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Jane Nelson
Secretary of State

ELECTION ADVISORY NO. 2024-23

To: County Chairs, County Election Officials, and County Judges

From: Christina Worrell Adkins, Director of Elections

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Date: July 5, 2024

RE: Appointment Procedures for County Election Precinct Presiding and Alternate Judges, Election Clerks, Early Voting Ballot Board Members, Signature Verification Committee Members, and Central Counting Station Personnel

Introduction

This Advisory is intended for counties that will be making appointments of election precinct, ballot board, and central counting station judges in the July or August 2024 terms. If the commissioners court appointed election precinct, ballot board, and central counting station judges in July or August of 2023, as appropriate, for a two-year term, there will be no reason to make such appointments in July or August of 2024.

There are special procedures for appointing deputy early voting clerks, members of the early voting ballot board, and election clerks who will serve in the November General Election for State and County Officers. Therefore, please review carefully the appointment procedures in this advisory because they are different from those used in May elections and in November elections held in odd-numbered years.

Counties may be conducting joint elections for the November 5, 2024 uniform election date with other political subdivisions, such as cities, school districts, water districts, or hospital districts. The joint election agreement and/or contract for election services must address how the appointments of election precinct presiding and alternate judges, early voting ballot board presiding judge and alternate judge, and central counting station presiding judge and alternate judge will be made. If the county is appointing the election workers as part of the contract and/or joint election agreement, it is recommended that the governing body of the local political subdivision ratify whatever actions are taken by the county.

All statutory references in this advisory are to the Texas Election Code (“the Code”), unless otherwise indicated.

For additional information regarding the appointment of election workers, please also see our handbook here: [Election Workers Handbook \(PDF\)](#)

The county chairs for major parties (Democratic and Republican Parties) may submit lists containing the names of eligible persons to be appointed to the following positions:

1. Presiding and Alternate Judge of Polling Places (including countywide polling locations);
2. Election Clerks of Polling Places;
3. Presiding and Alternate Early Voting Officers for Early Voting Locations;
4. Presiding Judge, Alternate Presiding Judge, and Members of Early Voting Ballot Board;
5. Chair, Vice Chair, and Members of Signature Verification Committee, if one is created;
6. Presiding and Alternate Judge of the Central Counting Station.

The county chairs for the minor parties with ballot access (currently, the Libertarian Party and Green Party) may submit lists containing the names of eligible persons to be appointed to the following positions, if the party has a nominee on the **general election ballot**. (Secs. 87.002, 87.027):

1. Members of the Early Voting Ballot Board, and;
2. Members of the Signature Verification Committee, if one is created.

| Position | Date List Due | List Submitted to... |
|--|--|--|
| Election Judge (Presiding and Alternate) | June 30 in a county over 500k July 31 in a county of 500k or less | County Commissioners Court (Sec. 32.002) |
| Election Clerks | 25th day before election day (October 11, 2024) | Presiding Judge of Precinct (If no judge appointed by 25th day, the list is submitted to county chair of party with highest number of gubernatorial votes or commissioners court if no chair.) (Sec. 32.034) |
| Early Voting Election Officers | June 30 in all counties | County Clerk (Sec. 85.009) |

| | | |
|---|--|--|
| Early Voting Ballot Board Judge/Alternate Judge/Member | Recommended deadlines: June 30 in a county over 500k July 31 in a county of 500k or less | County Election Board (Sec. 87.002) |
| Signature Verification Committee Member | Recommended deadline: Saturday, August 31, 2024 in all counties | County Election Board (Sec. 87.027) |
| Presiding Judge/Alternate Judge of Central Counting Station | June 30 in a county over 500k July 31 in a county of 500k or less | County Commissioners Court (Secs. 32.002, 127.005) |

Appointment Process for County Election Precinct Presiding Judges and Alternate Judges, Central Counting Station Presiding Judge and Alternate Judge, and Presiding Judge and Alternate Judge of the Early Voting Ballot Board

Please refer to Sections 32.051-32.0552, 87.003, and 127.002-127.006 of the Election Code for situations in which a person will be ineligible to serve as a precinct presiding or alternate judge, early voting ballot board judge or alternate judge, or the central counting station presiding judge.

