

SUBJECT: Requiring certain political subdivisions to use county election precincts

COMMITTEE: Elections — committee substitute recommended

VOTE: 5 ayes — Laubenberg, Fallon, Israel, Phelan, Schofield

0 nays

2 absent — Goldman, Reynolds

WITNESSES: For — Ed Johnson, Harris County Clerk's Office; Alan Vera, Harris County Republican Party; Colleen Vera; (*Registered, but did not testify*: Glen Maxey, Texas Democratic Party; Gaudette; Kelly Horsley)

Against — Melissa Brunner, City of Flatonia, Texas Municipal Clerks Association; Bill Longley, Texas Municipal League; (*Registered, but did not testify*: Jon Weist, City of Irving; John Carlton, Texas State Association of Fire and Emergency Districts)

On — Ruben Longoria, Texas Association of School Boards; (*Registered, but did not testify*: Ashley Fischer, Secretary of State; Keith Ingram, Secretary of State, Elections Division; Bill Fairbrother, TRCCA)

BACKGROUND: Election Code, sec. 41.001 sets the following as uniform election dates:

- the second Saturday in May in an odd-numbered year;
- the second Saturday in May in an even-numbered year, for an election held by a political subdivision other than a county; or
- the first Tuesday after the first Monday in November.

DIGEST: CSHB 2027 would require that all elections on uniform election dates in both May and November use the regular county precincts as election precincts and the regular county polling places as election polling places.

The bill would create an exception for elections held on the May uniform election date by a political subdivision that conducted early voting by

personal appearance at each permanent or temporary branch polling place on the same days and during the same hours that voting was conducted at the main early voting polling place.

The bill would take effect September 1, 2015.

**SUPPORTERS  
SAY:**

CSHB 2027 would give voters predictability and uniformity in their polling locations. It also would prevent attempts to sway the outcome of an election by moving polling locations to targeted locations at targeted times during an ongoing election.

During the May uniform elections, voters often are required to vote in one place for countywide races and in another for other political subdivisions, such as cities, school boards, and special districts. This creates confusion and places an unnecessary burden on voters. This bill would streamline the voting process by requiring cities, school boards, and other political subdivisions to use the same election precincts and polling locations that counties use.

The bill also would prevent “rolling voting,” the practice by which local districts or municipalities avoid the consistency of uniform election regulations by moving voting machines during an ongoing election. This practice has been used to set up voting locations for a limited amount of time to capture a targeted voting bloc. By requiring that political subdivisions either use the county polling places or maintain branch polling places on the same days and during the same hours as the subdivision’s main early voting location, this bill would limit officials’ ability to influence elections based on where and how long they set up temporary branch polling places.

**OPPONENTS  
SAY:**

CSHB 2027 could inhibit the flexibility of political subdivisions to ensure that every voter had a chance to vote. Political subdivisions often use temporary branch polling places to reach populations that otherwise would have a difficult time voting. For example, they could set up a polling place in a nursing home for a few days during early voting so that those voters could vote in person rather than by mail. Under the bill, the

political subdivisions would be required either to keep that temporary polling place open during the entire early voting period, which would be prohibitively expensive, or to shut down that temporary polling place and fail to reach that population.

This bill also would make it difficult for political subdivisions to find proper locations for their branch polling places. Political subdivisions often vary the hours of their polling places not because of intent to sway elections but because of the limitations of the buildings that serve as polling places. For example, a political subdivision could use a civic center as a polling place, but it might be required to limit the polling place hours on one day due to a conflicting event at the center.

The intent of CSHB 2027 is to limit officials' ability to sway election results, but it would limit a range of activities necessary to facilitate the voting process and ensure that all citizens could exercise their right to vote.