

## **BILL ANALYSIS**

C.S.H.B. 3999  
By: Jetton  
Elections  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Concerns have been raised regarding the process through which presiding judges and alternate presiding judges appoint election clerks and the authority of the presiding judge to enforce clerk duties on the alternate presiding judge. It has been suggested that the appointment process for election clerks could be streamlined by including the alternate presiding judge and affording the alternate presiding judge more flexibility in the conduct of elections. C.S.H.B. 3999 seeks to address these issues by revising provisions relating to the powers and duties of a presiding judge and alternate presiding judge in an election.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.H.B. 3999 amends the Election Code to require an alternate presiding judge to have access to the voting area at all times a polling place is open for voting. The bill prohibits a presiding judge from assigning any duty to the alternate presiding judge that prevents that continuous access and requires the alternate judge to assume the responsibilities of the presiding judge if the presiding judge is not present at the polling place.

C.S.H.B. 3999 repeals the requirement for a presiding judge to appoint the alternate presiding judge as one of the election clerks and instead gives an alternate presiding judge the same powers and duties with respect to appointing election clerks by doing the following:

- replacing the requirement for the presiding judge to appoint two clerks for each precinct with a requirement for the presiding judge and alternate presiding judge each to appoint at least one clerk for each precinct;
- requiring the county chair of both political parties who submits a list containing the names of at least two persons who are eligible for appointment as a clerk to submit the list to both the presiding judge and alternate presiding judge;
- establishing that neither the presiding judge nor the alternate presiding judge is required to make an appointment from any list if only one such list has been submitted; and
- requiring the presiding judge and the alternate presiding judge to appoint the same number of clerks to the extent possible given the total number of clerks to be appointed.

C.S.H.B. 3999 amends the Government Code to exempt any appointment of an election clerk by a presiding judge from nepotism prohibitions applicable to public officials.

C.S.H.B. 3999 repeals Section 32.032, Election Code.

**EFFECTIVE DATE**

September 1, 2021.

**COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 3999 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute changes the original's provisions regarding the appointment of election clerks from a list submitted by the county chair of a political party by doing the following:

- requiring the list to be submitted by both parties; and
- establishing that neither the presiding judge nor the alternate presiding judge are required to make an appointment from any list if only one such list has been submitted.