

By: DeAyala

H.B. No. 1849

A BILL TO BE ENTITLED

AN ACT

relating to the appointment of election clerks.

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

SECTION 1. The heading to Section 32.031, Election Code, is amended to read as follows:

Sec. 32.031. JUDGES [~~PRESIDING JUDGE~~] TO APPOINT CLERKS.

SECTION 2. Section 32.031, Election Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a) Except for the election clerk appointed by the alternate presiding judge under Subsection (a-1), the [~~The~~] presiding judge for each election precinct shall appoint the election clerks to assist the judge in the conduct of an election at the polling place served by the judge.

(a-1) The alternate presiding judge for each election precinct shall appoint one election clerk to assist the alternate presiding judge in the conduct of an election at the polling place served by the alternate presiding judge.

SECTION 3. Section 32.033, Election Code, is amended to read as follows:

Sec. 32.033. NUMBER OF CLERKS. (a) The authority that appoints the election judges shall prescribe the maximum number of clerks that each presiding judge and alternate presiding judge may appoint for each election. The authority may prescribe different

1 maximums for different types of elections.

2 (b) Except as provided by Subsections [~~Subsection~~] (c) and
3 (d), the presiding judge shall appoint at least one clerk and the
4 alternate presiding judge shall appoint one clerk [~~two clerks~~] for
5 each precinct in each election. The presiding judge [~~and~~] may
6 appoint as many additional clerks, within the prescribed limit, as
7 are necessary for the proper conduct of the election.

8 (c) In each election ordered by the governor or a county
9 authority in which the regular county election precincts are
10 required to be used, in addition to the clerk appointed by the
11 alternate presiding judge the presiding judge shall appoint clerks
12 for each precinct in the number, within the prescribed limit, the
13 judge considers necessary for the proper conduct of the election.

14 (d) In a county with a population of more than one million,
15 the alternate presiding judge shall appoint at least one clerk. The
16 presiding judge and alternate presiding judge shall each appoint
17 the same number of clerks to the extent possible given the total
18 number of clerks to be appointed.

19 SECTION 4. Section 32.034, Election Code, is amended by
20 amending Subsections (b), (d), and (e) and adding Subsection (b-1)
21 to read as follows:

22 (b) The county chair of a political party whose candidate
23 for governor received the highest or second highest number of votes
24 in the county in the most recent gubernatorial general election
25 may, not later than the 25th day before a general election or the
26 10th day before a special election to which Subsection (a) applies,
27 submit to a presiding judge and alternate presiding judge a list

containing the names of at least two persons who are eligible for appointment as a clerk. If a timely list is submitted, the presiding judge shall appoint at least one clerk from the list and the alternate presiding judge shall appoint one clerk from the list ~~except as provided by Subsection (c)]~~.

(b-1) Notwithstanding Subsection (b), in a county with a population of more than one million, the alternate presiding judge shall appoint at least one clerk. The presiding judge and alternate presiding judge shall each appoint the same number of clerks to the extent possible given the total number of clerks to be appointed.

(d) The presiding judge and the alternate presiding judge shall make an appointment under this section not later than the fifth day after the date the judge receives the list and shall deliver written notification of the appointment to the appropriate county chair.

(e) If a presiding judge and an alternate presiding judge have ~~has~~ not been appointed at the time the county chair of a political party is required to submit a list of names for the appointment of a clerk under this section, the list of names shall be submitted to the county chair of the political party whose candidate for governor received the most votes in the precinct in the most recent gubernatorial election and to the commissioners court. The county chair, or the commissioners court in a county without a county chair, shall appoint clerks from the list in the same manner provided for a presiding judge and an alternate presiding judge to appoint clerks by this section.

SECTION 5. Section [32.034](#)(c), Election Code, is repealed.

1 SECTION 6. This Act takes effect September 1, 2023.