

OCT 28 2019

Approved Option #3

Approved

REQUEST FOR AGENDA PLACEMENT FORM

Submission Deadline - Tuesday, 12:00 PM before Court Dates

SUBMITTED BY:

TODAY'S DATE: 10-21-19

DEPARTMENT:

SIGNATURE OF DEPARTMENT HEAD: Patty Bourgeois

REQUESTED AGENDA DATE:10-28-19

SPECIFIC AGENDA WORDING: Consideration of review for the voting precinct lines over 5000 including Precinct 2, 4, 7, 8, and 19. Consideration to order the redrawing of the voting precinct lines.

PERSON(S) TO PRESENT ITEM: Patty Bourgeois

SUPPORT MATERIAL: (Must enclose supporting documentation)

TIME: 10

ACTION ITEM: X
WORKSHOP X

(Anticipated number of minutes needed to discuss item)

CONSENT: _____
EXECUTIVE: _____

STAFF NOTICE:

COUNTY ATTORNEY:

IT DEPARTMENT:

AUDITOR: _____

PURCHASING DEPARTMENT: _____

PERSONNEL: _____

PUBLIC WORKS: _____

BUDGET COORDINATOR: _____

OTHER: _____

*****This Section to be Completed by County Judge's Office*****

ASSIGNED AGENDA DATE: _____

REQUEST RECEIVED BY COUNTY JUDGE'S OFFICE _____

COURT MEMBER APPROVAL _____ Date _____



TEXAS
CIVIL RIGHTS
PROJECT

Oficina Legal del Pueblo Unido, Inc.
1405 Montopolis Dr.
Austin, TX 78741
512.474.5073(p) 512.474.0726(f)
texascivilrightsproject.org

October 9, 2019

The Honorable Roger Harmon
Johnson County Judge
Johnson County Courthouse
2 N. Main St
Cleburne, Texas 76033

Patty Bourgeois
Johnson County Elections Office
103 S. Walnut St.
Cleburne, Texas 76033

Dear Judge Harmon and Ms. Bourgeois,

I am writing you on behalf of the Texas Civil Rights Project. We have recently completed a statewide review of Texas counties' election practices. Our data suggest that Johnson County violated the Texas Election Code (TEC) during the November 2018 general election by improperly combining election precincts, not providing the number of polling places otherwise required, and failing to address the existence of precincts containing an excessive number of registered voters. The purpose of this letter is to bring these issues to your attention so that you can avoid them in future elections.

Section 43.001 of the TEC mandates that "[e]ach election precinct established for an election shall be served by a single polling place located within the boundary of the precinct." However, when "changes in county election precinct boundaries to give effect to a redistricting plan result in county election precincts with a number of registered voters less than 500," the TEC permits counties with fewer than 250,000 people to combine those smaller precincts with larger neighboring precincts in order to avoid unreasonable expenditures. Tex. Elec. Code § 42.0051. Neither standalone nor "combined" precincts may exceed 5,000 registered voters, not counting suspense voters. Tex. Elec. Code § 42.0051(c); Tex. Elec. Code § 42.006(a), (e).

Our data reflect that Johnson County had 36 election precincts during the November 2018 election, which if left uncombined would have required it provide at least 36 polling places. Only two of those precincts—Precincts 6 and 14—had fewer than 500 registered voters. Thus, assuming that TEC § 42.0051 applied to Precincts 6 and 14, the county could have at most—by combining those 2 precincts with others—reduced the overall number of precincts, and correspondingly required number of polling places, from 36 to 34. What Johnson County ultimately did, however, was combine 16 individual precincts into 8 combined precincts. While some of these combined precincts were permitted, most were not. This led the county to provide only 28 polling places.

More specifically, 6 of those 8 combined precincts were the result of the improper combination of precincts containing more than 500 registered voters, in violation of TEC § 42.0051. The two permitted combined precincts were the combination of Precincts 6 and 15, and the combination of Precincts 14 and 17, because both Precinct 6 and Precinct 14 had fewer than 500 registered voters. However, Johnson County also combined Precincts 1 and 32; Precincts 12 and 29; Precincts 16 and 18; Precincts 24 and 28; Precincts 26 and 27; and Precincts 30 and 33. All 12 of these precincts individually contained more than 500 registered voters and none were therefore eligible for combination with one another.



