

CHAPTER 492

H.B. No. 1855

AN ACT

relating to the qualifications of central counting station personnel in elections using electronic voting systems.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 127.002, Election Code, is amended to read as follows:

Sec. 127.002. COUNTING STATION MANAGER. (a) The authority establishing a central counting station shall appoint a manager of the station. *Except as otherwise provided by this section, the eligibility requirements prescribed by this code for precinct election judges apply to a person appointed under this section.*

(b) To be eligible for appointment, a person must:

(1) have knowledge and experience in the conduct of elections with the electronic voting system for which the counting station is established; and

(2) be a registered voter of the political subdivision served by the authority establishing the counting station, except during the first year following the adoption of the voting system.

(c) *Employees* [~~Officers and employees~~] of a political subdivision are not disqualified from appointment and, if appointed, may be paid additional compensation for their services.

(d) *The general custodian of election records is eligible for appointment notwithstanding the custodian's status as a candidate.*

(e) [(d)] The manager is in charge of the overall administration of the central counting station and the general supervision of the personnel working at the station.

(f) [(e)] The manager is entitled to compensation in an amount fixed by the authority establishing the counting station.

SECTION 2. Subsections (a) and (c), Section 127.003, Election Code, are amended to read as follows:

(a) The authority establishing a central counting station shall appoint a tabulation supervisor of the station. *Except as otherwise provided by this section, the eligibility requirements prescribed by this code for precinct election judges apply to a person appointed under this section.*

(c) *Employees* [~~Officers and employees~~] of a political subdivision are not disqualified from appointment and, if appointed, may be paid additional compensation for their services.

SECTION 3. Section 127.004(c), Election Code, is amended to read as follows:

(c) *Employees* [~~Officers and employees~~] of the political subdivision are not disqualified from appointment and, if appointed, may be paid additional compensation for their services.

SECTION 4. Section 127.005(b), Election Code, is amended to read as follows:

(b) *Except as otherwise provided by this section, the [The] eligibility requirements prescribed by this code for precinct presiding judges [do not] apply to a presiding judge of a central counting station. To be eligible to serve as a judge under this section, a person must be a qualified voter of the political subdivision served by the authority adopting the voting system. The general custodian of election records and employees of the custodian are eligible to serve as a judge under this section notwithstanding the custodian's status as a candidate. [A person is ineligible to serve as a judge if the person is related within the second degree by consanguinity or affinity to an opposed*

~~candidate in the election for a public office, other than the office of county clerk, or the party office of county chairman. For purposes of this subsection, a candidate whose name appears on the ballot is not considered to be opposed by a write-in candidate other than a declared write-in candidate under Chapter 146. In this subsection, "candidate" means a person who has taken affirmative action, as described by the law regulating political funds and campaigns, for the purpose of gaining nomination or election.]~~

SECTION 5. Section 127.006(b), Election Code, is amended to read as follows:

(b) *Except as otherwise provided by this section, the [The] eligibility requirements prescribed by this code for precinct election clerks [do not] apply to clerks serving at a central counting station. To be eligible to serve as a clerk under this section, a person must be a qualified voter of the county in which the central counting station is located. An employee of a political subdivision is eligible to serve as a clerk. [A person is ineligible to serve as a clerk if the person is related within the second degree by consanguinity or affinity to an opposed candidate in the election for a public office, other than the office of county clerk, or the party office of county chairman. For purposes of this subsection, a candidate whose name appears on the ballot is not considered to be opposed by a write-in candidate other than a declared write-in candidate under Chapter 146. In this subsection, "candidate" means a person who has taken affirmative action, as described by the law regulating political funds and campaigns, for the purpose of gaining nomination or election.]*

SECTION 6. This Act takes effect September 1, 1987.

SECTION 7. The inportance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed by the House on May 15, 1987, by a non-record vote. Passed by the Senate on May 29, 1987, by the following vote: Yeas 30, Nays 0.

Approved June 17, 1987.

Effective Sept. 1, 1987.