- 1. In counties with a population of over 500,000, before July of each year**, the county chairs of the political parties whose candidate for governor received the highest and second highest number of votes in the county in the 2022 gubernatorial election must submit a list to the commissioners court naming persons in order of preference who are eligible for appointment as a presiding judge or alternate judge in each county election precinct, as presiding judge and alternate judge of the early voting ballot board, and as a central counting station presiding judge and alternate judge and who are affiliated or aligned with the county chair’s political party. (Secs. 32.002, 87.002(b), 127.005(e)). Lists submitted by mail must be postmarked by June 30, 2024 in order for them to be considered timely-filed.
- 2. In counties with a population of 500,000 or less, before August of each year**, the county chairs of the political parties whose candidate for governor received the highest and second highest number of votes in the county in the 2022 gubernatorial election must submit a list to the commissioners court naming persons in order of preference who are eligible for appointment as a presiding judge or alternate judge in each county election precinct, as presiding judge and alternate judge of the early voting ballot board, and as a central counting station presiding judge and alternate judge and who are affiliated or aligned with the county chair’s political party. (Secs. 32.002, 87.002(b), 127.005(e)). Lists submitted by mail must be postmarked by July 31, 2024 in order for them to be considered timely-filed.

In counties with a population of more than 500,000, the terms of the judges start on August 1, 2024. In counties with a population of 500,000 or less, the terms of the judges start on September 1, 2024. (Sec. 32.002(b)). As a general note, Section 32.002 of the Code allows the commissioners court to provide for appointment terms of either one-year or two-years for election judges (regardless of the typical length of appointment).

The appointment of the early voting ballot board presiding judge and alternate judge are for a fixed term, **except for the November 5, 2024 general election**. For the November 5, 2024 general election, those appointments are made by the County Election Board. (Sec. 87.002(c)).

A county chair may supplement the list of names for election judges until the 20th day before a general election (or the 15th day before a special election) in case an appointed judge becomes unable to serve the remainder of the term. (Sec. 32.002(c)) Note that if a term-appointed presiding judge is unable to serve for a single election, the alternate presiding judge will serve. (Sec. 32.001(b)).

If neither the appointed presiding judge nor alternate judge is able to serve for a given election, and this is discovered after the 20th day before election day (15th day before a special election), the county judge may make emergency appointments. If the county judge is unavailable, the county clerk/elections administrator may make the emergency appointment. (Sec. 32.007(a)).

For precinct judges and alternate judges, the commissioners court **MUST** appoint the first eligible person as presiding judge from the list of the party whose candidate for governor received the highest number of votes in that precinct. The alternate judge **MUST** be the first eligible person from the list submitted by the party whose candidate for governor received the second highest number of votes in that precinct.

If both parties received the same number of gubernatorial votes in a specific precinct (i.e., tie vote), the first person meeting the applicable eligibility requirements from the list submitted by the party whose candidate for governor received the highest number of votes in the county shall be appointed as the presiding judge and the first person meeting the applicable eligibility requirements from the list submitted by the party whose candidate for governor received the second highest number of votes in the county shall be appointed as the alternate presiding judge. (Sec. 32.002(c)).

Both the presiding judge and alternate judge appointed to serve on election day at the county election precinct must be **qualified voters of the election precinct** from which they are serving*; however, to be eligible to serve as the presiding judge or alternate judge of the central counting station or the presiding judge or alternate judge of the early voting ballot board, one must meet the general eligibility requirements of a precinct presiding judge, except that he or she is required only to be a qualified voter of the county (not of any particular precinct). (Secs. 32.051, 87.003, 127.005).

*If the authority making an appointment of a precinct presiding judge or precinct alternate judge cannot find an eligible qualified voter of the precinct who is willing to

accept the appointment, then a presiding judge or alternate judge may be appointed if he or she is an eligible qualified voter of the county. (Sec. 32.051(b)).