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Additionally, our data show that Johnson County had at least 5 election precincts that individually, irrespective of any combination with others, contained more than 5,000 registered voters. We do not know how many of the registered voters in each of these precincts were suspense voters, but it seems unlikely there were enough in those with substantially more than 5,000 registered voters to bring them into compliance with the TEC. Assuming these precincts still contain more than 5,000 registered voters and that you will take action to bring them into compliance, you should be aware that if the solution you choose results in an increase in the number of election precincts in Johnson County, you may be required to provide a correspondingly increased number of polling places for the reasons already discussed.

Finally, if Johnson County adheres to the polling locations posted on its elections website¹ for the November 2019 election, it will be committing additional violations of the type described above as well as creating several combined precincts in excess of 5,000 registered voters. This is because, according to the website, Johnson County intends to combine at least 32 of its 36 individual precincts to create 14 combined precincts, including several three-precinct combined precincts, and to provide only 18 polling places. As already stated, however, our data shows that only Precincts 6 and 14 are small enough to be eligible for combining with other precincts. Furthermore, it appears that many of these proposed combined precincts will contain far more than 5,000 registered voters. For example, a combined precinct of Precincts 7 and 11 will contain nearly 10,000 registered voters. Similarly, a combined precinct of Precincts 16, 18, and 19 will contain approximately 10,000 registered voters. These examples are not meant to be an exhaustive list of the ways in which the proposed November 2019 combined precincts are in violation of the TEC.

In sum, it appears that during the November 2018 general election Johnson County violated the Texas Election Code by improperly combining numerous election precincts, failing to provide the statutorily required number of polling places otherwise required, and failing to address the existence of precincts with more than 5,000 registered voters. It further seems that the county will commit substantially more of these types of violations during the November 2019 election absent any changes to the currently planned polling locations.

We acknowledge that our conclusions are based on publicly available data and some numbers may have changed in the interim, and that you may believe our data or legal determinations are inaccurate. Accordingly, we would welcome a response to this letter letting us know your viewpoint, and whether you intend to address the issue identified above, so that we may determine whether further action is required or if we may instead concentrate our resources elsewhere. Please send this response either by email, to zachary@texacivilrightsproject.org, or by mail, to Zachary Dolling, 1405 Montopolis Drive, Austin, TX 78741. Finally, please do not hesitate to reach out if we can be of any help in this process.

Sincerely,

Zachary Dolling
Fellow/Staff Attorney
Texas Civil Rights Project

¹ Accessed on September 30, 2019, at <http://www.johnsoncountytexas.org/home/showdocument?id=7980>. A PDF of the list as of that date is included with this letter.

Dear Commissioner's Court,

In reference to the statements made in the Texas Civil Right Project letter.

To be in compliance with sec. 42.006 of the Texas Elections Code (Population Requirements) Commissioner's Court will need to review the county elections precinct lines that have exceeded the amount of 5,000 and determine when to redraw these lines. The election precincts that need to be considered are Precincts: 2, 4, 7, 8, and 19. Election precincts 2 and 19 may be reduced by the new suspense voters after the Mass Mail Out. Depending on how many voter registrations cards that are returned due to a voter moving out of that precinct will determine if it will be lower than 5,000. Election precincts 4, 7, and 8 may not be affected enough by the Mass Mail Out to lower that amount.

Commissioner's Court will need to consider if they would like to bring in a mapping expert to draw the lines and work with the Election's office to gather detailed information on all streets within these precincts. Redrawing these lines will effect over 9,000 registered voters. These precinct conversions will take three months or more.

Once the court decides on when to redraw the lines a public notice will need to be placed in the paper one week after the order. The notice will need to run in the paper three consecutive weeks to inform all Johnson County residents. The notice will include a brief general bounds description. Listed below are three options for review.

