

By: Bonnen of Galveston

H.B. No. 2691

Substitute the following for H.B. No. 2691:

By: Laubenberg

C.S.H.B. No. 2691

A BILL TO BE ENTITLED

AN ACT

relating to certain election practices and procedures.

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

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

(c-1) For purposes of this subsection, the county chair shall provide a list of names of persons eligible for appointment as election judges for each county commissioner's precinct. Judges of countywide polling places established under Section 43.007 must be appointed from the list of names of persons for the county commissioner's precinct in which the countywide polling place is located in compliance with Subsection (c) except that in appointing a person from the list the commissioners court shall determine the political party with the highest number of votes in direct proportion to the percentage of precincts located in each county commissioner's precinct won by that party, the commissioners court is not required to make the appointments based on specific polling locations or precincts, a presiding judge or alternate presiding judge is not required to serve in a polling place located in the precinct in which the judge resides, and more than one presiding judge or alternate presiding judge may be selected from the same precinct to serve in polling places not located in the precinct in which the judges reside. The county chairs may submit, and the commissioners court may preapprove, the appointment of more

1 presiding judges or alternate presiding judges than necessary to
2 fill available positions. The county clerk may select an
3 individual whose appointment was preapproved by the commissioners
4 court to fill a vacancy in a position that was held by an individual
5 from the same political party. Other than a judge's party
6 affiliation, nothing in this subsection precludes a county clerk
7 from placing an election officer at a countywide polling place
8 based on the need for services at that location.

9 SECTION 2. Section 32.006(a), Election Code, is amended to
10 read as follows:

11 (a) The county chair of a political party holding a primary
12 election shall appoint for each primary [~~with the approval of the~~
13 ~~county executive committee,~~] the judges for each precinct in which
14 the election will be held in the county and fill any vacancy that
15 occurs in the position of presiding judge or alternate presiding
16 judge.

17 SECTION 3. Section 32.009(d), Election Code, is amended to
18 read as follows:

19 (d) A notice to a presiding judge must state the name, ~~and~~
20 address, and any available telephone number and e-mail address of
21 the alternate, and a notice to an alternate must state the name,
22 ~~and~~ address, and any available telephone number and e-mail
23 address of the presiding judge.

24 SECTION 4. Subchapter A, Chapter 32, Election Code, is
25 amended by adding Section 32.012 to read as follows:

26 Sec. 32.012. PROVISION OF INFORMATION RELATING TO ELECTION
27 JUDGES APPOINTED BY COMMISSIONERS COURT. (a) After the

1 commissioners court appoints a presiding election judge and an
2 alternate presiding judge, the county clerk shall provide to the
3 county chair of each political party a list of the individuals
4 appointed by the commissioners court.

5 (b) The appointment list must be provided in writing.

6 SECTION 5. Section 32.114(e), Election Code, is amended to
7 read as follows:

8 (e) An election judge, early voting clerk, or deputy early
9 voting clerk in charge of an early voting polling place is entitled
10 to compensation for attending the training program at an hourly
11 rate fixed by the appropriate authority in an amount that is equal
12 to or greater than the federal minimum wage [not to exceed \$7].

13 SECTION 6. Section 43.007, Election Code, is amended by
14 amending Subsection (a) and adding Subsections (m) and (n) to read
15 as follows:

16 (a) The secretary of state shall implement a program to
17 allow each commissioners court participating in the program to
18 eliminate county election precinct polling places and establish
19 countywide polling places for:

20 (1) each general election for state and county
21 officers;

22 (2) each election held on the uniform election date in
23 May and any resulting runoff;

24 (3) each election on a proposed constitutional
25 amendment;

26 (4) each primary election and runoff primary election
27 if:

1 (A) the county chair or county executive
2 committee of each political party participating in a joint primary
3 election under Section 172.126 agrees to the use of countywide
4 polling places; or

5 (B) the county chair or county executive
6 committee of each political party required to nominate candidates
7 by primary election agrees to use the same countywide polling
8 places; and

9 (5) each election of a political subdivision located
10 in the county that is held jointly with an election described by
11 Subdivision (1), (2), (3), or (4).

12 (m) In adopting a methodology under Subsection (f), the
13 county must ensure that:

14 (1) each county commissioner's precinct contains at
15 least one countywide polling place; and

16 (2) the total number of permanent branch and temporary
17 branch polling places open for voting in a county commissioner's
18 precinct does not exceed more than twice the number of permanent
19 branch and temporary branch polling places in another county
20 commissioner's precinct.

21 (n) To the greatest extent possible, countywide polling
22 places shall be located in a precinct where the political party that
23 received the greatest number of votes in the last gubernatorial
24 election is the same political party with which the presiding judge
25 is affiliated.

26 SECTION 7. Section 85.009(b), Election Code, is amended to
27 read as follows:

1 (b) Before July of each year, the county chair of each
2 political party holding a primary election in the county shall
3 submit in writing to the county clerk a list of names of persons in
4 order of preference for each early voting polling place who are
5 eligible for selection as an election officer. The county chair
6 may supplement the list of names of persons until the 30th day
7 before early voting begins in case an appointed election officer
8 becomes unable to serve. The county clerk shall appoint the first
9 person meeting the applicable eligibility requirements from the
10 list submitted in compliance with this subsection by the party with
11 the highest number of votes in the county as the presiding judge
12 [~~election officer~~] of that polling place and the first person
13 meeting the applicable eligibility requirements from the list
14 submitted in compliance with this subsection by the party with the
15 second highest number of votes in the county as the alternate
16 presiding judge [~~election officer~~] of that polling place. The
17 county clerk shall appoint additional election officers for each
18 polling place in the manner described by Subsection (a). The
19 county clerk may reject the list if the persons whose names are
20 submitted on the list are determined not to meet the applicable
21 eligibility requirements.

22 SECTION 8. Subchapter A, Chapter 85, Election Code, is
23 amended by adding Section 85.0091 to read as follows:

24 Sec. 85.0091. EARLY VOTING ELECTION OFFICERS FOR PRIMARY
25 ELECTIONS. (a) The early voting clerk shall select election
26 officers for a primary election for the main early voting polling
27 place and any branch polling place in a manner consistent with

1 Section 85.009, except that the early voting clerk shall prescribe
2 the deadline by which county chairs must submit names of persons
3 eligible to serve as election officers during early voting.

4 (b) This section does not apply to a joint primary governed
5 by Section 172.126.

6 SECTION 9. Sections 32.006(b) and 32.010, Election Code,
7 are repealed.

8 SECTION 10. This Act takes effect September 1, 2017.