Pursuant to Section 32.091 of the Code, a judge or clerk may not be paid for more than two hours of work before the polls open, except for payment made for work under Section 62.014(c) of the Code. In a precinct in which voting machines are used, a judge or clerk may not be paid for more than two hours of work after the time for closing the polls or after the last voter has voted, whichever is later. (Sec. 32.091(b))

Chapters 32, 87, and 127 of the Code require the Secretary of State to develop materials for a standardized curriculum for online training in election law and procedure, including a published handbook, made available on the Secretary of State's website, free of charge, for election judges and members of an early voting ballot board, signature verification committee, and central counting station. Information regarding the online training and published handbooks is available in the [Secretary of State's Training and Educational Resources](#) page.

Appointment of Judges for Countywide Polling Place Program

Presiding judges and alternate judges for countywide polling places are not required to be qualified voters of any particular election precinct, but they must be qualified voters of the county. Additionally, a presiding judge or alternate judge for a countywide polling place does not have to reside in the election precinct where the countywide polling place is located, and more than one presiding judge or alternate judge from the same election precinct may be selected to serve on election day.

Accordingly, when county chairs are submitting their list of qualified presiding and alternate judges to the commissioners court, they must list the names in order of preference; the list does not have to designate judges by precinct or polling location. Additionally, county chairs may submit a list containing more names than needed for the appointment to the position of presiding judge and alternate judge at all countywide polling place locations and the commissioners court may preapprove appointment of more judges than necessary. Any presiding judge or alternate judge vacancy that occurs after such preapproval can be filled by the appointment of a preapproved judge. (Sec. 32.002(c-1)).

If your county is part of the countywide polling place program, the county chairs shall submit a list of names of persons eligible for appointment as election judges to the county commissioners court. The commissioners court must apportion the number of judges for countywide polling places in direct proportion to the percentage of election precincts located in each county commissioners precinct won by each party in the last gubernatorial election. (Sec. 32.002(c-1)).

For example, if the county has 10 county election precincts located in county commissioner precinct #1 and one party won 6 of those 10 precincts in the 2022 gubernatorial election while the other party won 4 of those 10 precincts, there would be a 60% to 40% split of the county election precincts in that county commissioner precinct for the two parties. This means that if the county plans to have five countywide polling

places in county commissioner precinct #1, the commissioners court must appoint a presiding judge from the list of the party who won 60% of the county election precincts in 2022 to three of those five countywide polling places in county commissioner precinct #1 and a presiding judge from the list of the party who won 40% of the county election precincts in 2022 to the remaining two of the five countywide polling places in county commissioner precinct #1. This is because 60% of five polling places is equal to three polling places and 40% of five polling places is equal to two polling places.

In cases where the application of percentages for countywide polling place judges does not result in a whole number, our office recommends that a county attempt to get as close to the percentages as possible and uniformly apply any resolution method.

It is recommended that county election officials consult with county chairs regarding the placement and appointment of election judges for counties that participate in the countywide polling place program. As an example, if an election judge has provided a specific preference as to which polling place they would like to be assigned to, the county chair should discuss this matter with the county election officer in order to accommodate the election worker to the extent possible.

Failure to Submit List

If a county chair does not submit names by the June 30, 2024 or July 31, 2024 deadline, as applicable, for a particular precinct, and the county clerk or elections administrator has made a reasonable effort to consult with the chairs regarding the failure to submit names, then the county clerk or elections administrator shall prepare a list for that precinct to submit to the commissioners court. (Sec. 32.002(d)). The commissioners court shall select and appoint an eligible person from the county clerk's/elections administrator's list who is affiliated or aligned with the appropriate party, if available.

Emergency Appointments

If the appointed election judge is unable to serve for a given election, the alternate judge shall serve in the election judge's place. If neither the election judge nor the alternate judge is able to serve, an emergency appointment may be made if the inability of the presiding and alternate judges to serve is discovered after the 20th day before a general election (or the 15th day before a special election). (Sec. 32.007).