Option 1: Order to redraw the lines before January 1st, 2020

Pros:

- Incompliance January 1st, 2020

Cons:

- Limited time to convert into new precincts
- Voter confusion due to multiple voter registration card mail outs
- Disruption of the Primary, Run-Off, & May Elections due to voter confusion
- New County maps

Option 2: Order to redraw lines in May or June of 2020

Pros:

- More time to convert into new precincts
- Less Voter confusion
- No disruption of the Primary, Run-Off, & May Elections

Cons:

- Incompliance January 1st, 2021
- New County maps

Option 3: Order to redraw lines with the 2021 Redistricting

Pros:

- Precincts will be added when Commissioner boundary lines are changed
- Less Voter confusion
- New County maps will include all boundary line changes including the redistricting

Cons:

- Incompliance January 1st, 2022

In reference to the statement concerning the 2019 November Constitutional Amendment Election:

During a special election per sec. 42.008 of the Texas Elections Code (Consolidating Precincts in Special Elections), the Commissioner's Court may consolidate polling locations, on behalf of the recommendation of the Election Board. The Constitutional Amendment Elections is considered a special election and is in compliance with the Texas Elections Code. All previous polling locations will have a consolidating notice notifying the voter of the new polling location.

I spoke with an attorney at the Secretary of State and they stated that the Commissioner's Court will need to decide whether or not to redraw lines now or wait until redistricting. It was also implied that the county utilize all original 34 polling locations, this would help eliminate long voting lines during the 2020 elections. The attorney also suggested county wide polling locations for future elections to help reduce long lines.

They stated that it would be less disrupted for the Mass Mail Out and the upcoming Primary Elections if the commissioner's waited until redistricting to draw the new precinct lines, however it would be up to the Commissioner's Court to decide what would be best for the county.

Thank you,

Patty Bourgeois

November 5, 2019
Constitutional Amendment Election
Polling Places
(5 de noviembre de 2019
Enmienda a la Constitución
lugares de Votación)

Voting Pct.	Name & Address
1, 32	Reece Prairie Baptist Church <i>(Iglesia Bautista Reece Prairie)</i> 9705 CR 1016 Burleson, Texas 76028
2, 31	NorthPointe FBC of Joshua <i>(NorthPointe FBC de Josué)</i> 2450 SW Wilshire Blvd. Burleson, Texas 76028
3, 4	Victory Family Assembly of God Church <i>(Iglesia de la Asamblea de Dios Victory Family)</i> 455 NW John Jones Dr. Burleson, Texas 76028
5, 34	First Baptist Church <i>(Primera Iglesia Bautista de Burleson)</i> 317 W. Ellison Burleson, Texas 76028
6, 15	Bono Baptist Church <i>(Iglesia Bautista Bono)</i> 6349 Bono Rd. Godley, Texas 76044
7, 11	Bethesda Baptist Church <i>(Bethesda Iglesia Bautista)</i> 100 W Bethesda Rd. Burleson, Texas 76028
8, 35	Pct. 3 Maintenance Facility <i>(Centro de Mantenimiento del Recinto 3)</i> 10420 E. FM 917 Alvarado, Texas 76009
9, 20, 21	Pct. 4 Maintenance Facility <i>(Centro de Mantenimiento del Recinto 4)</i> 4300 E. FM 4 Cleburne, Texas 76031

Office of the Secretary of State
State of Texas
Precinct List

	Total Voters	Suspense	Non-Suspense
County = JOHNSON	98896	4910	93986
Precinct=1	901	28	873
Precinct=2	5417	261	5156
Precinct=3	4457	260	4197
Precinct=4	6924	463	6461
Precinct=5	4181	181	4000
Precinct=6	451	11	440
Precinct=7	6216	282	5934
Precinct=8	7292	351	6941
Precinct=9	1045	33	1012
Precinct=10	3838	239	3599
Precinct=11	3667	141	3526
Precinct=12	2806	94	2712
Precinct=13	1953	77	1876
Precinct=14	440	14	426
Precinct=15	1515	48	1467
Precinct=16	571	18	553
Precinct=17	3467	173	3294
Precinct=18	3975	289	3686
Precinct=19	5511	189	5322
Precinct=20	1473	115	1358
Precinct=21	1625	48	1577
Precinct=22	4473	286	4187
Precinct=23	2319	97	2222
Precinct=24	1411	55	1356
Precinct=25	1565	92	1473
Precinct=26	1425	82	1343
Precinct=27	2238	99	2139
Precinct=28	1922	91	1831
Precinct=29	1152	57	1095
Precinct=30	1198	78	1120
Precinct=31	1398	88	1310
Precinct=32	3277	107	3170
Precinct=33	1263	85	1178
Precinct=34	2289	137	2152
Precinct=35	4040	152	3888
Precinct=36	1201	89	1112