

SUBJECT: Selecting of election judges in counties with countywide polling places

COMMITTEE: Elections — committee substitute recommended

VOTE: 6 ayes — Laubenberg, Israel, R. Anderson, Fallon, Reynolds, Swanson

0 nays

1 absent — Larson

WITNESSES: For — John Oldham, Texas Association of Election Administrators; Glen Maxey, Texas Democratic Party; Bill Fairbrother, Texas Republican County Chairmen's Association; Bill Sargent; (*Registered, but did not testify*: Heather Hawthorne, County and District Clerk's Association of Texas; George Hammerlein, Harris County Clerk's Office; Alan Vera, Harris County Republican Party Ballot Security Committee; Chris Davis, Texas Association of Elections Administrators; John Bucy, Texas Democratic County Chairs Association; Yannis Banks, Texas NAACP)

Against — None

On — (*Registered, but did not testify*: Keith Ingram, Texas Secretary of State-Elections Division)

BACKGROUND: Election Code, sec. 32.002 requires a commissioners court to appoint election judges for each regular county election precinct. Each precinct must have a presiding election judge and an alternate presiding judge affiliated with different political parties serving one-year terms. These judges are selected from a list of potential judges submitted by their respective political parties. Generally, the party whose candidate for governor received the highest number of votes in the county in the most recent gubernatorial general election will be the party of the presiding judge, and the party whose candidate for governor received the second-highest number of votes will be the party of the alternate presiding judge.

Sec. 32.009 requires that each presiding election judge and alternate

presiding judge be given written notice of their appointment. Notice to the presiding judge must state the name and address of the alternate, and notice to the alternate presiding judge must state the name and address of the presiding judge.

Sec. 32.114(e) allows for compensation at an hourly rate not to exceed \$7 for an election judge, early voting clerk, or deputy early voting clerk who attends the training program.

Some have suggested that guidelines lack specificity for the appointment of election judges in counties using countywide polling places.

**DIGEST:**

CSHB 2691 would make several changes to procedures relating to election judges.

**Appointment of countywide election judges.** The bill would provide procedures specific to the appointment of election judges for countywide polling places. To determine the party affiliation required for the presiding judge and the alternate presiding judge, the commissioner's court would have to determine the political party with the highest number of votes in direct proportion to the percentage of precincts located in each county commissioner's precinct won by that party. Judges would be appointed with party affiliations matching this determination and could be appointed for polling places outside of the precinct in which they live.

County party chairs could submit, and the commissioners court could preapprove, the appointment of more judges than necessary to fill available positions. The county clerk could then select a preapproved individual to fill a vacancy in a position that was held by an individual from the same party.

**County party executive committee.** The bill would remove the requirement that the county party chair obtain the approval of the county party executive committee before appointing a judge for each precinct in primary elections or filling any presiding judge or alternate presiding judge vacancy that occurs.

**Notice provided to election judges.** Notice given to the presiding judge would have to state any available telephone number and email address of the alternate judge, and notice to the alternate judge would have to state any available telephone number and email address of the presiding judge.

**Pay rate.** The bill would establish a pay rate equal to or greater than the federal minimum wage for an election judge, early voting clerk, or deputy early voting clerk entitled to compensation for attending the training program.

**Countywide program for runoff elections.** The secretary of state would be required to implement a program allowing each commissioner's court participating in the program to establish countywide polling places for any runoff resulting from a uniform May election. To participate in selecting countywide polling places, the county would have to ensure that each county commissioner's precinct contained at least one countywide polling place and that the total number of permanent branch and temporary branch polling places open for voting in a county commissioner's precinct did not exceed more than twice the number of permanent branch and temporary branch polling places in another county commissioner's precinct.

The bill would repeal Election Code, sec. 32.010, which requires a description of the boundary and a map of the precinct to accompany notice given to a presiding election judge.

This bill would take effect September 1, 2017.