By: Hall S.B. No. 443

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. Section 32.001, Election Code, is amended by amending Subsection (b) and adding Subsection (c) to read as follows:

(b) The alternate presiding judge shall serve as presiding judge for an election if the regularly appointed presiding judge is not present at a polling location or otherwise cannot serve.

(c) A person may not prevent an alternate presiding judge from freely occupying or observing the area in which voters are being accepted for voting.

SECTION 2. The heading to Section 32.031, Election Code, is amended to read as follows:

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

SECTION 3. Section 32.031(a), Election Code, is amended to read as follows:

(a) The presiding judge and alternate presiding judge for each election precinct shall each appoint [~~the~~] election clerks to assist the judges [~~judge~~] in the conduct of an election at the polling place served by the judges [~~judge~~].

SECTION 4. 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 maximums for different types of elections.

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

(c) In each election ordered by the governor or a county authority in which the regular county election precincts are required to be used, the presiding judge and alternate presiding judge shall each appoint clerks for each precinct in the number, within the prescribed limit, the judges consider [~~judge considers~~] necessary for the proper conduct of the election.

SECTION 5. Section 32.034, Election Code, is amended by amending Subsections (b), (c), (d), and (e) and adding Subsection (c-1) to read as follows:

(b) The county chair of a political party whose candidate for governor received the highest or second highest number of votes in the county in the most recent gubernatorial general election may, not later than the 30th [~~25th~~] day before a general election or the 10th day before a special election to which Subsection (a) applies, 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 at least one clerk from the list[~~, except as provided by Subsection (c)~~].

(c) If only one additional clerk is to be appointed, the presiding judge shall make the appointment from the list submitted by the county chair of the party whose candidate for governor received the second highest number of votes in the county in the most recent gubernatorial election [~~for an election in which the alternate presiding judge will serve as a clerk, the clerk shall be appointed from the list of a political party with which neither the presiding judge nor the alternate judge is affiliated or aligned, if such a list is submitted. If two such lists are submitted, the presiding judge shall decide from which list the appointment will be made~~]. If such a list is not submitted, the presiding judge is not required to make an appointment from any list.

(c-1) 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 judges receive [~~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, a [~~the~~] list of names shall be submitted by the county clerk to the county chair of the political party that failed to timely submit a list of names [~~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 6. Section 127.006(a), Election Code, is amended to read as follows:

(a) The manager, the presiding judge, and the alternate presiding judge may appoint clerks to serve at the central counting station in the same manner described by Section 32.034 for the appointment of precinct election clerks.

SECTION 7. Section 32.032, Election Code, is repealed.

SECTION 8. This Act applies only to an election ordered on or after the effective date of this Act.

SECTION 9. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2027.