

## TEXAS SECRETARY OF STATE WEBSITE

### Student Election Clerk FAQs

#### Student Election Clerks

##### Q: What are student election clerks?

**A: The 81st Texas Legislature passed Senate Bill 1134 (effective on September 1, 2009), which allows high school students 16 years of age and older to serve as election clerks in Texas elections.** The purpose is two-fold: 1) to introduce students to the electoral process and inspire them with an interest in their government, and 2) to provide election authorities with an additional resource of persons who can serve at the polls.

##### Q: What are the requirements for a student to serve as an election clerk?

**A:** The student must be 16 years old or older on Election Day; enrolled in a public, private, or qualified home school; and a U.S. citizen. The student must also have consent of his/her parent or legal guardian and his/her school principal (or parent/legal guardian for home-schooled students) to work in an election. The [application form \(PDF, 30k\)](#) contains the necessary consent forms to be signed by the parents and principal. The student must also attend an election worker training program for poll workers prior to Election Day.

##### Q: Can a student election worker serve as an interpreter?

**A:** Yes. When election workers are communicating with a voter who cannot communicate in English, a student election worker may communicate with the voter in a language the voter and the clerk understands.

##### Q: Since the Presiding Judge selects their clerks except the alternate judge, how will the judge know which students are interested and available or how to even contact them?

**A:** The Secretary of State's office has an **application** form posted on its website that political subdivisions can use for students to apply to be election clerks. The students can fill out the application, get the required signatures, and send the form to the election administrators who serve the election in which the student wishes to serve. The elections administrator will provide each judge with a list of all eligible student election workers.

##### Q: Do the school authorities send the election officials student names, addresses, and phone numbers directly? Can the school give out this information without a written approval notice from a parent/legal guardian of the students?

**A:** The student will provide all required information directly to the election officials. The [Student Election Worker Application and Permission Slip \(PDF, 30k\)](#) for students to complete and send to their local elections officials includes a consent section for both parent/guardian and the appropriate school official. The student will be responsible for obtaining the principal's consent to serve as an election clerk. The student (not the school) provides the information directly to the election officials. The school will not need to contact the election officials. In addition, the student must obtain parental or legal guardian consent on the same application before the student can serve as an election clerk.

##### Q: How will the election officials inform the school that the student actually worked on Election Day?

**A: Serving as an election clerk is now included in the Texas Education Code's definition of excused absence.** Student election clerks are entitled to compensation in the same manner as other election clerks. The election official should give each student worker documentation in the form of a time sheet, pay stub, or other letter or form showing that the student served as an election worker and the hours worked. Ultimately, however, it is up to the student to ensure that the school is given the proper documentation in order to have an excused absence.

**Q: Are there any labor laws about how many hours a student can work during a school day?**

**A:** Under the Texas Labor Code, the employment hours of persons 16 or older are not restricted by state law. Persons 16 or 17 years of age have no restrictions on the number of hours or times of day they may work.

**Q: Are there any curfew laws that the student could run afoul of if they were out late due to extended voting hours?**

**A:** There are no state law curfews in Texas. However, some municipalities and perhaps counties have curfews by local ordinance; therefore, the answers would vary depending on the details of any applicable local ordinance. It is likely that most local curfew ordinances give exceptions for school or work-related activities, under which this would likely qualify. Also, the student will not be in violation of the compulsory attendance law for schools because, again, the legislation provides for an excused absence when serving as an election clerk.

**Q: How many student election clerks can serve at each polling place?**

**A:** 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.

**Q: What do we do with multiple student requests from a single precinct? Can they work outside of their home precinct?**

**A:** Students can work outside of their home precinct because election clerks are not limited to working only in their own precincts. The positions in each precinct should be filled in the order in which the students apply, assuming they meet all the requirements. Any extra student applicants for a given precinct may work in another precinct that does not already have its authorized number of student election clerk positions filled.

**Q: What if the parents and student give their general consent, then the student is later assigned to a polling place or time that he or she does not want to work?**

**A:** The student clerk may simply turn down the assignment (just like any other voluntary election clerk offered an assignment that presents a conflict).