

By: Perez

H.B. No. 3499

A BILL TO BE ENTITLED

AN ACT

relating to the right to reemployment of a person who serves as an election judge or clerk.

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

SECTION 1. Chapter 32, Election Code, is amended by adding Subchapter G to read as follows:

SUBCHAPTER G. RIGHT TO REEMPLOYMENT

Sec. 32.131. ELECTION JUDGE OR CLERK'S RIGHT TO REEMPLOYMENT; NOTICE OF INTENT TO RETURN. (a) A private employer may not terminate the employment of a permanent employee because the employee serves as an election judge or clerk on election day.

(b) An employee whose employment is terminated in violation of this section is entitled to return to the same employment that the employee held when appointed as an election judge or clerk if the employee, as soon as practicable after the employee's release from service as an election judge or clerk, gives the employer actual notice that the employee intends to return.

Sec. 32.132. DAMAGES; REINSTATEMENT; ATTORNEY'S FEES. (a) A person who is injured because of a violation of this subchapter is entitled to reinstatement to the person's former position and to damages in an amount not less than an amount equal to one year's compensation nor more than an amount equal to five years' compensation at the rate at which the person was compensated when appointed as an election judge or clerk.

1 (b) The injured person is also entitled to reasonable
2 attorney's fees in an amount approved by the court.

3 (c) An action for damages brought by a person under
4 Subsection (a) must be brought not later than the second
5 anniversary of the date on which the person served as an election
6 judge or clerk.

7 SECTION 2. This Act takes effect September 1, 2013.