

1-1 By: Reynolds (Senate Sponsor - Rodríguez) H.B. No. 2381  
1-2 (In the Senate - Received from the House May 18, 2015;  
1-3 May 18, 2015, read first time and referred to Committee on State  
1-4 Affairs; May 24, 2015, reported adversely, with favorable  
1-5 Committee Substitute by the following vote: Yeas 9, Nays 0;  
1-6 May 24, 2015, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	Huffman	X		
1-10	Ellis	X		
1-11	Birdwell	X		
1-12	Creighton	X		
1-13	Estes	X		
1-14	Fraser	X		
1-15	Nelson	X		
1-16	Schwertner	X		
1-17	Zaffirini	X		

1-18 COMMITTEE SUBSTITUTE FOR H.B. No. 2381 By: Zaffirini

1-19 A BILL TO BE ENTITLED  
1-20 AN ACT

1-21 relating to the appointment and duties of election officers.  
1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:  
1-23 SECTION 1. Section 32.002, Election Code, is amended by  
1-24 amending Subsection (c) and adding Subsection (c-1) to read as  
1-25 follows:  
1-26 (c) The presiding judge and alternate presiding judge must  
1-27 be affiliated or aligned with different political parties, subject  
1-28 to this subsection. Before July of each year in a county to which  
1-29 Subsection (a)(1) applies or before August of each year in a county  
1-30 to which Subsection (a)(2) applies, the county chair of a political  
1-31 party whose candidate for governor received the highest or second  
1-32 highest number of votes in the county in the most recent  
1-33 gubernatorial general election shall submit in writing to the  
1-34 county clerk [~~commissioners court~~] a list of names of persons in  
1-35 order of preference for each precinct who are eligible for  
1-36 appointment as an election judge. The county chair may supplement  
1-37 the list of names of persons until the 20th day before a general  
1-38 election or the 15th day before a special election in case an  
1-39 appointed election judge becomes unable to serve. The county clerk  
1-40 shall prepare for the commissioners court a list of persons whose  
1-41 names were submitted by the county chairs and who are eligible to  
1-42 serve as election judges. The commissioners court shall appoint the  
1-43 first person who meets [~~meeting~~] the applicable eligibility  
1-44 requirements from the list prepared by the county clerk and whose  
1-45 name was submitted in compliance with this subsection by the party  
1-46 with the highest number of votes in the precinct as the presiding  
1-47 judge and the first person who meets [~~meeting~~] the applicable  
1-48 eligibility requirements from the list prepared by the county clerk  
1-49 and whose name was submitted in compliance with this subsection by  
1-50 the party with the second highest number of votes in the precinct as  
1-51 the alternate presiding judge. If the candidates for governor of  
1-52 two political parties received the same number of votes in the  
1-53 precinct, the first person who meets [~~meeting~~] the applicable  
1-54 eligibility requirements from the list prepared by the county clerk  
1-55 and whose name was submitted by the party whose candidate for  
1-56 governor received the highest number of votes in the county shall be  
1-57 appointed as the presiding judge and the first person who meets  
1-58 [~~meeting~~] the applicable eligibility requirements from the list  
1-59 prepared by the county clerk and whose name was submitted by the  
1-60 party whose candidate for governor received the second highest

2-1 number of votes in the county shall be appointed as the alternate  
 2-2 presiding judge. The county clerk [~~commissioners court~~] may  
 2-3 reject any person from the list if the person is [~~persons whose~~  
 2-4 ~~names are submitted on the list are~~] determined not to meet the  
 2-5 applicable eligibility requirements.

2-6 (c-1) Judges of countywide polling places established under  
 2-7 Section 43.007 must be appointed in compliance with Subsection (c)  
 2-8 from the persons whose names were submitted for appointment by the  
 2-9 county chairs in a manner that provides equitable representation,  
 2-10 except that the commissioners court and county clerk are not  
 2-11 required to make the appointments based on specific polling  
 2-12 locations, a judge is not required to serve in a polling place  
 2-13 located in the precinct in which the judge resides, and more than  
 2-14 one presiding judge or alternate presiding judge may be selected  
 2-15 from the same precinct to serve in polling places not located in the  
 2-16 precinct in which the judges reside. The county clerk may submit,  
 2-17 and the commissioners court may preapprove, the appointment of more  
 2-18 presiding judges or alternate presiding judges than necessary to  
 2-19 fill available positions. The county clerk may select an  
 2-20 individual whose appointment was preapproved to fill a vacancy in a  
 2-21 position that was held by an individual from the same political  
 2-22 party. Nothing in this subsection precludes a county clerk from  
 2-23 placing an election officer at a countywide polling place based on  
 2-24 the need for services at that location.

