

SUBJECT: Regulating hours and locations of temporary branch polling places

COMMITTEE: Elections — favorable, without amendment

VOTE: 5 ayes — Laubenberg, R. Anderson, Fallon, Larson, Swanson

2 nays — Israel, Reynolds

WITNESSES: For — George Hammerlein, Chief Deputy; Alan Vera, Harris County Republican Party Ballot Security Committee; James Quintero, Texas Public Policy Foundation; (*Registered, but did not testify*: Ed Johnson, Harris County Clerk's Office; Deborah Kelting; Brad Parsons)

Against — Chris Davis, Texas Association of Elections Administrators; John Bucy, Texas Democratic County Chairs Association.; Manny Garcia, Texas Democratic Party; (*Registered, but did not testify*: Cary Roberts, County and District Clerks' Association of Texas; Dixie Davis, League of Women Voters of Texas; Crystal Perkins, Texas Democratic Party; John Richie, Texas Democratic County Chairs Association; Yannis Banks, Texas NAACP)

On — Bill Fairbrother, TRCCA; (*Registered, but did not testify*: Goodwille Pierre, Office of Ann Harris Bennett, Harris County Tax Assessor-Collector and Voter Registrar; Ashley Fischer, Texas Secretary of State)

BACKGROUND: Election Code, sec. 85.062 allows the establishment of temporary branch polling places for early voting. The location of these polling places must be fixed at one place for the duration of the period that voting is required to be conducted at the polling place, unless the county clerk approves the establishment of a movable temporary branch polling place.

The authority that establishes the temporary branch polling place must determine the hours during which voting will be conducted. Generally, voting at these polling places may be conducted on any one or more days and during any hours of the period for early voting. In counties with a

population of 100,000 or more, voting must be conducted for the same number of hours that voting is required to be conducted on those days at the main early voting polling place if requested in writing by at least 15 registered voters of the county.

Election Code, sec. 1.005(22) defines a voting station as the voting booth or other place where voters mark their ballots or otherwise indicate their votes at a polling place.

Observers have noted that it is difficult to apply election law uniformly and consistently when temporary polling places and voting stations within them are not fixed at one location, and the hours for voting at these places vary according to local practice.

DIGEST:

HB 1462 would revise the required hours that early voting had to occur in temporary branch polling places and would repeal certain provisions relating to days and hours for temporary voting in counties based on the population of the counties. The bill would require early voting temporary branch polling places to be open at least:

- eight hours each day; or
- three hours each day if the city or county clerk did not serve as the early voting clerk for the territory holding the election and the territory had fewer than 1,000 registered voters.

HB 1462 would require that each voting station located at a temporary branch polling place be fixed for the duration of the early voting period.

The bill would take effect September 1, 2017.