

By: Bonnen of Galveston

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) Judges of countywide polling places established under Section 43.007 must be appointed in compliance with Subsection (c) from the persons whose names were submitted for appointment by the county chairs in a manner that is directly proportional to the countywide vote received in the last gubernatorial election, except that 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. If possible, a countywide polling place shall be located in a precinct where the presiding judge is from the political party that received the greatest number of votes in the last gubernatorial election. The county chairs may submit, and the commissioners court may preapprove, the appointment of more presiding judges or alternate presiding judges than necessary to fill available positions. The county clerk may select an individual whose appointment was

1 preapproved by the commissioners court to fill a vacancy in a  
2 position that was held by an individual from the same political  
3 party. Other than a judge's party affiliation, nothing in this  
4 subsection precludes a county clerk from placing an election  
5 officer at a countywide polling place based on the need for services  
6 at that location.

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

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

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

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

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

24 Sec. 32.012. PROVISION OF INFORMATION RELATING TO ELECTION  
25 JUDGES APPOINTED BY COMMISSIONERS COURT. (a) After the  
26 commissioners court appoints a presiding election judge and an  
27 alternate presiding judge, the county clerk shall provide to the

1 county chair of each political party a list of the individuals  
2 appointed by the commissioners court.

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

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

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

11 SECTION 6. Section 43.007(a), Election Code, is amended to  
12 read as follows:

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

17 (1) each general election for state and county  
18 officers;

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

21 (3) each election on a proposed constitutional  
22 amendment;

23 (4) each primary election and runoff primary election  
24 if:

25 (A) the county chair or county executive  
26 committee of each political party participating in a joint primary  
27 election under Section 172.126 agrees to the use of countywide

1 polling places; or

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

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

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

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

1 polling place in the manner described by Subsection (a). The  
2 county clerk may reject the list if the persons whose names are  
3 submitted on the list are determined not to meet the applicable  
4 eligibility requirements.

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

7 Sec. 85.0091. EARLY VOTING ELECTION OFFICERS FOR PRIMARY  
8 ELECTIONS. (a) The early voting clerk shall select election  
9 officers for a primary election for the main early voting polling  
10 place and any branch polling place in a manner consistent with  
11 Section 85.009, except that the early voting clerk shall prescribe  
12 the deadline by which county chairs must submit names of persons  
13 eligible to serve as election officers during early voting.

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

16 SECTION 9. Sections 32.006(b) and 32.010, Election Code,  
17 are repealed.

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