

1-1 By: Duncan S.B. No. 1134  
1-2 (In the Senate - Filed February 25, 2009; March 13, 2009,  
1-3 read first time and referred to Committee on State Affairs;  
1-4 March 26, 2009, reported adversely, with favorable Committee  
1-5 Substitute by the following vote: Yeas 9, Nays 0; March 26, 2009,  
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1134 By: Duncan

1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to the authority for certain high school students to serve  
1-11 as election clerks.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Subsection (c), Section 32.051, Election Code,  
1-14 is amended to read as follows:

1-15 (c) Except as provided by Section 32.0511, to [To] be  
1-16 eligible to serve as a clerk of an election precinct, a person must  
1-17 be a qualified voter:

1-18 (1) of the county, in a countywide election ordered by  
1-19 the governor or a county authority or in a primary election;

1-20 (2) of the part of the county in which the election is  
1-21 held, for an election ordered by the governor or a county authority  
1-22 that does not cover the entire county of the person's residence; or

1-23 (3) of the political subdivision, in an election  
1-24 ordered by an authority of a political subdivision other than a  
1-25 county.

1-26 SECTION 2. Subchapter C, Chapter 32, Election Code, is  
1-27 amended by adding Section 32.0511 to read as follows:

1-28 Sec. 32.0511. SPECIAL ELIGIBILITY REQUIREMENTS: STUDENT  
1-29 ELECTION CLERKS. (a) In this section:

1-30 (1) "Educational institution" means:

1-31 (A) a public secondary school; or

1-32 (B) an accredited private or parochial secondary  
1-33 school.

1-34 (2) "Student" means a person enrolled in an  
1-35 educational institution or a home-schooled student.

1-36 (b) A student who is ineligible to serve as a clerk of an  
1-37 election precinct under Section 32.051(c) is eligible to serve as a  
1-38 clerk of an election precinct under this section if the student:

1-39 (1) at the time of appointment as an election clerk:

1-40 (A) is a student at an educational institution or  
1-41 attends a home school that meets the requirements of Section  
1-42 25.086(a)(1), Education Code; and

1-43 (B) has the consent of:

1-44 (i) the principal of the educational  
1-45 institution attended by the student; or

1-46 (ii) in the case of a home-schooled  
1-47 student, a parent or legal guardian who is responsible for the  
1-48 student's education; and

1-49 (2) at the time of service as an election clerk:

1-50 (A) is 16 years of age or older;

1-51 (B) is a United States citizen; and

1-52 (C) has completed any training course required by  
1-53 the entity holding the election.

1-54 (c) A student election clerk serving under this section:

1-55 (1) is entitled to compensation under Section 32.091  
1-56 in the same manner as other election clerks; and

1-57 (2) when communicating with a voter who cannot  
1-58 communicate in English, may communicate with the voter in a  
1-59 language the voter and the clerk understand as authorized by  
1-60 Subchapter B, Chapter 61.

1-61 (d) Not more than two student election clerks may serve at a  
1-62 polling place, except that not more than four student election  
1-63 clerks may serve at any countywide polling place.

(e) The secretary of state may initiate or assist in the development of a statewide program promoting the use of student election clerks appointed under this section.

SECTION 3. Subsection (b), Section 25.087, Education Code, is amended to read as follows:

(b) A school district shall excuse a student from attending school for:

(1) the following purposes, including travel for those purposes:

(A) observing religious holy days; ~~[or]~~

(B) attending a required court appearance; or

(C) serving as an election clerk; or

(2) a temporary absence resulting from health care professionals if that student commences classes or returns to school on the same day of the appointment.

SECTION 4. Subchapter D, Chapter 33, Education Code, is amended by adding Section 33.092 to read as follows:

Sec. 33.092. STUDENT ELECTION CLERKS. A student who is appointed as a student election clerk under Section 32.0511, Election Code, may apply the time served as a student election clerk toward:

(1) a requirement for a school project at the discretion of the teacher who assigned the project; or

(2) a service requirement for participation in an advanced academic course program at the discretion of the program sponsor or a school-sponsored extracurricular activity at the discretion of the school sponsor.

SECTION 5. This Act takes effect September 1, 2009.

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