

By: S. Davis of Harris

H.B. No. 1783

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the authority of the county clerk with respect to
3 certain early voting election officers.

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

5 SECTION 1. Section 85.009, Election Code, is amended by
6 amending Subsection (b) and adding Subsection (d) to read as
7 follows:

8 (b) Before July of each year, the county chair of a [each]
9 political party whose candidate for governor received the highest
10 or second highest number of votes in the county in the most recent
11 gubernatorial general election [~~holding a primary election in the~~
12 ~~county~~] shall submit in writing to the county clerk a list of names
13 of persons in order of preference for each early voting polling
14 place who are eligible for selection as an election officer. The
15 county chair may supplement the list of names of persons until the
16 30th day before early voting begins in case an appointed election
17 officer becomes unable to serve. The county clerk shall appoint the
18 first person meeting the applicable eligibility requirements from
19 the list submitted in compliance with this subsection by the party
20 with the highest number of votes in the county as the presiding
21 election officer of that polling place and the first person meeting
22 the applicable eligibility requirements from the list submitted in
23 compliance with this subsection by the party with the second
24 highest number of votes in the county as the alternate presiding

1 election officer of that polling place. The county clerk shall
2 appoint additional election officers for each polling place in the
3 manner described by Subsection (a). The county clerk may reject the
4 list if the persons whose names are submitted on the list are
5 determined not to meet the applicable eligibility requirements.

6 (d) After early voting has begun, the county clerk may:

7 (1) dismiss an election officer for an early voting
8 polling place if the officer is not able to meet the statutory
9 requirements of the position or if the officer has poor hygiene and
10 replace the officer with another person from the appropriate
11 party's list submitted under Subsection (b), or if a list is not
12 submitted, another person in a manner ensuring equal representation
13 to the extent possible for the parties holding a primary election in
14 the county; or

15 (2) transfer early voting officers among early voting
16 polling places in a manner that ensures equal representation to the
17 extent possible for the parties holding a primary election in the
18 county.

19 SECTION 2. This Act takes effect immediately if it receives
20 a vote of two-thirds of all the members elected to each house, as
21 provided by Section 39, Article III, Texas Constitution. If this
22 Act does not receive the vote necessary for immediate effect, this
23 Act takes effect September 1, 2013.