

By: Faircloth

H.B. No. 1735

A BILL TO BE ENTITLED

AN ACT

relating to the powers and duties of certain election officers.

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

SECTION 1. Section 32.002, Election Code, is amended by adding Subsection (g) to read as follows:

(g) Following an oral warning to the election judge and notice to the county chair of the same political party with which the judge is affiliated or aligned, the county clerk may remove, replace, or reassign an election judge who causes a disruption in a polling location or wilfully disobeys the provisions of this code. A vacancy created under this subsection shall be filled in the same manner as an emergency appointment under Section 32.007.

SECTION 2. Subchapter A, Chapter 87, Election Code, is amended by adding Section 87.006 to read as follows:

Sec. 87.006. EARLY VOTING BALLOT BOARD MEMBERS: OATH AND IDENTIFICATION. (a) A member of the early voting ballot board shall repeat the following oath aloud:

"I swear (or affirm) that I will faithfully perform my duty as an officer of the election and guard the purity and integrity of the election."

(b) A member of the early voting ballot board who arrives after the oath is made shall repeat the oath aloud before performing any duties as a member.

(c) Following administration of the oath, each member of the

1 early voting ballot board shall be issued a form of identification,
2 prescribed by the secretary of state, to be displayed by the member
3 during the member's hours of service on the board.

4 SECTION 3. Subchapter G, Chapter 87, Election Code, is
5 amended by adding Section 87.127 to read as follows:

6 Sec. 87.127. RESOLUTION OF INCORRECT DETERMINATION BY EARLY
7 VOTING BALLOT BOARD. (a) If a county election officer, as defined
8 by Section 31.091, determines a ballot was incorrectly rejected by
9 the early voting ballot board before the time set for convening the
10 canvassing authority, the county election officer may petition a
11 district court for injunctive or other relief as the court
12 determines appropriate.

13 (b) In an election ordered by the governor or by a county
14 judge, the county election officer must confer with and establish
15 the agreement of the county chair of each political party before
16 petitioning the district court.

17 SECTION 4. Subchapter A, Chapter 127, Election Code, is
18 amended by adding Section 127.0015 to read as follows:

19 Sec. 127.0015. CENTRAL COUNTING STATION OFFICERS: OATH AND
20 IDENTIFICATION. (a) Election officers appointed under this
21 subchapter shall repeat the following oath aloud:

22 "I swear (or affirm) that I will faithfully perform my duty as
23 an officer of the election and guard the purity and integrity of the
24 election."

25 (b) An officer who arrives after the oath is made shall
26 repeat the oath aloud before performing any duties as an election
27 officer.

1 (c) Following administration of the oath, each election
2 officer shall be issued a form of identification, prescribed by the
3 secretary of state, to be displayed by the officer during the
4 officer's hours of service at the central counting station.

5 SECTION 5. This Act takes effect September 1, 2017.