The county judge may make emergency appointments for the November 5, 2024 uniform election, usually at the request of the county clerk/elections administrator. If the county judge is unavailable, the county clerk or elections administrator shall appoint the replacement judge. The authority making the emergency appointment should make a reasonable effort to consult with the party chair from which the judge was originally appointed.

Pursuant to Section 32.007(c) of the Code, the appointing authority shall promptly give notice of the emergency appointment to the authority responsible for distributing the supplies for the election. As soon as practicable but not later than the time for closing the polls for the election, the appointing authority shall prepare a written memorandum of the appointment and deliver a signed copy to the presiding officer of the local canvassing authority and to the general custodian of election records. The copies shall be preserved for the period for preserving the precinct election records. The presiding officer of a county election is the county judge.

Appointment and Qualifications of Election Clerks

The presiding judge for each election precinct appoints the election clerks, one of whom must be the alternate judge, in the number prescribed by the commissioners court. (Secs. 32.031, 32.032, 32.033). In the November General Election for state and county officers, the clerks must be selected from different political parties, if possible. (Sec. 32.034). Not later than October 11, 2024 for the general election, 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 2022 gubernatorial election may submit to a presiding judge a list containing the names of at least two persons who are eligible for appointment as a clerk. (Sec. 32.034(b)).

If a timely list is submitted (postmarked by October 11, 2024), the presiding judge must appoint at least one clerk from the list, unless there will be only one other election clerk in addition to the alternate judge serving as clerk. (Sec. 32.034(c)). In that case, the additional clerk must be appointed from the list of a political party with which neither the presiding judge nor alternate judge is affiliated or aligned, if such a list is submitted. To be eligible to serve as an election clerk in a precinct, a person must be a qualified voter of the county in a countywide election ordered by the governor or a county authority. (Sec. 32.051).

Student Election Clerks

A student who is at least 16 years of age and who is enrolled in a public or private high school or home school and has the consent of the principal (or parent/legal guardian in charge of education in home school) may serve as an election clerk on election day or during early voting. (Secs. 32.0511, 83.012). Up to four student election clerks may serve at any one time at an early voting site. Up to two student election clerks may serve at any one time at an election day polling place, except that not more than four student election clerks may serve at any countywide polling place. The elections officials must receive written authorization from the student's parent or guardian for the student to serve in the election for which he or she is appointed.

For additional information, please see our [Student Election Clerk FAQs](#).

Qualifications of Remaining Central Counting Station Personnel

The commissioners court also names the central counting station manager and tabulation supervisor, but these appointments **are not subject to the Section 32.002 list procedure**. (Secs.

32.002, 127.002, 127.003). To serve as central counting station manager, the individual must meet the requirements set out in Section 127.002 of the Code and be a registered voter of the political subdivision served by the authority establishing the counting station (i.e., the county for a county-ordered election) except: (1) during the first year following the adoption of the voting system; OR (2) if the person is an employee of the political subdivision that adopts or owns the voting system. Employees of a political subdivision are not disqualified from appointment and, if appointed, may be paid additional compensation for their services.

Although the assistant tabulation supervisor is appointed by the tabulation supervisor, the assistant must be approved by the commissioners court. (Sec. 127.004). The assistant tabulation supervisor does not need to be a qualified voter of the political subdivision (i.e., the county). (Sec. 127.004).

Note: Section 127.004 provides that assistants appointed by the tabulation supervisor in a county with a population of less than 60,000 must be a registered voter of the political subdivision served by the authority establishing the counting station (the county) or an employee of the political subdivision that adopts or owns the voting system.

Both the presiding judge, alternate presiding judge, and central counting station manager may appoint clerks for the counting station in the number authorized by the commissioners court. (Sec. 127.006).

The tabulation supervisor must meet the requirements set out in Section 127.003 of the Code, but note that the individual may serve if he or she is EITHER: (1) a registered voter of the political subdivision (i.e., the county for a county-ordered election); OR (2) an employee of the political subdivision that adopts or owns the voting system (i.e., the county or whichever entity adopts or owns the equipment). Under Section 127.003, the supervisor must otherwise meet the requirements of an election judge to the extent they can be applied (e.g., not be related to a candidate within the prohibited degree).

