

ELECTION CODE

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CHAPTER 32. ELECTION JUDGES AND CLERKS
SUBCHAPTER C. ELIGIBILITY

Sec. 32.051. General eligibility requirements. (a) Except as provided by Subsection (b), to be eligible to serve as a judge of an election precinct, a person must:

- (1) be a qualified voter of the precinct; and
- (2) for a regular county election precinct for which an appointment is made by the commissioners court, satisfy any additional eligibility requirements prescribed by written order of the commissioners court.

(b) If the authority making an appointment of a presiding judge or alternate presiding judge cannot find an eligible qualified voter of the precinct who is willing to accept the appointment, the eligibility requirement for a clerk prescribed by Subsection (c) applies.

(c) Except as provided by Section 32.0511, to be eligible to serve as a clerk of an election precinct, a person must be a qualified voter:

- (1) of the county, in a countywide election ordered by the governor or a county authority or in a primary election;
- (2) of the part of the county in which the election is held, for an election ordered by the governor or a county authority that does not cover the entire county of the person's residence; or
- (3) of the political subdivision, in an election ordered by an authority of a political subdivision other than a county.

(d) (Repealed)

(e) (Repealed)

Definition of "qualified voter," see Sec. 11.002.

County election precinct, see Secs. 1.005(2) and 42.001; appointment for, see Sec. 32.002.

Emergency appointment, see Sec. 32.007.

Definition of "political subdivision," see Sec. 1.005(13).

Gubernatorial general election, see Secs. 1.005(8) and 41.002.

The general rule on eligibility requirements applies to a local option liquor election under Chapter 501, see Sec. 501.101.

Employment eligibility verification under federal law. The U.S. Immigration and Naturalization Service has waived the requirement of the Immigration Reform and Control Act of 1986 that election judges and clerks must complete and file Form I-9, the Employment Eligibility Verification form. Any questions concerning the waiver should be directed to the Elections Division of the secretary of state's office (see preface note on Voting Rights Act for address and telephone numbers).

For secretary of state's explanation of Appointment Procedures for County Election Precinct Presiding and Alternate Judges and Election Clerks, Early Voting Ballot Board Members, Signature Verification Committee Members, and Central Counting Station Personnel, see Tex. Sec'y of State Election Advisory No. 2015-05.

For the eligibility of temporary election officers for unemployment compensation, see Sec. 201.063, Labor Code.

Sec. 32.0511. Special eligibility requirements: student election clerks. (a) In this section:

(1) "Educational institution" means:

- (A) a public secondary school; or
- (B) an accredited private or parochial secondary school.

(2) "Student" means a person enrolled in an educational institution or a home-schooled student.

(b) A student who is ineligible to serve as a clerk of an election precinct under Section 32.051(c) is eligible to serve as a clerk of an election precinct under this section if the student:

(1) at the time of appointment as an election clerk:

- (A) is a student at an educational institution or attends a home school that meets the requirements of Section 25.086(a)(1), Education Code; and

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- (B) has the consent of:
 - (i) the principal of the educational institution attended by the student; or
 - (ii) in the case of a home-schooled student, a parent or legal guardian who is responsible for the student's education; and
- (2) at the time of service as an election clerk:
 - (A) is 16 years of age or older;
 - (B) is a United States citizen; and
 - (C) has completed any training course required by the entity holding the election.
- (c) A student election clerk serving under this section:
 - (1) is entitled to compensation under Section 32.091 in the same manner as other election clerks; and
 - (2) when communicating with a voter who cannot communicate in English, may communicate with the voter in a language the voter and the clerk understand as authorized by Subchapter B, Chapter 61.
 - (d) Not more than two student election clerks may serve at a polling place, except that not more than four student election clerks may serve at any countywide polling place.
 - (e) The secretary of state may initiate or assist in the development of a statewide program promoting the use of student election clerks appointed under this section.

Appointment of election clerks, see Sec. 32.031 et seq.

Training standards and programs for election judges and clerks, see Sec. 32.111 et seq.

Polling place, see Sec. 43.001 et seq.

Countywide polling place, see Secs. 43.007, 85.002, 85.003, 85.061, 85.062, and 85.066.

School district required to excuse student from attending school for serving as election clerk, see Sec. 25.087, Education Code.

For secretary of state's explanation of Appointment Procedures for County Election Precinct Presiding and Alternate Judges and Election Clerks, Early Voting Ballot Board Members, Signature Verification Committee Members, and Central Counting Station Personnel, see Tex. Sec'y of State Election Advisory No. 2015-05.

For secretary of state's explanation of Official Minority Language Requirements, see Tex. Sec'y of State Election Advisory No. 2015-04.

Time served as student election clerk applied toward school project requirements or service requirements for academic course programs or extracurricular activities, see Sec. 33.092, Education Code.

Sec. 32.052. Ineligibility of public officer. (a) A person who holds an elective public office is ineligible to serve as an election judge or clerk in an election.

(b) For purposes of this section, a deputy or assistant serving under a public officer does not hold a public office.

