

Appointment of Election Workers for Primaries



November 2023 Legal Webinar



Elections Process

Recruitment

- Who is responsible for recruiting workers?
- How many workers will be needed?
- How to recruit workers?
- What qualifications must the workers meet?

Appointment

- Who is the appointing authority?
- How are workers appointed?
- When should workers be appointed?
- What is the required paperwork?

Training

- What are the duties of workers?
- Which workers should be trained?

Compensation

- How much should workers be paid?



Duties

Position	Duties
Election Judge	Management of polling place on election day; preserve order and prevent breaches of peace. Management of clerks' hours and activities.
Election Clerks	Performs duties assigned by judge in conducting election.
Early Voting Clerk	Officer in charge of conducting early voting for the election. Also, maintains hours on election day for early voting activities. Provides notice of clerk's address per Section 83.010.
Deputy Early Voting Clerk	Also, an officer of the election for conducting early voting with same authority of early voting clerk subject to their supervision.
Early Voting Ballot Board Judge(s) and Members	EVBB processes early voting results for the election and processes provisional ballots.
Signature Verification Committee Member	SVC compares signatures on application for mail ballot to carrier envelope to confirm signature is that of the voter's.
Central Counting Station Manager	Management of central counting station and personnel; established written plan for station.
Tabulation Supervisor	Management of automatic tabulating equipment for counting ballots.
Assistants to the Tabulation Supervisor	Assists with automatic tabulating equipment.
Judge of Central Count	Maintaining order of station, and conferring with personnel and review of irregularly marked ballots.
Clerk of Central Counting Station	Assists manager or judge with functions of station.



FAQs – Recruitment

Q: Are County Election Officers required to assist County Chairs in recruiting workers?

A: No. However, we strongly recommend assisting by providing the chairs with the qualifications and number of workers that will be needed, including the number of bilingual workers. We also strongly recommend assisting with recruitment if the chairs are having difficulty in locating the needed number of workers.



How to recruit workers?

- Other Political Subdivisions
- High Schools
- Community Organizations
- Student Clerks
- Include information about serving as an election worker on your website
- Check Voter Registration Applications – an indication on a voter registration application that the applicant is interested in serving as an election worker is public information.



What qualifications must the workers meet?



Early Voting Clerk

- By virtue of the law, the county clerk/elections administrator is the Early Voting Clerk for the following elections:
 - **General Election for State and County Officers**
 - Primary Election
 - Special Election Ordered by the Governor
 - Any Countywide Election Held at County Expense.
(§83.002)



Qualifications – Temporary Deputy Early Voting Clerk

When the County Clerk/Elections Administrator is the Early Voting Clerk...

Temporary Deputy Early Voting Clerk	
Qualified Voter of _____	County.
If permanent employee of political subdivision, qualified voter of _____	Any territory
Can be an employee of political subdivision?	Yes
Can be an employee of candidate?	No, unless the Early Voting Clerk is the County Clerk that is a candidate.
Must meet all other requirements of an election judge?	Yes.



Qualifications – Poll Workers

Election Judge		Election Clerk
Qualified Voter of _____	Precinct (If unable to find qualified voter of precinct, may use qualified voter of political subdivision → clerk requirements)	Political Subdivision (County, City, etc.)
Can be an employee of political subdivision?	Yes – if there is no other legal or practical conflict, e.g. employee of candidate.	Yes – if there is no other legal or practical conflict, e.g. employee of candidate.
Can be a candidate?	No – if candidate for a <i>contested</i> office in election held on that day → cannot serve in a precinct for which candidate appears on ballot.	No – if candidate for a <i>contested</i> office in election held on that day → cannot serve in a precinct for which candidate appears on ballot.
Can be a relative of candidate?	No – if related within the second degree of consanguinity or affinity to an <i>opposed</i> candidate → cannot serve in a precinct for which candidate appears on ballot.	No – if related within the second degree of consanguinity or affinity to an <i>opposed</i> candidate → cannot serve in a precinct for which candidate appears on ballot.
Can be an employee of candidate?	No – if candidate is <i>opposed</i> and employer of judge → cannot serve in a precinct for which candidate appears on ballot.	No – if candidate is <i>opposed</i> and employer of clerk → cannot serve in a precinct for which candidate appears on ballot.
Can be employee of campaign?	No – if campaign manager or treasurer. Unadvisable – If serving other role within campaign.	No – if campaign manager or treasurer. Unadvisable – If serving other role within campaign.
Can be a public officeholder?	No – if they hold elective public office.	No – if they hold elective public office.
Can be convicted of election offense?	No – if finally convicted of election related offense.	No – if finally convicted of election related offense.