Appointment of Deputy Early Voting Clerks for the November 5, 2024 General Election

Pursuant to Section 85.009, the county clerk or elections administrator shall select election officers for the main early voting location, as well as any branch early voting location, from a list provided by the party chairs to ensure equal representation for each political party holding a primary election in the county. However, the county clerk or elections administrator is still the early voting clerk and has the ultimate responsibility for the overall conduct of early voting. (Sec. 83.031(c)).

By June 30, 2024, the county chair of each political party holding a primary election must submit in writing to the county clerk or elections administrator a list of names of persons, in order of preference, to serve at each early voting polling place. (Sec. 85.009(b)). The list must contain

the names of individuals who are eligible to serve under the requirements set forth in the Code for presiding election judges, with the following exceptions:

- A chair may include the names of permanent deputies of the early voting clerk on the list, and such permanent deputies are not required to meet the eligibility requirements for presiding election judges.
- Even if the early voting clerk is on the ballot, the clerk's employees or deputies are not ineligible to have their names included on the list.
- A chair may include on the list the names of permanent employees of the county who are registered voters of any territory. (They need not be registered voters of the county.)
- The names of persons included on the list (who are not permanent deputies of the early voting clerk or permanent employees of the county) must be registered voters of the county, but are not required to be registered voters of any particular territory, other than the county. (Secs. 83.032(b), 85.009).

The county chair may supplement the list of names until the 30th day before early voting begins in the event an appointed officer becomes ineligible to serve. (Sec. 85.009(b)). **County clerks or elections administrators: if you wish the county chairs to include your regular early voting workers, including office staff, on their lists, you should communicate this to your county chairs.**

The county clerk or elections administrator MUST appoint the first person who meets the eligibility requirements from the list submitted by the party that obtained the highest number of votes in the county from the 2022 gubernatorial election as the early voting presiding officer of that early voting polling place and the first person meeting the eligibility requirements from the list submitted by the party that obtained the second highest number of votes to serve as the early voting alternate presiding officer of that early voting polling place. Additional early voting election officers for each early voting polling place will be appointed from the lists submitted by the county chairs to the county clerk or elections administrator for each early voting polling place.

If a county chair fails to submit a list to the county clerk or elections administrator, the county clerk or elections administrator must make reasonable attempts to consult with the party. If such attempts are unsuccessful, the county clerk or elections administrator will select early voting election officers for the early voting polling place(s) in a manner that attempts to ensure equal representation for the parties to the extent possible. (Sec. 85.009(b), (c)).

County Chairs: Your list of names for deputy early voting clerks must be submitted to the county clerk/elections administrators not later than June 30, 2024. If submitting by mail, the letter must be postmarked by June 30, 2024 to ensure timeliness. We recommend that you communicate with the county elections office to obtain an estimated number of early voting polling places and number of potential deputy early voting clerks needed for early voting so that you will have an idea of the number of names to submit by the June 30 deadline.

This procedure for appointing deputy early voting clerks applies only during a General Election for State and County Officers. In addition, it is recommended that county chairs contact the persons they wish to use for early voting to verify their eligibility and willingness to serve as an election official prior to submitting their names.

Section 85.009 of the Code uses the terms “presiding judge” and “alternate presiding judge.” However, since the early voting clerk is in charge of early voting, the positions referred to in Section 85.009 are essentially serving as a “lead deputy early voting clerk.” The lead deputy early voting clerk would still assist the early voting clerk in the overall conduct of early voting. The lead deputy early voting clerk would be responsible for performing various duties as assigned by the early voting clerk.

Appointment of the Early Voting Ballot Board for the November 5, 2024 General Election

The procedure for appointing the early voting ballot board for the November General Election is set out in Section 87.002 of the Code. (Sec. 87.002(c), (d)). The early voting ballot board is appointed by the county election board, a group that consists of the county clerk, who serves as the chair, the voter registrar, the two major political party county chairs, the sheriff, and the county judge.* (Secs. 51.002, 87.002). The county election board first determines the number of early voting ballot board members to be appointed. (Sec. 87.002). The minimum number is three, which would consist of a presiding judge, an alternate presiding judge, and a member. (Sec. 87.002(a)).