Sec. 32.053. Ineligibility of candidate for office. (a) A person who is a candidate in an election for a contested public or party office is ineligible to serve, in an election to be held on the same day as that election, as an election judge or clerk in any precinct in which the office sought is to be voted on.

(b) This section does not apply to:

(1) a county clerk; or

(2) a precinct chair declared elected under Section 171.0221.

(c) In this section, "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.

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Examples of affirmative action, see Sec. 251.001(1).

Sec. 32.054. Ineligibility of employee or relative of candidate. (a) A person is ineligible to serve as an election judge or clerk in an election if the person is employed by or related within the second degree by consanguinity or affinity, as determined under Chapter 573, Government Code, to an opposed candidate for a public office or a party office in any precinct in which the office appears on the ballot. 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.

(b) For purposes of this section, a person is employed by a candidate if:

(1) the candidate is an owner or officer of a business entity by which the person is employed;

(2) the candidate is an officer of a governmental department or agency by which the person is employed;

or

(3) the person is under the candidate's supervision in public or private employment.

(c) In this section, "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.

(d) Notwithstanding Subsection (b), a person employed by a county solely as an early voting clerk appointed under Chapter 83 is not employed by a candidate for purposes of this section.

Examples of affirmative action, see Sec. 251.001(1).

Degrees of relationship. Subchapter B, Chapter 573, Government Code, set out below, substitutes the civil law method of determining degrees of relationship for the previously used common law method.

SUBCHAPTER B. RELATIONSHIPS BY CONSANGUINITY OR BY AFFINITY

Sec. 573.021. Method of computing degree of relationship. The degree of a relationship is computed by the civil law method.

Sec. 573.022. Determination of consanguinity. (a) Two individuals are related to each other by consanguinity if:

(1) one is a descendant of the other; or

(2) they share a common ancestor.

(b) An adopted child is considered to be a child of the adoptive parent for this purpose.

Sec. 573.023. Computation of degree of consanguinity. (a) The degree of relationship by consanguinity between an individual and the individual's descendant is determined by the number of generations that separate them. A parent and child are related in the first degree, a grandparent and grandchild in the second degree, a great-grandparent and great-grandchild in the third degree and so on.

(b) If an individual and the individual's relative are related by consanguinity, but neither is descended from the other, the degree of relationship is determined by adding:

(1) the number of generations between the individual and the nearest common ancestor of the individual and the individual's relative; and

(2) the number of generations between the relative and the nearest common ancestor.

(c) An individual's relatives within the third degree by consanguinity are the individual's:

(1) parent or child (relatives in the first degree);

(2) brother, sister, grandparent, or grandchild (relatives in the second degree); and

(3) great-grandparent, great-grandchild, aunt who is a sister of a parent of the individual, uncle who is a brother of a parent of the individual, nephew who is a child of a brother or sister of the individual, or niece who is a child of a brother or sister of the individual (relatives in the third degree).

Sec. 573.024. Determination of affinity. (a) Two individuals are related to each other by affinity if:

(1) they are married to each other; or

(2) the spouse of one of the individuals is related by consanguinity to the other individual.

(b) The ending of a marriage by divorce or the death of a spouse ends relationships by affinity created by that marriage unless a child of that marriage is living, in which case the marriage is considered to continue as long as a child of that marriage lives.

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(c) Subsection (b) applies to a member of the board of trustees of or an officer of a school district only until the youngest child of the marriage reaches the age of 21 years.

Sec. 573.025. Computation of degree of affinity. (a) A husband and wife are related to each other in the first degree by affinity. For other relationships by affinity, the degree of relationship is the same as the degree of the underlying relationship by consanguinity. For example: if two individuals are related to each other in the second degree by consanguinity, the spouse of one of the individuals is related to the other individual in the second degree by affinity.

(b) An individual's relatives within the third degree by affinity are:

- (1) anyone related by consanguinity to the individual's spouse in one of the ways named in Section 573.023(c); and
- (2) the spouse of anyone related to the individual by consanguinity in one of the ways named in Section 573.023(c).

Sec. 32.055. Ineligibility of campaign treasurer. (a) A person is ineligible to serve as an election judge or clerk in an election if the person is the campaign treasurer of a candidate in that election.

(b) In this section, "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.

Examples of affirmative action, see Sec. 251.001(1).

Campaign treasurer, see Sec. 252.001 et seq.

Sec. 32.0551. Ineligibility of campaign manager. (a) A person is ineligible to serve as an election judge or clerk in an election if the person is a campaign manager of a candidate in that election.

(b) In this section:

(1) "Campaign manager" means:

(A) the person who directs, with or without compensation, the day-to-day operations of a candidate's election campaign; or

(B) each person who directs, with or without compensation, a substantial portion of the day-to-day operations of a candidate's election campaign if no single person performs that function.

(2) "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.

Examples of affirmative action, see Sec. 251.001(1).

Sec. 32.0552. Ineligibility of person convicted of election offense. 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.

Sec. 32.056. City charter requirements. Eligibility requirements or grounds of ineligibility in addition to those prescribed by this subchapter may be prescribed by a home-rule city charter for election officers serving in elections ordered by an authority of the city.

Local preclearance under federal Voting Rights Act, see note under Preface.