

BILL ANALYSIS

Senate Research Center

S.B. 130
By: West
State Affairs
3-13-97
As Filed

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, 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) and adding Subsection (f), as follows:

(c) Requires 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 the name of a each eligible person for each precinct for appointment as an election judge before July of each year. Requires the commissioners court to appoint the person whose name is submitted by the party with the highest number of votes in the precinct as the presiding judge and the person whose name is submitted by the party with the second highest number of votes in the precinct as the alternate presiding judge. Requires the commissioners court to appoint an eligible person if a name is not submitted in compliance with this subsection.

(d) Requires the county chair of the same political party with which the original judge was affiliated or aligned to submit to the commissioners court in writing the name of a person who is eligible for the appointment no later than the 30th day after the date the vacancy occurs. 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.

(f) Requires submissions and appointments made under this section to fairly reflect the ethnic and racial composition of the population of the election precinct according to the most recent federal decennial census.

SECTION 2. Amends Section 32.007, Election Code, to amend Subsections (a) and (b) to make conforming changes and add Subsection (f), as follows:

(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. Effective date: September 1, 1997.

SECTION 4. Emergency clause.