***NOTE:** If the county has an elections administrator, or if the commissioners court has transferred the election duties of the county clerk to the county tax assessor-collector, **he/she will serve as the county election board chair in place of the county clerk.** (Secs. 31.043, 31.072, 31.073).

The party chairs, **including the county chairs of the Libertarian Party of Texas and Green Party of Texas with nominees on the ballot**, submit lists of eligible persons for appointment to the early voting ballot board. (Sec. 87.002). The eligibility requirements to serve on the board are the same as those for presiding election judges, except a member of the early voting ballot board has only to be a qualified voter of the county.

The names on the list of individuals eligible for appointment to the early voting ballot board must be submitted in order of preference by the county chair. The county election board shall appoint persons as members of the early voting ballot board in the order of preference indicated on each list. The judge and alternate judge are the highest-ranked persons on their respective lists.

Section 87.002(c) does not provide a deadline for the county chairs to submit names to the county election board. We suggest that the party chairs submit the names to the county clerk, elections administrator, or tax assessor-collector (the chair of the county election board) within

the same time frame that they are preparing names for precinct election judges for submission to the commissioners court.

We recommend that the county election board appoint the members of the early voting ballot board no later than Tuesday, October 1, 2024, to allow time for notice requirements.

For the remaining members, the county election board must select at least one from each party chair's list. (Secs. 51.002, 87.002). If more than three members are ordered, an equal number of members must be chosen from each list.

NOTE: If the names for presiding judge and alternate judge are different from the persons appointed for a term under the general procedure above, those persons will serve for the November 5, 2024, election only.

Appointment of Signature Verification Committee for the November 5, 2024 General Election

The signature verification committee is a group that meets prior to election day to compare the signatures on the applications for ballot by mail to the corresponding carrier envelopes. (Sec. 87.027). If the early voting clerk determines that a signature verification committee should be appointed or if the clerk receives a petition signed by at least 15 registered voters, the clerk shall issue a written order creating the committee. The deadline to submit a petition requesting creation of a signature verification committee is Tuesday, October 1, 2024. (Sec. 87.027(a-1) A request for the committee submitted by mail is considered submitted at the time of its **receipt** by the early voting clerk.

The early voting clerk determines the number of members on the committee, providing for a **minimum of five** (the committee chair and four members). (Sec. 87.027(d)). The county election board appoints the members. The party chairs, **including the county chair of the Libertarian Party of Texas and Green Party of Texas with nominees on the ballot**, submit lists of eligible persons for appointment to the committee. In order to serve on the committee, a person must be a qualified voter of the county.

The county chairs' lists for the appointment of the signature verification committee members are not subject to the June 30th or the July 31st deadlines. The county election board shall appoint the members of the signature verification committee not later than the 5th day after the date the early voting clerk issues the order calling for the creation of the committee OR not later than October 15, 2024, if the committee is created based on the submission of a valid petition by a sufficient number of registered voters. **We recommend that the signature verification committee be appointed (if needed) by Wednesday, October 9, 2024, to allow time for all necessary notice requirements.** Therefore, we recommend that the parties submit the lists to the chair of the county election board (county clerk or elections administrator) by Saturday, August 31, 2024 to allow for appointment during the month of September or no later than the Wednesday, October 9, 2024 recommended date.

The chair of the signature verification committee is appointed from the list of the party whose candidate for governor received the highest vote in the 2022 gubernatorial election countywide. The vice chair of the committee is the highest-ranked person on the list provided by the political party whose nominee for governor received the second most votes in the county in the 2022 general election. For the remaining members, the county election board must select at least two qualified individuals from each chair's list. If clerks beyond the minimum requirement are ordered, an equal number must be chosen from each list.

If you have any questions or situations that are not covered by this advisory, please do not hesitate to contact the Elections Division toll-free at 1-800-252-2216.

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