Qualifications – Early Voting Ballot Board and Signature Verification Committee

	Early Voting Ballot Board Judge and Member	Signature Verification Committee Member
Qualified Voter of _____	Territory served by early voting clerk.	The county in a primary election.
Must meet all other requirements of an election judge?	Yes.	No requirement.



Qualifications – Central Counting Station (CCS)

	CCS Manager	Tabulation Supervisor	Assistant Tabulators	CCS Judge	CCS Clerks
Registered Voter of _____	Political subdivision of authority establishing CCS	Political subdivision of authority establishing CCS	No requirement.	Political subdivision of authority adopting voting system	Political subdivision.
Registered voter unless...	Person is employee or it's the first year of adoption	Person is employee	County over >60K, N/A County <60K, yes or employee	N/A	N/A
Can be an employee of political subdivision?	Yes.	Yes.	Yes.	Yes.	Yes – if no other legal or practical conflict.
Can be a candidate or officeholder?	Yes – if general custodian of election records.	No.	Yes – if no other legal or practical conflict.	Yes – if general custodian of election records.	No.
Other requirements	Knowledge of voting system	Trained on voting system.	Trained on voting systems	None.	None.
Must meet other requirements of an election judge?	Yes.	Yes.	No.	Yes.	Must meet clerk requirements.



FAQs – Personnel

Q: Do I need to perform a criminal background check on personnel?

A: Yes. You need to perform a background check on all election officials, staff and temporary workers who will engage in pre-election programming, testing and preparing of the voting system equipment for early voting and election day. After conducting the background check, you will need to decide whether to hire someone if they have a criminal record.



FAQs - Personnel

Q: Do I need to hire elections clerks that are bilingual?

A: Yes-if 5% or more of inhabitants of a precinct speak Spanish or other certain certified languages, other than English, you must make a reasonable effort to appoint a sufficient number of bilingual clerks. We recommend working with people in your community to locate bilingual clerks, e.g. language teachers, minority groups, civic teachers, current elections workers, churches with services in other languages, etc.

NOTE: If you cannot find enough bilingual clerks, you must provide one bilingual worker at a central location to provide translation and assistance.



Appointment



Who Appoints for Separate Primary Election?

Position	Appointer
Election Judge (Presiding and Alternate)	County Chair (32.006)
Election Clerks	Presiding Judge (32.003)
Early Voting Clerk	N/A - EVC is County Clerk/Elections Administrator (83.002)
Deputy Early Voting Clerks	County Clerk/Elections Administrator (85.0091)
Early Voting Ballot Board Judge (Presiding and Alternate)	County Chair (32.006 and 87.002(a))
Early Voting Ballot Board Member	Presiding Judge of Early Voting Ballot Board (87.002(a))
Signature Verification Committee Member	County Chair (87.027(b))
Central Counting Station Manager	County Executive Committee (127.002)
Tabulation Supervisor	County Executive Committee (127.003)
Assistants to the Tabulation Supervisor	Tabulation Supervisor, with approval of County Executive Committee (127.004)
Presiding Judge of Central Count	County Chair (32.006 and 127.005(a))
Clerk of Central Counting Station	Central Counting Station Manager or Presiding Judge of Central Count (127.006)



Who Appoints for Joint Primary?

