BILL ANALYSIS

DIGEST

Currently, the county clerk recommends to the commissioners court a presiding judge and alternate presiding judge for each precinct and submits the list to the commissioners court for approval. The commissioners court is not required to appoint precinct judges from the list submitted by the county clerk.

Precinct election judges appointed by the commissioners court usually represent the two majority political parties in the county. Recently, some commissioners courts have changed the traditional bipartisan appointment method to a method of appointment representing the majority political party of the court only.

S.B. 130 provides procedural changes which affect the way election judges are recommended and appointed. This bill also provides requirements for election judges that include party affiliation and other conditions for appointment.

PURPOSE

As proposed, C.S.S.B. 130 provides procedural specifications for the recommendation and appointment of election judges for county election precincts.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1.   Amends Section 32.002, Election Code, to amend Subsections (c) and (d), to require the presiding judge and alternate presiding judge to be affiliated or aligned with different political parties. Requires 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 to submit to the commissioners court in writing a list of names of persons in order of preference for each precinct for appointment as an election judge before July of each year. Requires the commissioners court to appoint the first person meeting the applicable eligibility requirements from the list submitted in compliance with this section. Requires the commissioners court to reject the first list and make the appointments in the same manner from a second list in certain instances. Requires the commissioners court to appoint an eligible person if a list of names is not submitted in compliance with this subsection. Requires the county chair of the same political party with which the original judge was affiliated or aligned to notify the county chair of a vacancy by a certain date. Requires the commissioners court to appoint the person to an unexpired term. Requires the commissioners court to appoint an eligible person who is affiliated or aligned with the same party if a name is not submitted. Deletes existing Subsection (d), regarding requirements for the county clerk.

SECTION 2.   Amends Section 32.007, Election Code, by amending Subsections (a) and (b) and adding Subsection (f), as follows:

(a) and (b) Makes conforming changes.

(f) Requires a person who is appointed as a replacement for a judge originally appointed

under Section 32.002 to be affiliated or aligned with the same political party as was the original judge, if possible.

SECTION 3. Amends Section 32.051(a), Election Code, to require a person to be a qualified voter of the precinct to be eligible to serve as an election judge, except as provided by Section 32.0511.

SECTION 4. Amends Chapter 32C, Election Code, by adding Section 32.0511, as follows:

Sec. 32.0511. ELIGIBILITY REQUIREMENTS FOR COUNTY ELECTION JUDGES. Sets forth provisions regarding the eligibility requirements for county election judges.

SECTION 5. Amends Chapter 32C, Election Code, by adding Section 32.0552, as follows:

Sec. 32.0552. INELIGIBILITY OF PERSON CONVICTED OF ELECTION OFFENSE. Provides that a person is ineligible to serve as an election judge or clerk in an election if the person has been finally convicted of an offense in connection with conduct directly attributable to an election.

SECTION 6. Effective date: September 1, 1997.

SECTION 7. Emergency clause.

SUMMARY OF COMMITTEE CHANGES

SECTION 1.

Amends Section 32.002, Election Code, to provide that a list of names is required, rather than the name of a person is required, to be submitted to the commissioners court by the chair of a certain party. Requires the commissioners court to appoint the first person meeting the eligibility requirements from the list submitted, rather than to appoint the person whose name is submitted in compliance with this section, as the presiding judge and the second person meeting the eligibility requirements as the alternate presiding judge. Authorizes the commissioners court to reject the first list and make the appointments in the same manner under certain conditions. Requires the county clerk to notify a certain county chair of a vacancy by a certain date. Amends the date by which the county chair is required to submit the name of the person who is eligible to the commissioners court. Deletes proposed Subsection (f) regarding submissions and appointments.

SECTION 3.

Amends Section 32.051(a), Election Code, to require a person to be a qualified voter of the precinct, except as provided by Section 32.0511.

Adds news SECTIONS 4-7.

SECTION 4.

Amends Chapter 32C, Election Code, by adding Section 32.0511, relating to eligibility requirements for county election judges.

SECTION 5.

Amends Chapter 32C, Election Code, by adding Section 32.0552, relating to the ineligibility of a person convicted of election offenses.

Adds SECTION 6 to set forth the effective date.

Adds SECTION 7 to set forth the emergency clause.