

- SUBJECT:** Requiring equal representation for election officers for early voting
- COMMITTEE:** Elections — favorable, without amendment
- VOTE:** 4 ayes — Berman, Bohac, England, Howard
3 nays — Anchia, Burnam, Farias
- WITNESSES:** For — Skipper Wallace, Texas Republican County Chairman's Association State Legislative Chairman; (*Registered, but did not testify*: Ken Bailey, Texas Democratic Party; John Courage, True Courage Action Network; Kathryn Dean, ACLU; Sonia Santana, ACLU-TX)
Against — Dana DeBeauvoir, County and District Clerks Legislative Committee
- BACKGROUND:** Election Code, ch. 85 governs the conduct of voting by personal appearance and sec. 85.002 governs the main early voting polling place. Sec. 85.069(b) states that the composition of the set of election officers serving a branch polling place during early voting must provide equal representation for each political party conducting a primary election in the county. General elections for state and county officers and special elections to fill the vacancy in an office regularly filled at the general election for state and county officers only must provide equal representation of the election officers to the extent practicable.
- DIGEST:** HB 3142 would amend sec. 85.002 to require that for general elections for state and county officers or a primary election conducted by a county, the composition of the set of election officers serving the main early voting polling place, including employees of the county, provide equal representation for each political party holding a primary election in the county.

The bill would also require that for the general election for state and county officers, a special election to fill vacancies in an office regularly filled at the general election for state and county officers, and a primary election conducted by a county, the set of election officers, including employees of the county, provide equal representation for each political party holding a primary election.

The change proposed by the bill would apply only to an election for which early voting began on or after September 1, 2007.

The bill would take effect September 1, 2007.

**SUPPORTERS
SAY:**

HB 3142 is a bipartisan effort to solve problems county election officials often experience during early voting. The problem occurs when the elections officials for early voting all belong to the same party. Some party chairs from both major parties feel that their party often is not represented in the pool of election workers. Since over 50 percent of voting occurs during the early voting period, it is necessary that election officials from both parties are working at the polls during early voting so they are able to observe the electoral process in an equal and fair manner.

The companion bill, SB 1434 by Estes, would allow the county clerk to select election officers for the main and branch early voting locations that provide equal representation, to the extent possible, from lists provided by the county chairs of each political party. If after making a reasonable effort to consult with the political parties, the county clerk would be allowed to select election officers for early voting locations for which no list was submitted.

**OPPONENTS
SAY:**

This bill would require county clerks to hire election workers based on political party affiliation rather than based on their experience. In some rural areas of the state, there often is a heavy concentration of one party, which could make hiring an equal number of election workers from both parties difficult.

NOTES:

The companion bill, SB 1434 by Estes, passed the Senate on April 26 on the Local and Uncontested Calendar and has been referred to the House Elections Committee.