

AN ACT

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

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

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

(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, the county chair of a political party whose candidate for governor received the highest or second highest number of votes in the county in the most recent gubernatorial general election shall submit in writing to the commissioners court a list of names of persons in order of preference for each precinct who are eligible for appointment as an election judge. The county chair may supplement the list of names of persons 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. The commissioners court shall appoint the first person meeting the applicable eligibility requirements from the list submitted in compliance with this subsection by the party with the highest number of votes in the precinct as the presiding judge and the first person meeting the applicable eligibility requirements from the list submitted in compliance with this 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.

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Speaker of the House

I hereby certify that S.B. No. 896 passed the Senate on April 22, 2005, by the following vote: Yeas 28, Nays 0.

\_\_\_\_\_  
Secretary of the Senate

I hereby certify that S.B. No. 896 passed the House on May 9, 2005, by a non-record vote.

\_\_\_\_\_  
Chief Clerk of the House

Approved:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Governor