 5. Effective date: September 1, 2005.