

By: Carona

S.B. No. 896

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the powers and duties of and the appointment of certain
3 election officers.

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

5 SECTION 1. Subsections (c), (d), and (e), Section 32.002,
6 Election Code, are amended to read as follows:

7 (c) The presiding judge and alternate presiding judge must
8 be affiliated or aligned with different political parties, subject
9 to this subsection. Before July of each year, the county chair of a
10 political party whose candidate for governor received the highest
11 or second highest number of votes in the county in the most recent
12 gubernatorial general election shall submit in writing to the
13 commissioners court a list of names of persons in order of
14 preference for each precinct who are eligible for appointment as an
15 election judge. The county chair may supplement the list of names
16 of persons until the 20th day before a general election or the 15th
17 day before a special election in case an appointed election judge
18 becomes unable to serve. The commissioners court shall appoint the
19 first person meeting the applicable eligibility requirements from
20 the list submitted in compliance with this subsection by the party
21 with the highest number of votes in the precinct as the presiding
22 judge and the first person meeting the applicable eligibility
23 requirements from the list submitted in compliance with this
24 subsection by the party with the second highest number of votes in

1 the precinct as the alternate presiding judge. The commissioners
2 court may reject the list if the persons whose names are submitted
3 on the list are determined not to meet the applicable eligibility
4 requirements.

5 (d) The county clerk, after making a reasonable effort to
6 consult with the party chair of the appropriate political party or
7 parties, shall submit to the commissioners court a list of names of
8 persons eligible for appointment as presiding judge and alternate
9 presiding judge for each precinct in which an appointment is not
10 made under Subsection (c). The commissioners court shall appoint
11 an eligible person from the list who is affiliated or aligned with
12 the appropriate party, if available.

13 (e) The commissioners court shall fill a vacancy in the
14 position of presiding judge or alternate presiding ~~[election]~~ judge
15 for the remainder of the unexpired term. An appointment to fill a
16 vacancy may be made at any regular or special term of court. Not
17 later than 48 hours after the county clerk becomes aware of a
18 vacancy, the county clerk shall notify the county chair of the same
19 political party with which the original judge was affiliated or
20 aligned of the vacancy. Not later than the fifth day after the date
21 of notification of the vacancy, the county chair of the same
22 political party with which the original judge was affiliated or
23 aligned shall submit to the commissioners court in writing the name
24 of a person who is eligible for the appointment. If a name is
25 submitted in compliance with this subsection, the commissioners
26 court shall appoint that person to the unexpired term. If a name is
27 not submitted in compliance with this subsection, the county clerk

1 shall submit to the commissioners court a list of names of persons
2 eligible as an appointee for the unexpired term. The commissioners
3 court shall appoint an eligible person from the list who is
4 affiliated or aligned with the same party, if available.

5 SECTION 2. Subsections (a) and (f), Section 32.007,
6 Election Code, are amended to read as follows:

7 (a) If neither the presiding judge nor the alternate
8 presiding judge can serve in an election and their inability to
9 serve is discovered after the 20th day before a general election or
10 the 15th day before a special election [~~so late that it is~~
11 ~~impracticable to fill the vacancy in the normal manner~~], the
12 presiding officer of the appointing authority or the authority if a
13 single officer shall appoint a replacement judge to preside at the
14 election, subject to Subsection (f). If the appointing authority
15 is unavailable, the authority responsible for distributing the
16 supplies for the election shall appoint the replacement judge.

17 (f) A person who is appointed as a replacement for a judge
18 originally appointed under Section 32.002 must be affiliated or
19 aligned with the same political party as was the original judge, if
20 possible, and the appointing authority shall make a reasonable
21 effort to consult with the party chair of the appropriate political
22 party before making an appointment under this section.

23 SECTION 3. Section 32.034, Election Code, is amended by
24 adding Subsection (e) to read as follows:

25 (e) If a presiding judge has not been appointed at the time
26 the county chair of a political party is required to submit a list
27 of names for the appointment of a clerk under this section, the list

1 of names shall be submitted to the county chair of the political
2 party whose candidate for governor received the most votes in the
3 precinct in the most recent gubernatorial election and to the
4 commissioners court. The county chair, or the commissioners court
5 in a county without a county chair, shall appoint clerks from the
6 list in the same manner provided for a presiding judge to appoint
7 clerks by this section.

8 SECTION 4. Section 32.072, Election Code, is amended by
9 adding Subsection (c) to read as follows:

10 (c) With respect to designating the working hours of and
11 assigning the duties to be performed by the election clerks, the
12 presiding judge, to facilitate and protect the integrity of the
13 voting process, shall treat all election clerks serving at the
14 polling place uniformly.

15 SECTION 5. This Act takes effect September 1, 2005.