

SUBJECT: Territory included in a county election precinct

COMMITTEE: Elections — favorable, without amendment

VOTE: 7 ayes — Morrison, Miles, Johnson, Klick, R. Miller, Simmons, Wu
0 nays

WITNESSES: For — Ed Johnson, Harris County Clerks Office; (*Registered, but did not testify*: Seth Mitchell, Bexar County Elections Administrator; Lannie Noble, Texas Association of Elections Administrators, Wise County Elections; Toni Pippins-Poole, Dallas County; Steve Raborn, Tarrant County Elections; B R “Skipper” Wallace, Republican County Chairs Association)

Against — None

On — (*Registered, but did not testify*: Keith Ingram, Texas Secretary of State, Elections Division)

BACKGROUND: Election Code, ch. 42 governs creation and regulation of election precincts. Under sec. 42.005, a county election precinct may not contain territory from more than one of each of the following types of territorial units:

- a commissioners precinct;
- a justice precinct;
- a congressional district;
- a state representative district;
- a state senatorial district;
- a ward in a city with a population of 10,000 or more; or
- a State Board of Education District.

“Ward” is defined as a territorial unit of a city from which a member of the city’s governing body is elected by only the voters residing in that unit. A county election precinct is not required to comply with the city ward boundaries if the commissioners court determines compliance is impracticable because of a federal court order affecting elections and if the voter registrar fulfills requirements for providing lists of registered voters

to election precincts affected by such court order.

Election Code, sec. 42.0051(b) allows for county election precincts to be combined in a county with a population of 250,000 or more if boundary changes after a redistricting plan result in county election precincts with 500 or more but fewer than 750 registered voters.

DIGEST:

HB 2503 would remove justice precincts, wards, and State Board of Education districts from the list of territorial units with which county election precinct boundaries had to align. The bill would remove rules and references related to these territorial units from other parts of the Election Code.

The bill would change the criterion for combining precincts in a county with a population of 250,000 or more to allow for combining precincts if a precinct had fewer than 2,500 registered voters.

This bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2013.

**SUPPORTERS
SAY:**

HB 2503 would improve voter access to polling locations and increase the flexibility of election officials to combine precincts.

The prohibition against election precincts containing territory from more than one type of territorial unit is onerous and creates logistical problems. For example, in Harris County there are justice districts and board of education districts that do not align with any other districts, which causes problems when trying to set boundaries. The current requirements sometimes create precincts that contain purely industrial or residential zones. This complicates the process of finding polling locations within each precinct, particularly polling locations that comply with the Americans with Disabilities Act. Sometimes this creates a situation where voters must travel to a distant polling location when there is a closer, more familiar one in a neighboring precinct that would be available under more sensible boundary regulations.

The bill would raise the population limit only by the amount necessary to improve efficiency and access to polls. A population cutoff of 2,500 would reduce the number of precincts in which there were no available appropriate polling locations, easing the burden on election officials and

allowing voters to access closer and more convenient polling locations.

**OPPONENTS
SAY:**

HB 2503 would give election officials too much leeway to combine precincts. The current population limit of 750 (in counties with 250,000 or more people) is set low in order to preserve a high bar and allow for combining of election precincts only when absolutely necessary. More than tripling that limit could result in unnecessarily combined precincts, which would distance people from their local polling locations, force them to drive or commute longer distances, and increase the burden on polling locations to deal with larger populations and longer lines.

NOTES:

A similar bill, HB 1164 by E. Thompson, would remove only wards from the list of territorial units and remove references in the code to that provision. It was passed by the House on the local and consent calendar on April 18 and referred to the Senate Committee on State Affairs.