2-25 SECTION 2. Section 32.006(a), Election Code, is amended to  
 2-26 read as follows:

2-27 (a) The county chair of a political party holding a primary  
 2-28 election shall appoint for each primary [~~, with the approval of the~~  
 2-29 ~~county executive committee,~~] the judges for each precinct in which  
 2-30 the election will be held in the county and fill any vacancy that  
 2-31 occurs in the position of presiding judge or alternate presiding  
 2-32 judge.

2-33 SECTION 3. Section 32.009(d), Election Code, is amended to  
 2-34 read as follows:

2-35 (d) A notice to a presiding judge must state the name, [~~and~~  
 2-36 address, and any available telephone number and e-mail address of  
 2-37 the alternate, and a notice to an alternate must state the name,  
 2-38 [~~and~~] address, and any available telephone number and e-mail  
 2-39 address of the presiding judge.

2-40 SECTION 4. Subchapter A, Chapter 32, Election Code, is  
 2-41 amended by adding Section 32.012 to read as follows:

2-42 Sec. 32.012. PROVISION OF INFORMATION RELATING TO ELECTION  
 2-43 JUDGES APPOINTED BY COMMISSIONERS COURT. (a) After the  
 2-44 commissioners court appoints a presiding election judge and an  
 2-45 alternate presiding judge, the county clerk shall provide to the  
 2-46 county chair of each political party that submitted names for  
 2-47 appointment the appointment list that includes each appointed  
 2-48 judge's name, residence precinct, appointment location, address,  
 2-49 and any available telephone number and e-mail address.

2-50 (b) The appointment list must be provided in writing.

2-51 SECTION 5. Section 32.114(e), Election Code, is amended to  
 2-52 read as follows:

2-53 (e) An election judge, early voting clerk, or deputy early  
 2-54 voting clerk in charge of an early voting polling place is entitled  
 2-55 to compensation for attending the training program at an hourly  
 2-56 rate fixed by the appropriate authority [~~not to exceed \$7~~].

2-57 SECTION 6. Section 85.009(b), Election Code, is amended to  
 2-58 read as follows:

2-59 (b) Before July of each year, the county chair of each  
 2-60 political party holding a primary election in the county shall  
 2-61 submit in writing to the county clerk a list of names of persons in  
 2-62 order of preference for each early voting polling place who are  
 2-63 eligible for selection as an election officer. The county chair  
 2-64 may supplement the list of names of persons until the 30th day  
 2-65 before early voting begins in case an appointed election officer  
 2-66 becomes unable to serve. The county clerk shall appoint the first  
 2-67 person meeting the applicable eligibility requirements from the  
 2-68 list submitted in compliance with this subsection by the party with  
 2-69 the highest number of votes in the county as the presiding judge

3-1 [~~election officer~~] of that polling place and the first person  
3-2 meeting the applicable eligibility requirements from the list  
3-3 submitted in compliance with this subsection by the party with the  
3-4 second highest number of votes in the county as the alternate  
3-5 presiding judge [~~election officer~~] of that polling place. The  
3-6 county clerk shall appoint additional election officers for each  
3-7 polling place in the manner described by Subsection (a). The  
3-8 county clerk may reject the list if the persons whose names are  
3-9 submitted on the list are determined not to meet the applicable  
3-10 eligibility requirements.

3-11 SECTION 7. Subchapter A, Chapter 85, Election Code, is  
3-12 amended by adding Section 85.0091 to read as follows:

3-13 Sec. 85.0091. EARLY VOTING ELECTION OFFICERS FOR PRIMARY  
3-14 ELECTIONS. (a) The early voting clerk shall select election  
3-15 officers for a primary election for the main early voting polling  
3-16 place and any branch polling place in the manner that Section 85.009  
3-17 provides for the county clerk to select officers from the  
3-18 appropriate political party, except that the early voting clerk  
3-19 shall prescribe the deadline by which county chairs must submit  
3-20 names of persons eligible to serve as election officers.

3-21 (b) This section does not apply to a joint primary governed  
3-22 by Section 172.126.

3-23 SECTION 8. Sections 32.006(b), 32.010, and 32.0511(d),  
3-24 Election Code, are repealed.

3-25 SECTION 9. This Act takes effect September 1, 2015.

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