

SUBJECT: Voting locations

COMMITTEE: Elections — committee substitute recommended

VOTE: 8 ayes — Danburg, J. Jones, Denny, Gallego, Galloway, Hodge, Isett,  
Madden

0 nay

1 absent — Place

WITNESSES: For — Steve McDonald, Texas Democratic Party; Craig Pardue, Dallas  
County; J.R. Perez, Texas Association of Election Administrators; Tony J.  
Sirvello III, Harris County

Against — None

On — Mary Ann Collins, Republican Party of Texas

BACKGROUND : Current law allows for consolidating election precincts if redistricting  
changes produce precincts with fewer than 500 registered voters. Authority  
to consolidate precincts is granted to a county commissioners court for a  
general or special election, or the executive committee of a political party for  
a primary election.

The commissioners court in counties with populations of 100,000 to  
400,000 must establish at least one early voting place in each precinct  
covered by the election. These early voting places are in addition to the  
main early voting place.

A limited ballot lists only the offices and propositions for which a person is  
entitled to vote. Counties with over 1.5 million residents may offer limited  
ballots only at their main early voting location.

DIGEST: CSHB 332 would amend various provisions of the Election Code to:

- allow counties with populations of 250,000 or more to combine county election precincts if the consolidation would create precincts of 500 to 750 registered voters.
- make it an offense for a candidate to be in a polling place for a purpose other than voting or conducting official business. Violators would be guilty of a Class C misdemeanor, punishable by a maximum penalty of a \$500 fine. Candidates would not be guilty of an offense if they were out of plain view or hearing of the persons in the voting area and not engaged in campaign activity.
- require extra early voting places in counties with populations from 120,000 to 400,000. Counties with populations between 100,000 and 120,000 could also establish extra early voting places if the commissioners court received timely written request by at least 15 registered voters.
- restrict early voting on limited ballots to the main early voting place in all counties, repealing the 1.5 million population minimum.
- allow political parties to hold concurrent primary elections in the same building.

CSHB 332 would take effect September 1, 1997.

SUPPORTERS  
SAY:

CSHB 332 would make several necessary and reasonable changes to the Election Code. It would allow larger counties to save money by combining election districts. In some cases, these large counties have precincts with more than 500 voters, but without a convenient polling place. Harris County Election Precinct 763, for example, consists of only single family homes. Because no public building exists inside the precinct boundaries, the voters of used a single car garage for a polling place. Just outside the precinct boundaries lies a church suitable for voting, but current law prohibits its use.

The bill would also protect the election process by restricting the activities of candidates around polling places. Although the statute already prohibits electioneering within a defined perimeter of a polling place, it is unclear what activities constitute electioneering. Candidates loitering around the polls on election day are most certainly there to advance their political interests, and this activity should be prohibited. CSHB 332 would protect the integrity of the voting process by allowing all voters to cast their votes without being solicited, harassed, or otherwise intimidated.

Current law requiring counties of 100,000 or more residents to establish auxiliary early voting places constitutes an unfunded mandate, and is burdensome on small counties. The increased population minimum provided by CSHB 332 would reduce the burden on these communities while still providing adequate voting opportunities for voters in larger counties.

Allowing all counties to offer limited ballots only at their main early voting place also would save smaller counties the time and expense of providing such ballots to all voters. Harris County has followed this procedure with great success, and its benefits should be extended to smaller counties.

Joint primary elections for political parties would save large sums in election costs. Joint primaries would decrease the number of polling locations, reducing overhead and staff costs considerably, and eliminate the confusion caused by separate primary locations.

OPPONENTS  
SAY:

CSHB 332 would place unnecessary restrictions on the election day activities of candidates. The Election Code already prohibits electioneering by candidates or any other individuals at the polls, and placing further restrictions on candidates would be unfair. The integrity of our election system depends upon its openness, and candidates for office, like any other citizen, should have the freedom to remain in a polling place and observe our democratic process at work.

NOTES:

CSHB 332 added reasons why a candidate could lawfully be at the polls on election day. The substitute also decreased from 150,000 to 120,000 the minimum county population requiring auxiliary early voting places.

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CSHB 331 by Danburg, which also included provisions for joint primary elections, passed the House on May 1.