Position	Appointer
Election Judges (Co-Judges)	County Clerk/Elections Administrator via “List Procedure” (172.126) Must have at least one co-judge from each party.
Election Clerks	County Clerk/Elections Administrator via “List Procedure” (172.126) Must have at least one clerk from each party.
Early Voting Clerk	N/A - EVC is County Clerk/Elections Administrator (83.002)
Deputy Early Voting Clerks	County Clerk/Elections Administrator (83.032)
Early Voting Ballot Board Judges (Co-Judges)	County Clerk/Elections Administrator via “List Procedure” (172.126)
Early Voting Ballot Board Member	County Clerk/Elections Administrator via “List Procedure” (172.126)
Central Counting Station Manager	County Clerk/Elections Administrator (172.126)
Tabulation Supervisor	County Clerk/Elections Administrator (172.126)
Assistants to the Tabulation Supervisor	Tabulation Supervisor with approval of the County Clerk/Elections Administrator (172.126)
Presiding Judges of Central Count (Co-Judges)	County Clerk/Elections Administrator via “List Procedure” (172.126, 1 Texas Administrative Code Rule 81.148)
Clerk of Central Counting Station	County Clerk/Elections Administrator via “List Procedure” (172.126, 1 Texas Administrative Code Rule 81.148)



Number of Personnel

Location	Number	Roles
Precinct Polling Location	-Minimum of 3 per precinct. -Maximum # of clerks set by appointing authority (county chair).	-Presiding Judge -Alternate Judge/Clerk -Election Clerks
Early Voting Personnel	-Recommend 2 per early voting location. -No maximum - appoint # of deputies necessary to conduct early voting.	-Early Voting Clerk -Deputy Early Voting Clerk
Early Voting Ballot Board	-Minimum of 3 – presiding judge, alternate judge, and one other member. (Separate Primary) -Minimum of 4-presiding co-judges and alternate co-judges. (Joint Primary) -No maximum – appoint # necessary for Board tasks.	-Presiding Judge -Alternate Judge -Early Voting Ballot Board Members
Signature Verification Committee (If any)	-Minimum of 5 members. -No maximum – appoint # necessary to conduct committee tasks.	-Signature Verification Committee Members
Central Counting & Central Accumulation Station	-Minimum of 3: CCS manager, tabulation supervisor & presiding judge. (Separate Primary) -Minimum of 4 for elections in which Co-presiding judges appointed. (Joint Primary) -No maximum – may appoint # of clerks and assistants to tabulation supervisor as necessary.	-Central Counting Station Manager -Tabulation Supervisor -Assistants to Tabulation Supervision -Presiding Judge -Clerks



Number of Workers Per Precinct

Number of Election Workers Per Voting Precinct (1 T.A.C. 81.117) (Includes one judge and one alternate judge who serves as a clerk)		
Estimated Turnout Per Polling Location	Paper Ballot/Optical Scan (primary voting method)	Electronic Voting System (primary voting method)
200 or fewer	3	3
201 400	5	4
401 700	6	5
701 1,100	8	6
1,101 or more	12	8



Number of Workers – Joint Primary

Number of Election Workers Per Joint Voting Precinct (1 T.A.C. 81.149) (Includes two co judges and two alternate judges who serve as a clerk)		
Estimated Turnout Per Joint Polling Location	Paper Ballot/Optical Scan (primary voting method)	Electronic Voting System (primary voting method)
200 or fewer	4	4
201 400	6	5
401 700	7	6
701 1,100	9	7
1,101 or more	13	9



What is the Required Paperwork?

Position	Method of Appointment
Election Judge (Presiding and Alternate)	Writ of Election (4.007) Order of Appointment (32.008) Notice of Appointment (32.009)
Election Clerks	Written Notification to County Chair of Party (32.034)
Early Voting Clerk	N/A
Deputy Early Voting Clerk (Office Personnel)	Written Order by County Clerk/Elections Administrator (83.032)
Deputy Early Voting Clerk (Polling Place Personnel)	Recommend appointment be in writing.
Early Voting Ballot Board Judge/Alternate Judge/Member	Recommend appointment be in writing.
Signature Verification Committee Member	Early Voting Clerk must post notice of names/addresses of appointees. (87.027)
Central Counting Station Manager, Tabulation Supervisor, and Assistants to the Tabulation Supervisor	Recommend appointment be in writing.
Judge of Central Count (Presiding and Alternate)	Order of Appointment (32.008) Notice of Appointment (32.009)
Clerks of Central Counting Station	Recommend appointment be in writing.

Questions?

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